VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 5 THE APPLICATION PROCESS—TITLE 14 CFR PART 91 SUBPART K

Section 1 General

2-536 DIRECTION AND GUIDANCE.

A. General. This chapter provides direction and guidance on the application process of Title 14 of the Code of Federal Regulations (14 CFR) part 91 subpart K (part 91K), Fractional Ownership Operations. This process, if followed, will lead to successful compliance with Title 49 of the United States Code (49 U.S.C.)—formerly the Federal Aviation Act (FA Act of 1958)—and 14 CFR. Under no circumstances will an applicant be issued management specifications (MSpecs) until Flight Standards District Offices (FSDO) and, if necessary, the Certification Services Oversight Process (CSOP) Coordinator are confident that the prospective applicant is capable of fulfilling the required responsibilities, is willing to comply with 14 CFR in an appropriate and continuing manner, and can safely conduct all requested authorizations.

B. Three Gates. Included in the five phases of the application process are three gates. The three gates are particular points in the process at which requirements must be met before proceeding to the next part of the application process.

NOTE: In some cases, the guidance and suggested sequence of events in this document may not be entirely appropriate. In such situations, the Federal Aviation Administration (FAA) and the applicant should consider existing conditions and circumstances.

C. Fractional Ownership Programs. Fractional ownership programs are subject to an FAA oversight program similar to that provided to air carriers, with the exception of line checks and en route inspections. FAA aviation safety inspectors (ASI) conduct scheduled and unscheduled inspections and surveillance of personnel, aircraft, records, and other documents to ensure compliance with the regulations.

2-537 BACKGROUND.

A. Historical. Before the publication of part 91K, there was no regulatory definition of fractional ownership. Most fractional ownership programs were operated under part 91. Some programs incorporated the fractional ownership principles related to the sale and purchase of aircraft, but aircraft were then leased to an air carrier and operated under 14 CFR part 135 of the regulations. Other programs operated under part 91, aircraft were leased to an air carrier, and owners had the option of operating rules. Further, numerous programs were marketed as “fractional ownership programs” or variations of fractional ownership programs that do not meet the regulatory definitions or program elements.

B. Current. Part 91K establishes regulatory requirements for fractional ownership programs and their program managers and owners. This regulation defines the program and program elements, allocates operational control responsibilities and authority to the owners and

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program manager, and provides increased operational and maintenance safety requirements for fractional ownership programs. Section 91.1001 defines the applicability and elements of a fractional ownership program. Part 91K further defines the owner and program manager responsibilities and safety standards. Fractional ownership programs and operations are subject to the applicable provisions of part 91, in addition to the specific requirements for these programs defined in part 91K. Section 91.501 assigns rights and responsibilities of owners, fractional owners, and program managers. Additional requirements can be found in part 91 subpart F.

C. Programs Not Fitting Regulatory Definitions. Shared aircraft ownership or management arrangements that do not fit within the regulatory definitions or applicability of part 91K should be reviewed on a case-by-case basis to determine the appropriate regulatory requirements. For example, a shared aircraft arrangement where the owners pilot their own aircraft might more appropriately fit the definition of a flying club or other ownership option not subject to part 91K. Operations that involve compensation should be closely examined to determine if they can be operated under the provisions of § 91.501 (interchange, joint ownership, or time share), under exceptions to part 119, 121, or 135, whether they are subject to the rules applicable to air carriers or commercial operators. Programs marketed as fractional ownership programs that do not meet the regulatory definitions of a fractional ownership program should not continue to market the program as a fractional ownership program. These programs are encouraged to change their marketing names to reflect the appropriate regulatory requirements.

2-538 DEFINITIONS AND ELEMENTS. Definitions of a fractional ownership program and the elements of that program are summarized below.

A. Affiliate of a Program Manager. A manager that directly or indirectly controls, is controlled by, or is under common control with another program manager through one or more intermediaries. The holding of at least 40 percent of the equity and 40 percent of the voting power of an entity will be presumed to constitute control for purposes of determining an affiliation.

B. Dry-Lease Aircraft Exchange. An arrangement, documented by the written program agreements, under which the program aircraft are available, on an as-needed basis without crew, to each fractional owner.

C. Dry-Lease Aircraft Exchange Agreement Among All of the Owners. This agreement requires all owners to provide their share(s) of their aircraft to other owners in the program. It allows an owner to use any aircraft in the “program aircraft pool” for that program manager or affiliate of that program manager. An owner’s share of an aircraft equates to a predetermined number of flight hours, or ratio of flight hours, in the type or types of aircraft in the program fleet. The dry-lease exchange provision applies to affiliate programs, but does not allow the dry-lease exchange among other fractional ownership programs that are not affiliates.

D. Fractional Owner or Owner. An individual or entity that possesses a minimum fractional ownership interest in a program aircraft and that has entered into the applicable program agreements, provided, however, that in the case of the flight operations described in § 91.1001(b)(6)(ii), and solely for purposes of requirements pertaining to those flight operations,

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the fractional owner operating the aircraft will be deemed a fractional owner in the program managed by the affiliate.

E. Fractional Ownership Interest. The ownership of an interest or holding of a multiyear leasehold interest and/or a multiyear leasehold interest that is convertible into an ownership interest in a program aircraft.

F. Fractional Ownership Program or Program. Any system of aircraft ownership and exchange that consists of all of the following elements:

- The provision for fractional ownership program management services by a single fractional ownership program manager on behalf of the fractional owners;
- Two or more Airworthy aircraft;
- One or more fractional owners per program aircraft, with at least one program aircraft having more than one owner;
- Possession of at least a minimum fractional ownership interest in one or more program aircraft by each fractional owner;
- A dry-lease aircraft exchange arrangement among all of the fractional owners; and
- Multiyear program agreements that cover the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program

G. Fractional Ownership Program Aircraft or Program Aircraft.

1) An aircraft in which a fractional owner has a minimal fractional ownership interest and that has been included in the dry-lease aircraft exchange pursuant to the program agreements; or

2) In the case of a fractional owner from one program operating an aircraft in a different fractional ownership program managed by an affiliate of the operating owner's program manager, the aircraft being operated by the fractional owner, so long as the aircraft is included:

a) In the fractional ownership program managed by the affiliate of the operating owner's program manager, and

b) In the operating owner's dry-lease aircraft exchange pursuant to the program agreements of the operating owner's program; or

3) An aircraft owned, in whole or part, by the program manager or affiliate that has been included in the dry-lease aircraft exchange and is used to supplement program operations.

H. Fractional Ownership Program Flight or Program Flight. A flight, under part 91K, when one or more passengers or property designated by a fractional owner are on board the aircraft.

I. Fractional Ownership Program Management Services or Program Management Services. Administrative and aviation support services furnished in accordance with the

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applicable requirements of part 91K, or provided by the program manager on behalf of the fractional owners include, but are not limited to, the:

- Establishment and implementation of program safety guidelines;
- Employment, furnishing, or contracting of pilots and other crewmembers;
- Training and qualification of pilots and other crewmembers and personnel;
- Scheduling and coordination of the program aircraft and crews;
- Maintenance of program aircraft;
- Satisfaction of recordkeeping requirements;
- Development and use of a program operations manual and procedures; and
- Application for and maintenance of MSpecs and other authorizations and approvals.

J. Fractional Ownership Program Manager or Program Manager. The entity that offers fractional ownership program management services to fractional owners and is designated in the multiyear program agreements referenced in § 91.1001(b)(5)(vi), to fulfill the requirements of the rule applicable to the manager of the program containing the aircraft being flown. When a fractional owner is operating an aircraft in a fractional ownership program managed by an affiliate of the owner's program manager, the references in this subpart to the flight-related responsibilities of the program manager apply, with respect to that particular flight, to the affiliate of the owner's program manager rather than to the owner's program manager.

K. Management Services. The provision for management services by a single program manager or affiliate program manager on behalf of the fractional owners.

1) Specific program manager operational control and operating responsibilities are specified in part 91K. Examples of management services are listed in § 91.1001(b)(8) and include, but are not limited to:

- The hiring, qualification, and scheduling of personnel, pilots, and other crewmembers;
- The development of program manuals, training programs, recordkeeping systems, and other documents;
- Application and maintenance of FAA approvals, MSpecs, and other authorizations; and
- Maintenance of the program aircraft.

2) Program approvals are issued to the program manager on behalf of the owners. The program manager provides an agent for service on behalf of the fractional owners. This does not prohibit the FAA from contacting an individual owner, if warranted. However, most correspondence, program approvals and coordination, and other contact will take place between the FAA and the program manager's agent for service or identified points of contact.

L. Minimum Fractional Ownership Interest. Either:

1) A fractional ownership interest equal to or greater than 1/16 of at least one subsonic, fixed-wing or powered-lift, program aircraft, or

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2) A fractional ownership interest equal to or greater than 1/32 of at least one rotorcraft program aircraft.

M. Multiyear Program Agreements that Cover Fractional Ownership, Management Services, and the Dry-Lease Exchange Aspects of the Program. An owner and program manager will sign contracts concerning the sale or long-term lease of the aircraft, provision of management services, and for the dry-lease exchange provisions of the program. Contracts generally last 3 to 5 years and reflect an ownership interest in the aircraft. Additional contractual requirements and elements are specified in part 91K, including:

- Requirements for the program manager to comply with specified regulations,
- The owners' right to audit programs,
- The designation of the program manager as an agent for service, and
- Provisions for the FAA to contact the owner.

N. One or More Owners per Fractional Ownership Program Aircraft, With at Least One Aircraft Having More Than One Owner. The owners' names are depicted on the aircraft's registration certificate. A long-term lease arrangement is considered to be a method of financing an ownership interest and is considered equivalent to an ownership interest. At any time, the program manager may own an entire aircraft or shares in an aircraft. The program manager may also buy back shares in accordance with contract requirements. These aircraft or aircraft shares are called "core aircraft" and are considered a necessary element of the aircraft fleet. The percentage of core aircraft in a fleet may vary. However, this percentage should be a minority percentage, except for the initial inception of the program.

O. Possession of a Minimum Fractional Ownership Interest in One or More Program Aircraft by Each Fractional Owner. A substantive ownership interest is the essential element to validate fractional ownership as a private operation under part 91. A minimum share is at least 1/16 for a subsonic, fixed-wing or powered-lift, fractional ownership program aircraft or at least 1/32 for a rotorcraft fractional ownership program aircraft. Programs that provide more than 16 owners per aircraft, including subleased shares that result in an ownership interest smaller than 1/16 (or 1/32 for rotorcraft), are required to be operated under part 135 or part 121, as applicable. Ownership interests are converted to a number of hours based on a predetermined ratio or formula. Each owner's use of the program aircraft cannot exceed the ownership share. Other methods of allocating owner's hours of use may be used such as a point system or allocated number of days of use provided the formula is predetermined, and equates to hours of use, and the owner's use does not exceed the ownership share. The need for additional hours or use can be obtained through a number of means, including:

- Charter,
- Purchase of additional shares within that program, or
- Purchase of additional aircraft outside of that program.

P. Two or More Airworthy Aircraft. A minimum of two aircraft is required in order to establish the dry-lease exchange element of the program. A program with a single aircraft and multiple owners does not meet the definition of fractional ownership and might more appropriately be classified as joint ownership, partnership, or another form of shared aircraft

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ownership. An aircraft that is briefly or temporarily unairworthy because of mechanical failure or required maintenance or inspection does not affect this definition of Airworthy aircraft or the ability of the program to continue to operate under part 91K.

2-539 OPERATIONAL CONTROL.

A. Operational Control Responsibilities. Sections 91.1003 through 91.1013 define operational control responsibilities inherent in a fractional ownership program.

1) The owner is in operational control when that owner directs the carriage of persons or property and the aircraft is carrying those persons or property. That owner has operational control of that flight regardless of whether that aircraft is owned by that individual owner, or is an aircraft from the dry-lease exchange pool.

2) The program manager has operational control when using the aircraft for training, sales demonstration, ferry, or positioning flights.

3) A program aircraft can also be leased to an air carrier and operated under part 135 or 121, as appropriate, to the seating configuration and payload capacity of the aircraft. When the aircraft is operated by an air carrier, the air carrier has operational control.

B. Safe Operations and Compliance with Regulations. The owner of the aircraft or share of the aircraft is ultimately responsible for safe operations and compliance with the regulations. The owner(s) may delegate the performance of tasks to the program manager and can rely on the program manager for aviation expertise and management services. In addition, part 91K specifies certain responsibilities of the program manager, including recordkeeping, establishing safety programs, preparing manuals and training programs, maintaining MSpecs, and other aviation services. When tasks are delegated, both the owner and the program manager are jointly and individually responsible for compliance. Any enforcement will be reviewed on a case-by-case basis to determine which party or parties had responsibility for operational control of any flight or operation. Enforcement could result in suspension or revocation of MSpecs, which could ultimately affect all owners in the program.

C. Operational Control and Management Service Contracts. Part 91K requires certain contracts pertaining to operational control and management services responsibilities. These include:

1) A contract between the owners and program manager that requires the program manager to comply with the applicable regulations.

2) A contract that provides the owner the right to audit the records of the program manager that pertain to operational safety of the program and show compliance with the regulations and MSpecs.

3) A contract that designates the program manager as the owner’s agent for service to receive correspondence from the FAA. While the FAA will generally correspond through the agent for service or other designated contacts, the FAA has the right to contact the owner(s) directly, if necessary.

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D. Owner's Operational Control Responsibilities. The program manager is required to brief the owner on the owner's operational control responsibilities at the time the initial, renewal, or extension of a program contract is signed. The owner must review and sign an acknowledgement of these responsibilities. The details that must be contained in this acknowledgement are contained in § 91.1013.

E. Basic Contracts and Agreements. Basic contracts and agreements must be signed as part of the overall program. These include documents pertaining to the sale of the aircraft share(s) and multiyear program agreements pertaining to management services and the dry-lease exchange program. The industry standard is a 3- to 5-year contract duration.

F. Owner Acknowledgement/Contract Certification Statement. As part of the certification process, the program manager can submit an owner acknowledgement/contract certification statement instead of individual contracts. This statement certifies that the required contracts contain the necessary regulatory provisions. See Figure 2-10.

Figure 2-10. Certification of the Execution of Agreements

I, _____, an officer of _____ (the Program Manager), which manages the _____ Fractional Ownership Program (the Program), certify that the Program satisfies the eligibility requirements of Title 14 of the Code of Federal Regulations (14 CFR) part 91 subpart K (part 91K) and that the agreements required under part 91K have been executed. These agreements include:

1) A Dry-Lease Exchange Agreement,
2) A Management Contract, and
3) Statements of Acknowledgement of Fractional Owner's Operational Control Responsibilities.

The owners and I understand that the Federal Aviation Administration (FAA) has the right to inspect all contracts.

I. The Dry-Lease Exchange Agreement or other program agreements between the program manager and owners related to aircraft exchange address the following:

1) Mandate that two or more Airworthy aircraft be available in the long term.
2) Allow the fractional owners of an aircraft to use (through the program manager) aircraft owned by other fractional owners within the same program.
3) Clarify that the program manager will schedule the aircraft from within the dry-lease exchange pool and provide other aviation expertise and services to the owners.
4) Specify this is a multiyear program agreement.

II. The Management Contract or other agreements between the program manager and the owners related to program management services address the following:

1) Specify this is a multiyear program contract.
2) Require the program manager to ensure that the program conforms to all applicable requirements of part 91K.

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3) Provide the owner or owner's designee the right to inspect and to audit the records of the program manager that relate to the operational safety of the program and those records required to show compliance with the management specifications (MSpecs) and all applicable regulations.
4) Designate the program manager as the owner's agent to receive service of notices from the FAA.
5) Acknowledge the FAA's right to contact the owner directly.
6) Prohibit an owner from carrying persons or property for compensation or hire on a program flight except if such operations are carried out in compliance with 14 CFR part 121 or 135.
7) Limit the flight hours used during the term of the multiyear agreement to the total hours associated with the owner's share of ownership.
8) Prohibit the sale or lease of aircraft interest that is lesser than the "minimum fractional ownership interest" unless the flights associated with that interest are operated under part 121 or 135 and are conducted by an air carrier or commercial operator certificated under part 119.
9) State that the program manager will provide the owner the following operating services and functions:
   - Establishment and implementation of safety program guidelines,
   - Employment, furnishing or contracting of pilots and other crewmembers,
   - Training and qualification of pilots and other crewmembers and personnel,
   - Scheduling and coordination of the program aircraft and crews,
   - Maintenance of program aircraft under the terms of this Agreement,
   - Satisfaction of record keeping requirements,
   - Development and use of a program operations manual and procedures,
   - Application for and maintenance of MSpecs and other authorizations and approvals from the FAA, and
   - Training in the recognition of hazardous materials.

III. Each owner in the fractional ownership program has signed an Acknowledgment of Owner's Operational Control Responsibilities, and under the Acknowledgment, the owner understands that the owner is in operational control of a program aircraft and the owner must operate that program aircraft in accordance with part 91K when the:

1) Owner has the rights and is subject to the limitations applicable to the owner as set forth under sections 91.1003 through 91.1013,
2) Owner has directed that a program aircraft carry passengers or property designated by the owner, and
3) Program aircraft is carrying those passengers or property.

The owner understands that the owner is in operational control of a program aircraft, even where the owner leases the program aircraft from another owner through the Dry-Lease Aircraft Exchange (or Interchange) arrangement.

The owner understands and agrees to the responsibilities and potential liabilities described below. When the owner is in operational control, the following apply:

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1) The owner is responsible for safe operations and for complying with all applicable laws and regulations and the management specifications issued to program manager.
2) Even though the owner may delegate to the program manager performance of some or all of the tasks associated with carrying out owner's responsibilities, owner continues to be jointly and individually responsible, along with the program manager, for performance of these tasks and for compliance with applicable requirements.
3) The owner may have liability risks in connection with the operation of the program aircraft, including possible liability risks for at least enforcement actions for any noncompliance, and liability if a flight-related occurrence causes personal injury or property damage.

_____ _____
Name Title

_____
Signature

_____
Date

RESERVED. Paragraphs 2-540 through 2-555.

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VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 5 THE APPLICATION PROCESS—TITLE 14 CFR PART 91, SUBPART K

Section 2 Phase 1—Preapplication

2-556 INITIAL INQUIRIES OR REQUESTS.

A. Initial Inquiries. Initial inquiries about certification or requests for application may come in various formats from individuals or organizations. These inquiries may be in writing or in the form of meetings with Flight Standards District Office (FSDO) personnel.

B. Applicant Orientation and Preliminary Discussion. Upon initial contact, FSDO personnel should direct the applicant to review Advisory Circular (AC) 91-84, Fractional Ownership Programs, the Flight Standards Service website at http://www.faa.gov for applicable regulations, ACs, orders, notices, bulletins, and other pertinent information. In addition, the Federal Aviation Administration's (FAA) website provides examples of letters, application forms, and other types of information the applicant needs to complete the certification process. The applicant should schedule an appointment for an initial contact meeting with the FSDO. While the regulation does not require specific management personnel or qualifications (unless the program manager is requesting a Continuous Airworthiness Maintenance Program (CAMP)), the program manager should identify management personnel, points of contact (POC) within the company, and persons authorized to sign the management specifications (MSpecs). These key personnel should attend the initial contact meeting and be prepared to discuss, in general terms, the plans of the proposed operation.

2-557 INITIAL CONTACT MEETING.

A. General. The applicant should be prepared to discuss, in general terms, specific aspects of the applicant's proposed operation. FSDO personnel should discuss the application process in depth. Emphasis should be placed on the expectations of the FAA, what the applicant should expect from the FAA, the Certification Services Oversight Process (CSOP), and the sequence of events. The five phases of application and the requirements of the gate system (see Figure 2-19, Five Phases of Certification and Requirements of the Gate System) should receive emphasis, and the applicant should be encouraged to ask questions during the discussion. Applicants should be thoroughly familiar with the gate system requirements before continuing with the process.

B. Preapplication Information. The initial contact meeting between the FSDO and the applicant sets the tone for the rest of the application process. Therefore, it is important that the FAA personnel be thoroughly prepared to conduct the meeting. The FSDO should provide an application package to the applicant containing the following documents:

- Guidance documents, including applicable sections of this order;
- Fractional ownership rule and preamble;

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- Preapplication Statement of Intent (PASI) for fractional ownership programs (see Figure 2-18, Statement of Intent for Fractional Ownership Programs);
- Title 14 of the Code of Federal Regulations (14 CFR) parts 91, 119, and 135, as applicable; and
- A Schedule of Events (SOE) that outlines the approval process (see Figure 2-17, Sample Schedule of Events).

C. Applicant Submission of Completed Statement of Intent (SOI). Upon receipt of the applicant's SOI, the FSDO manager will initiate the CSOP (see Volume 10, Chapter 12, Section 1) and the applicant will be notified of their application status.

2-558 SECOND CONTACT MEETING.

A. Applicant Submission of Completed SOI. The first item for discussion should be verification of the information on the SOI, such as the type of operation, types of aircraft, geographic areas of operation, and location of facilities. When changes to this information occur, the applicant must annotate the changes on the SOI. If the changes significantly affect the anticipated scope and/or type of operation, a copy of the revised SOI will be forwarded to the CSOP Coordinator. If the changes indicate the need for reassignment of application responsibilities to another FSDO, the CSOP Coordinator will notify, without delay, the affected FSDOs so that the application project can be reassigned. In this situation, it may be appropriate to terminate the preapplication meeting.

B. Additional Items Submitted by Applicant. At the second meeting, the applicant should submit to the FSDO a proposed application SOE and documentation to substantiate a fractional ownership program or business plan. In addition, the applicant will identify locations for training, maintenance, and a principal base of operations.

C. Phase I Completion. Once the FSDO has accepted everything in the preapplication phase, the applicant may advance to Phase II—Formal Application.

2-559 SOI FOR FRACTIONAL OWNERSHIP PROGRAMS. See Figure 2-18.

A. Purposes of the SOI. Often, a program manager for a fractional ownership operation may not be fully aware of the regulatory and policy requirements and resources necessary for the issuance of MSpecs. The principal inspectors (PI) should make the program manager aware of the following:

1) Volume 3, Chapter 18, Section 2 provides general guidance regarding the Web-based Operations Safety System (WebOPSS) and the issuance of MSpec authorizations.

2) All program managers operating under part 91 subpart K (part 91K) are required to be on WebOPSS at the beginning of operations.

3) The completed SOI denotes intent by the program manager to continue the application process. It also allows the FAA to plan activities and prepare to commit resources.

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B. Processing the SOI. The FSDO manager uses the SOI to evaluate the complexity of the proposed fractional ownership operation and to determine whether appropriately trained and experienced inspectors are available in the FSDO to conduct the proper surveillance of the anticipated fractional ownership operation and its program manager. The FSDO uses the SOI to initiate files such as the Program Tracking and Reporting Subsystem (PTRS).

C. FSDO Review of the SOI.

1) Review Upon Receipt. Upon receipt of a signed SOI, the FSDO will enter the application information into CSOP and review the form to ensure that there is sufficient information to further process the preapplication. The FSDO will ascertain that the proposed fractional ownership operation is consistent with part 91K, under which the program manager will be required to operate.

2) Unacceptable SOI. If the SOI is unacceptable, the reasons why it is unacceptable must be described in section 2 of the worksheet and returned to the future program manager. The FSDO will notify the program manager, either verbally or by letter, that the SOI is unacceptable for the reasons detailed in section 2 of the worksheet and that a new SOI is required. A copy of the rejected SOI will be retained in the FSDO files for 3 years.

3) Acceptance of the SOI. When the SOI is acceptable, the FSDO will check the "Action" box and complete section 2 of the form.

a) The FSDO contacts the Aviation Data Systems Branch via email at 9-AMC-AFS620-CertInfo@faa.gov stating, "The purpose of the contact is to request a precertification/designator number," and provides the following information:

- The full official name of the company;
- The location address of the proposed principal base of operations or the location where the business will be conducted;
- The names of proposed management personnel (last, first, and middle initial);
- The proposed type of certificate (e.g., Air Carrier Certificate, Operating Certificate, or Air Agency Certificate) and applicable 14 CFR part (e.g., part 121, 125, 135, 142, 145, 147, or 91K MSpec);
- The proposed startup date;
- Any current or previous certificates held by the applicant; and
- The designator of the FSDO assigned responsibility.

b) The Aviation Data Systems Branch will respond with a precertification/designator number. The alpha suffix of the precertification/identification number will always be the letter "P."

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Figure 2-17. Sample Schedule of Events

Company Name: _____

Phase I—Preapplication:			
1. Initial Contact Meeting Date:_____	Date Submitted/ Received	Date Returned	Date Approved/ Accepted
2. Second Contact Meeting Date:_____			
a. Statement of Intent (SOI).			
b. Proposed Schedule of Events (SOE).			
c. Management Specifications (MSpec) Worksheet.			
Phase II—Formal Application:			
1. Formal Application Meeting Date:_____			
2. Formal Application.			
3. Formal Application Attachments:			
• Management Personnel Documentation.			
• Compliance Statement.			
• Program Operating Manual (POM). **Refer to 14 CFR part 91, § 91.1025.**			
• Requests for Deviations.			
• Approved Inspection Program/General Maintenance Manual (GMM), as required.			
• Weight and Balance (W&B) Procedures/Program.			
• Internal Safety Reporting Procedures and Incident/Accident Response Procedures. **Refer to § 91.1021.**			
• Training Programs.			
• Aircraft Flight Manual (AFM) or Aircraft Operations Manual.			
• Minimum Equipment List (MEL).			
• Cockpit Checklists (Normal, Abnormal, Emergency). **Refer to § 91.1033.**			
• Passenger Briefing Cards. **Refer to § 91.1035.**			
• Flight and Rest Scheduling Program.			
• Hazardous Materials (Hazmat) Recognition Program. **Refer to § 91.1085.**			
• Certification and Execution of Agreements and Acknowledgement of Owners' Operational Control Responsibilities.			
• Pilot Safety Background Checks and Procedures (Pilot Records Improvement Act of 1996 (PRIA)). **Refer to § 91.1051.**			

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• Drug and Alcohol Misuse Education Program. **Refer to § 91.1047.**			
• List of Owners and Associated Aircraft. **Refer to § 91.1027.**			
• Configuration Deviation List (CDL).			
• Environmental Review. **See Volume 11, Chapter 6, Section 3.**			
• Destination Airport Analysis Program (DAAP). **Refer to § 91.1037.**			
• Proving and/or Validation Test Plan. **Refer to § 91.1041.**			
• Continuous Airworthiness Maintenance Program (CAMP), if required. **Refer to § 91.1411.**			
• Security Program.			
• Flight Locating Procedures.			
• Other Requested Authorizations.			
Phase III—Document Compliance:			
• Management Personnel Documentation.			
• Compliance Statement.			
• POM. **Refer to § 91.1025.**			
• Requests for Deviations.			
• Approved Inspection Program/GMM, as required.			
• W&B Procedures/Program.			
• Internal Safety Reporting Procedures and Incident/Accident Response Procedures. **Refer to § 91.1021.**			
• Training Programs.			
• AFM or Aircraft Operations Manual.			
• MEL.			
• Cockpit Checklists (Normal, Abnormal, Emergency). **Refer to § 91.1033.**			
• Passenger Briefing Cards. **Refer to § 91.1035.**			
• Flight and Rest Scheduling Program.			
• Hazmat Recognition Program. **Refer to § 91.1085.**			
• Certification and Execution of Agreements and Acknowledgement of Owners' Operational Control Responsibilities.			

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• Pilot Safety Background Checks and Procedures (PRIA). **Refer to § 91.1051.**			
• Drug and Alcohol Misuse Education Program. **Refer to § 91.1047.**			
• Load Manifest. **Refer to § 91.1027.**			
• List of Owners and Associated Aircraft. **Refer to § 91.1027.**			
• CDL.			
• Environmental Review. **See Volume 11, Chapter 6, Section 3.**			
• DAAP. **Refer to § 91.1037.**			
• Flight Attendant (F/A) Manual.			
• Proving and/or Validation Test Plan. **Refer to § 91.1041.**			
• CAMP, if required. **Refer to § 91.1411.**			
• Security Program.			
• Flight Locating Procedures.			
• Other Requested Authorizations.			
Phase IV—Demonstration and Inspection:			
• Monitor Training.			
• Flightcrew Members—Proficiency Checks.			
• Check Pilots.			
• Maintenance Training.			
• F/A—Competency Checks.			
• Aircraft Conformity Inspections.			
• Principal Base of Operations Inspection.			
• Maintenance Base Inspection.			
• Proving/Validation Testing.			
• Tabletop Demonstrations.			
• Operational Control Inspection.			
• Maintenance Procedures Inspection.			
• Passenger Handling Inspection.			
• Recordkeeping Inspection.			

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Phase V—Documentation:			
1. Issuance of MSpecs.			
2. Program Tracking and Reporting Subsystem (PTRS) Completion.			
3. Update enhanced Vital Information Database (eVID) Information.			
4. File Appropriate Documents.			

Figure 2-18. Statement of Intent for Fractional Ownership Programs

STATEMENT OF INTENT FOR FRACTIONAL OWNERSHIP PROGRAMS	
***Section 1*.**	
1. Name and mailing address	**2. Address of principal base where operations will be conducted**
3. Proposed startup date	**4. Requested three-letter company identifier in order of preference** **1. __ __ __K 2. __ __ __ K 3. __ __ __K**

5. Program Manager Representative		
Name (last, first, middle)	Company Name	Telephone (including area code)

6. Type of operation
Other Certificate(s) Held: ☐ **Part 125 Certificate No:** ____ ____ ____ ____ ____ ____ ____ ____ ☐ **Part 121 Certificate No:** ____ ____ ____ ____ ____ ____ ____ ____ ☐ **Part 135 Certificate No:** ____ ____ ____ ____ ____ ____ ____ ____ ☐ **Other Affiliate Part 91K ID No:** ____ ____ ____ ____ ____ ____ ____ ____ ☐ **Other Affiliate Part 91K ID No:** ____ ____ ____ ____ ____ ____ ____ ____ ☐ **Other Affiliate Part 91K ID No:** ____ ____ ____ ____ ____ ____ ____ ____

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7. Aircraft data.		**8. Geographic area of intended operations.**
Number and types of aircraft (by make, model, and series)	List may be attached	☐ **U.S.** ☐ **U.S. and International**

9. Additional information that provides a better understanding of the proposed fractional ownership.		
10. The statements and information contained on this form denote an intent to apply for management specifications.		
Signature	Date	Name and Title

Section 2. **To Be Completed by the Flight Standards District Office (FSDO).**	
Received By (district office):	**Date Scheduled for IOPSS**
Date:	**For:** ☐ **Action** ☐ **Information only**
Has this program manager ever been assigned any 4-digit designator ☐ **yes** ☐ **no** ☐ **Unknown Designator Code:**	
Remarks:	

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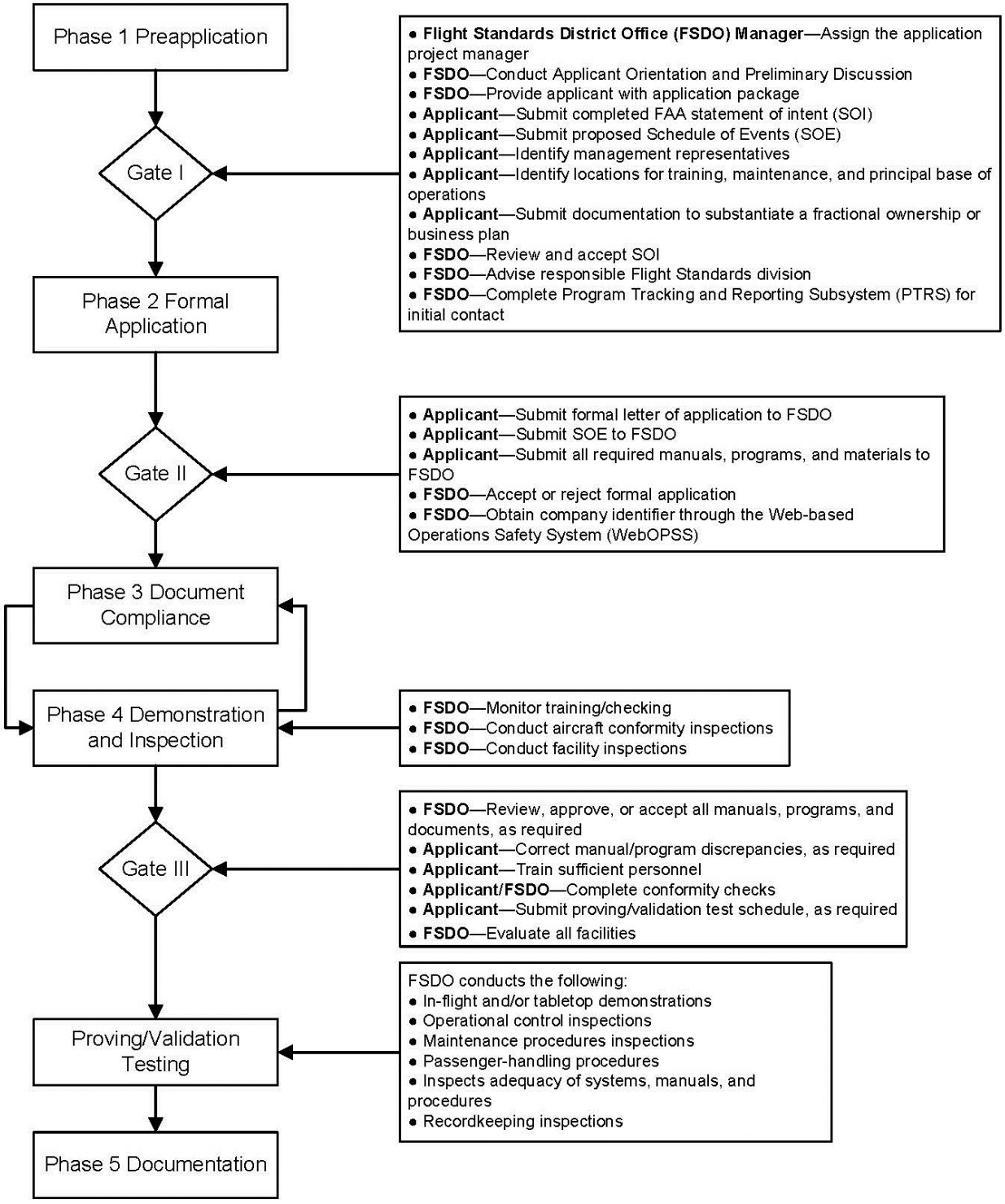
Figure 2-19. Five Phases of Certification and Requirements of the Gate System



RESERVED. Paragraphs 2-560 through 2-575.

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VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 6 TITLE 14 CFR PART 125 CERTIFICATION AND OPERATING RULES

Section 2 Conduct Certification of a 14 CFR Part 125 Operator

2-676 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE. 1202.

2-677 OBJECTIVE. The objective of this task is to determine an applicant's ability to conduct operations under Title 14 of the Code of Federal Regulations (14 CFR) part 125. Successful completion of this task will result in issuance or denial of a part 125 Operating Certificate and appropriate operations specifications (OpSpecs).

2-678 GENERAL.

A. Certification Process Phases. This chapter provides the procedures for certificating a part 125 operator. The process allows interaction between the applicant and the Federal Aviation Administration (FAA) from initial inquiry to certificate issuance or denial. It ensures that programs, systems, and intended methods of compliance are thoroughly reviewed, evaluated, and tested. The certification process consists of five phases.

- Preapplication Phase;
- Formal Application Phase;
- Document Compliance Phase;
- Demonstration and Inspection Phase; and
- Certification Phase.

B. Terminating the Certification Process. The applicant may terminate the certification process at any time during any of the phases. The Flight Standards Aviation Data Systems Branch must be notified that the certification process is terminated so that the precertification number can be returned to the centralized certificate number data file. Indicate this action in Section 2 of the Preapplication Statement of Intent (PASI), FAA Form 8400-6.

C. Job Aids. Figure 2-108 is a flowchart describing the certification process. Figure 2-109 is the Certification Job Aid. These figures are used for planning meetings, activities, and events associated with certification.

D. Definitions.

1) Maximum Payload Capacity. See part 125, § 125.9 (Definitions). If the maximum payload is determined to be 6,000 pounds or more, part 125 is applicable regardless of the number of seats.

2) Private Carriage. Private carriage is considered noncommon carriage. Part 125 is applicable to large airplane operations in other than common carriage. Section 125.11(b)

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prohibits part 125 certificate holders from conducting any operation which results directly or indirectly from holding out to the general public.

3) Compensation or Hire. A term that originated with the regulation of ground transportation under the Interstate Commerce Act, which was enacted in the late 1800s. The term is presently contained in the definition of a "commercial operator" in 14 CFR part 1, § 1.1 and is essentially the same as the definition adopted in 1949 by the Civil Aeronautics Board (CAB).

4) Commercial Operator. A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of 14 CFR part 375. Where it is doubtful that an operation is for "compensation or hire," the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

5) Common Carriage. A person is considered to be engaged in "common carriage" when "holding out" to the general public or to a segment of the public as willing to furnish transportation within the limits of its facilities to any person who wants it. Advertising through telephone yellow pages, billboards, television, radio, and individual ticketing are examples that have been legally found to be holding out.

E. Certificate Holders. One part 125 certificate shall be issued to any person. An Operating Certificate may not be held jointly by two or more persons. A partnership is considered a single person even though the partnership may consist of more than one individual or corporation. For example, where both a parent and a subsidiary corporation exist, only one of the two corporations may be the applicant for any one certificate and that certificate cannot be issued to, or in the name of, both corporations. Regardless of common ownership, the parent and subsidiary corporation are considered by law as separate persons.

F. Deviations. At any point during certification, an applicant may request a deviation from any section of part 125 or a Letter of Deviation Authority (A125 LODA) authorizing a deviation from § 125.5, the requirement to hold a certificate and OpSpecs. See Volume 2, Chapter 6, Section 3 for evaluating an application for an A125 LODA, a deviation from a specified section of part 125.

2-679 THE PREAPPLICATION PHASE.

A. PASI. Often, during the initial inquiry that begins the preapplication phase, a person will request information about certification as an air operator. However, the individual is not fully aware of the regulatory requirements and the costs involved. Inspectors should be scheduled to accommodate these informal requests, even though many of these individuals do not pursue certification. Submission of FAA Form 8400-6 indicates intent by the applicant to continue the certification process. It also allows the FAA to plan activities and commit resources. Therefore, a potential applicant submits a copy of the PASI after reviewing the appropriate regulations and advisory material and considering the personnel, facility, equipment, aircraft, and document requirements for certification and operation.

1) The Flight Standards District Office (FSDO) manager uses the PASI to evaluate the complexity of the proposed certification, and if it is appropriate for this office to conduct the

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certification. The office manager ensures that trained and experienced inspectors are available for the certification.

2) Upon receipt of the PASI, the FSDO manager will initiate the Certification Service Oversight Process (CSOP) (see Volume 10, Chapter 12, Section 1). The certification project begins in CSOP upon receipt of the certification application, prior to acceptance of the application document and preapplication information. The appropriate FSDO manager or POC will enter the applicant's preapplication information into CSOP for part 125, upon receiving the application, prior to an acceptance decision. The FSDO must make the preapplication information acceptance decision within 30 calendar-days of receipt of a certification application.

3) The FAA maintains and assigns certificate and precertification numbers through a central focal point, the Aviation Data Systems Branch. The numbering system is fully automated, providing a database of operators, air agencies, and the status of each certificate (active, canceled, or precertification). (See Volume 2, Chapter 1, Section 3.)

B. The Certification Team. The expertise of inspectors from different disciplines is required to certificate a part 125 operator. The FSDO manager assigns an appropriate certification team after the PASI is submitted. Careful planning and management of the overall project is essential. Therefore, the FSDO manager designates one member of the team as the certification project manager (CPM). The CPM will be the primary spokesperson for the FAA throughout the certification process. The person selected as CPM for a part 125 certification should have been involved in previous certifications of the same or similar type (e.g., 14 CFR part 121 or 135 certification).

C. The Preapplication Meeting. The CPM shall contact the applicant to arrange a preapplication meeting. The applicant is advised that key management personnel, as shown on the PASI, should attend the meeting and be prepared to discuss specific aspects of the applicant's proposed operation. During the preapplication meeting, the CPM should ensure the applicant is informed about the certification process. The CPM must also discuss the form, content, and documents required for formal application.

1) The applicant is informed that FAA inspectors furnish informal guidance and advice for the preparation of required documents and manuals. It is the responsibility of the applicant to produce acceptable documents and manuals.

2) The applicant should be encouraged to submit required items in draft form before submitting the formal package. Whenever a problem or change occurs in the proposed operation, the applicant should notify the CPM immediately.

D. The Sample Schedule of Events (SOE) Format. The SOE is intended to encourage an applicant to submit material well in advance of the date operations are proposed to begin. If, however, the application is submitted with only the minimum lead time required by the regulation, complete documents (such as Policy and Procedures Manual) may be required at the time of formal application. The SOE, when accepted, represents a commitment on the part of both the applicant and the FAA. It also sets dates for accomplishing or submitting the listed items.

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1) When advising the applicant on how to develop the SOE, the applicant must remember the correct sequence of events. For example, airplane conformity inspections must be completed before emergency evacuation demonstrations begin.

2) The number and types of events and activities that occur during certification vary according to the operation proposed. The SOE must include a complete listing of each document to be submitted, activity to be performed, and item to be inspected.

3) Failure to accomplish an item or event in a satisfactory manner in accordance with the SOE could delay certification. In addition, if deficiencies are detected during the review of manuals or other documents, they will be returned for amendment or correction, which also may delay final certification.

4) If the applicant plans to petition for deviation, processing time must be considered in developing the SOE. Section 125.3 requires that a petition for deviation must be submitted to the appropriate FSDO at least 60 days before the date of intended operation.

5) When reviewing the SOE, the team must carefully consider the feasibility of the proposed schedule with respect to logic of sequence, timeliness of events, completeness of events, and inspector availability.

2-680 THE FORMAL APPLICATION PHASE.

A. The Formal Application Package. The CPM ensures the formal application package represents a feasible proposal and is of sufficient quality to continue the certification process.

1) If the applicant has been thoroughly briefed and has acquired a thorough understanding of the requirements during the preapplication phase, the formal application should be of sufficient quality that any discrepancies can be resolved during the formal application meeting.

2) Rejecting a formal application will be a sensitive issue since the applicant most likely will have expended considerable funds and resources to prepare it. Therefore, it is important for the CPM to document thoroughly the reasons for rejection. The reasons must clearly indicate that to proceed with the certification process would not be productive. Reasons for rejection might include inadequate agreement on appropriate courses of action or evidence that the applicant has a serious lack of understanding of regulatory requirements and the certification process.

B. The Formal Application Meeting. Depending on the complexity of the proposed operation, it may be appropriate to divide into two or more groups to discuss specific aspects of the application. For example, the applicant’s key operations management personnel should meet with FAA operations personnel to discuss documents dealing with testing programs or check airmen.

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2-681 THE DOCUMENT COMPLIANCE PHASE.

A. In-Depth Review. In the Document Compliance Phase, the applicant's compliance statement, manuals, and other documents are thoroughly reviewed for compliance with applicable regulations and for conformity with safe operating practices. After review by the team, each document is accepted or approved, as applicable, or rejected.

B. OpSpecs. OpSpecs outline the specific operations that a part 125 certificate holder is allowed to conduct and any deviations the certificate holder has been granted. They also supplement the operating rules and contain limitations not addressed in the regulations. Inspectors must evaluate OpSpecs carefully to ensure that they are not used as a regulatory device without benefit of a basic rule and that they do not repeat the rule. Often the regulations require that certain authorizations and limitations be written in the OpSpecs. For example, § 125.363 states that the minimum requirements for overwater operations will be indicated in the OpSpecs. This could include additional requirements for emergency equipment or personnel required for that particular operation but not indicated in the regulation.

C. The Policy and Procedures Manual. Section 125.71 requires a part 125 air operator to prepare and keep current a manual that describes the operator's procedures and policies. The manual is for use by all the operator's personnel and also indicates to the FAA how the operator intends to conduct business. The manual's complexity depends upon the complexity of the operation. Although the entire manual does not need to be completely developed at the time of formal application, team members must ensure all required material is shown on the SOE and that adequate time is allowed for review. As a general rule, if the applicant submits the formal application only 60 calendar-days before operations are scheduled to begin and draft documents were not previously submitted, the team may require that additional manual material be submitted at the time of formal application.

1) The manual must be distributed in accordance with § 125.71. It must also contain specific items and information required by § 125.73. However, any additional items may be incorporated at the discretion of the operator.

2) The manual is reviewed to ensure that it is not contrary to the appropriate regulatory requirements or the proposed OpSpecs. Manuals not acceptable to the certification team will be returned to the applicant for revision and/or correction with a "Letter of Rejection" (see Figure 2-26).

D. Management Personnel Qualifications. The position of director of operations is the only management position specified by § 125.25. The chief pilot's position indicated in subparagraph 2-688A5)b) is only a suggested position. Additionally, § 125.25 only states that the management personnel be enough "to assure that its operations are conducted in accordance with the requirements" of part 125.

1) The applicant may elect not to have any management positions other than director of operations, or the applicant may have more positions. In that case, qualifications are up to the judgment of the certification team, based on the type of management position and the complexity of the operation.

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2) The qualifications outlined in this chapter are not required by 14 CFR. They are examples of acceptable qualifications which may be used as general guidance.

3) With respect to the qualifications of the indicated positions, the FSDO manager may authorize the employment of a person who does not meet the qualifications. However, the FSDO manager must find that the person has equivalent aeronautical experience.

E. Weight and Balance Procedures. Acceptable procedures may be found in FAA-H-8083-1, Aircraft Weight and Balance Handbook; or Advisory Circular (AC) 120-27, Aircraft Weight and Balance Control. Material from these publications, which should be cited as resources to an applicant or operator, may be adapted for the operator's procedures, but reference to these publications as a means of compliance is not acceptable.

F. Hazardous Materials (hazmat) Training Program. Although training is not required by part 125, the operator should be encouraged to prepare a hazmat training program for all flight crewmembers and ground personnel. Whether or not an operator elects to transport hazmat, the company manual required by § 125.73 must include certain procedures and instructions relating to hazmat. Some form of training in this area should be addressed. There are numerous all-cargo operators, with approved hazmat training programs, who could be contracted with to provide initial and recurrent training. (The inspector might consider keeping a current list of such operators as a resource.) If the operator uses a training program, it should have provision for regular testing of flight crewmembers on the operator's hazmat policies and procedures.

G. Compliance Statement. An applicant may submit an Initial Compliance Statement with the formal application package because methods of compliance may depend on actions by the FAA (i.e., approval of the manual). When the method of compliance is finally formalized, the description can be added to the list in preparation for the Final Compliance Statement. However, the SOE must show when the Final Compliance Statement will be submitted.

2-682 THE DEMONSTRATION AND INSPECTION PHASE. In the demonstration and inspection phase, the certification team determines that the applicant's proposed procedures and programs are effective and that facilities and equipment are satisfactory. Emphasis is on compliance with regulations and safe operating practices. Throughout the demonstration and inspection phase, the CPM ensures that each required demonstration is observed and approved or disapproved. If at any time during this phase the applicant does not meet the SOE or if an activity or item proves to be deficient, appropriate corrective action is taken. The CPM will schedule meetings with the applicant to review deficiencies in detail. Each deficiency and corrective action must be fully documented and placed in the certification file. If appropriate, the CPM terminates the certification process or agrees to a modified SOE.

A. The Emergency Evacuation Demonstration. (See Volume 3, Chapter 30, Section 5.) Effective emergency evacuation procedures have significantly reduced the number of casualties in survivable aircraft accidents. The FAA considers an applicant's or operator's ability to perform these procedures to be an extremely important aspect for aviation safety. The need to conduct full-scale demonstrations depends primarily upon whether such demonstrations have previously been accomplished with a particular type and model airplane used in part 121 or 125 operations. Part 125 operators and applicants for a part 125 certificate must conduct a full-scale

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aborted takeoff evacuation demonstration for any airplane having a seating configuration of more than 44 passenger seats. The evacuation must be completed in 90 seconds or less.

1) All part 125 operators and applicants for a part 125 certificate must conduct a full-scale ditching evacuation demonstration for any land airplane intended for use by the operator in extended overwater operations.

2) These demonstrations specifically test the following areas:

- The applicant's or operator's emergency training procedures and crewmember competency.
- The applicant's or operator's emergency evacuation and ditching procedures.
- The reliability and capability of the emergency equipment on the airplane.

B. Records and Recordkeeping. Part 125 subpart L indicates the types of records that must be maintained by a part 125 operator. Sections 125.403, 125.405, 125.407, 125.409, 125.411, and the operator's manual contain details about the approval of procedures for flight release forms; disposition of the load manifest, flight release, and flight plans; airplane maintenance logs; reports of defects or unairworthy conditions; and airworthiness release or maintenance record entries. The inspector should refer to those sources to check those records.

1) Part 125 subpart L indicates which records must be carried on the pilot's person or on board the airplane. Crewmember records, aircraft and engine logs, and other maintenance records should be kept at the main base of operations.

2) Records should be kept in a manner easily accessible to inspectors. The method of storage is, of course, the choice of the operator, but retrieval and review should not require an extended or complicated process.

C. Crewmember Requirements. The crewmember qualification and testing requirements go beyond the normal commercial certificate qualifications and have been established to achieve a higher level of safety. Checks and tests must be given by either an inspector or an authorized check airman. The instrument check required by § 125.291 may be substituted for the competency check required by § 125.287 for the type of airplane used in the instrument check.

D. Resolving Discrepancies. After resolving any discrepancies with any of the documents or the inspections, the applicant must notify the CPM, in writing, detailing the corrective action taken. The demonstration and inspection phase should then be continued.

2-683 THE CERTIFICATION PHASE.

A. Issuance of Certificate and OpSpecs. In the certification phase, the certificate and approved OpSpecs are issued after all unsatisfactory items are corrected.

1) No certificate shall be issued until the team determines the applicant is fully capable of fulfilling responsibilities as charged by Title 49 of the United States Code (49 U.S.C.).

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2) A certificate is issued to the applicant when the following criteria are met:

- The certification process is completed.
- Each unsatisfactory item has been corrected.
- It is determined that the applicant has met all regulatory requirements and understands all responsibilities under the regulations.
- It has been determined the applicant is capable of complying with the part 125 on a continuing basis.
- The applicant's ability to conduct operations in a safe manner has been demonstrated.

B. The Certification Report. After an operator is certificated, the CPM prepares a certification report. This report establishes the FSDO file. It includes the name and title of each inspector who assisted in the certification project and is signed by the CPM. It details any problems with the certification project and their resolutions. If airplanes are to be domiciled outside of the certificating FSDO's jurisdiction, the principal operations inspector (POI) assigned to the operator shall notify the other FSDO and provide a copy of any portion or the entire certification file to the other FSDO at its request.

C. Post-Certification Plan. In most cases, the certification team becomes the principal inspectors (PI) for the new operator. In the event the FSDO manager assigns different inspectors as principals, the certification team recommends a post-certification inspection plan for future surveillance of the part 125 operator. The plan emphasizes problem areas noted during certification. The team may recommend scheduling surveillance before it is due in the work program guidelines. During certification and afterwards, inspectors work with the operator to eliminate problems at an early stage. Meaningful recommendations assist the operator in continuing regulatory compliance and in instituting changes needed in the methods or techniques of operation, inspection, or maintenance during this early period of operation.

D. Amendments. If a certificate is amended to reflect an address change or a change of the assigned FSDO, the date of original issuance shall be shown on the new certificate. A change of official name must be approached with care. Whatever the complexity of the legal name change, it has the effect of a new certification; therefore, a new certificate and certificate number shall be issued. For this situation, the issuance date of the new certificate will be entered in the space provided on the certificate.

2-684 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of regulatory requirements in part 125, FAA policies, and, specifically:

- Knowledge of the certification process.
- Familiarization with task background.
- Qualification as an aviation safety inspector (ASI) (Operations).

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B. Coordination. This task may require coordination with the airworthiness unit, the local Aviation Security Office, and the appropriate FAA divisions (General Aviation and Commercial Division, Aircraft Maintenance Division, and/or Aircraft Certification Service (AIR)).

2-685 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 49 of the United States Code (49 U.S.C.).
- Title 14 of the Code of Federal Regulations (14 CFR) Parts 1, 43, 45, 47, 61, 63, 65, 67, 91, 119, and 125.
- Title 49 of the Code of Federal Regulations (49 CFR) Part 173, Shippers—General Requirements for Shipments and Packagings (Hazardous Materials Regulations (HMR)).
- Title 49 CFR Part 175, Carriage by Aircraft (HMR).
- Title 49 CFR Part 830, Notification and Reporting of Aircraft Accidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records (National Transportation Safety Board (NTSB)).
- AC 120-12, Private Carriage Versus Common Carriage of Persons or Property.
- AC 125-1, Operations of Large Airplanes Subject to 14 CFR Part 125.

B. Forms:

- FAA Form 8400-6, Preapplication Statement of Intent (PASI).
- FAA Form 8430-21, Operating Certificate.

C. Job Aids:

- Figure 2-21, Sample FAA Form 8430-21, Operating Certificate.
- Figure 2-22, Sample Schedule of Events Format.
- Figure 2-23, Sample FAA Form 8400-6, Preapplication Statement of Intent.
- Figure 2-24, Questions for Part 125 Applicability Job Aid.
- Figure 2-25, Sample Part 125 Letter Rejecting Formal Application Package.
- Figure 2-26, Sample Part 125 Letter Rejecting Operator’s Manual.
- Figure 2-103, Sample Part 125 Letter Acknowledging Receipt/Acceptance of Formal Application.
- Figure 2-104, Sample Part 125 Formal Application Letter.
- Figure 2-105, Sample Part 125 Letter Denying Certification.
- Figure 2-106, Sample Part 125 Letter Confirming Termination of Certification Process.
- Figure 2-107, Sample Template LODA A125.
- Figure 2-108, Certification Process Flowchart.
- Figure 2-109, Certification Job Aid.

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2-686 PREAPPLICATION PHASE PROCEDURES.

A. Initial Inquiry. Upon initial inquiry from an applicant, and before providing the potential applicant a PASI, the inspector must determine if the proposed operation falls under the applicability requirements of § 125.1. Use Figure 2-24, Questions for Part 125 Applicability Job Aid, to determine eligibility. To make this initial determination, consider whether the applicant meets the following basic eligibility requirements:

1) The applicant must show proof of use (ownership or written agreement) of a U.S.-registered civil airplane with a seating capacity of 20 or more passengers (based on type certificate (TC) or Supplemental Type Certificate (STC)) or a maximum payload of 6,000 pounds or more. Verify registration with the Aircraft Registration Branch.

2) The airplane must have an appropriate and current Airworthiness Certificate and instruments and equipment required for the type of operations to be conducted.

3) The following are not eligible for a part 125 Operating Certificate:

- An Operating Certificate cannot be held by two or more persons.
- Section 125.11 prohibits the holder of an Air Carrier Operating Certificate (part 121, 129, 135) from holding a part 125 Operating Certificate.

B. Deviation Requests. Explain that the applicant may request a deviation from specified sections of part 125 or request a Letter of Deviation Authority (A125 LODA) authorizing a deviation from the requirements of a Certificate and OpSpecs (§ 125.5).

C. Applicant Resources. Encourage the applicant to obtain a copy of the appropriate, current regulations and their revisions. Provide the applicant with the following:

- FAA Form 8400-6 (see Figure 2-23), and
- AC 125-1.

D. FSDO Review of a PASI. Within 30 calendar-days of receipt of a signed PASI, review it to determine if the information is complete, accurate, and acceptable.

1) Section 1A must be completed by all applicants.

a) Company official name and mailing address.

b) The address must be the physical location where primary operating activities are based. It is where the offices of management personnel required by regulation are located. If the address is the same as item 1, the applicant enters, “same.”

c) Estimated date when operations or services will begin.

d) The information in this block will be used to assign a company identification number. The applicant may indicate up to three, three-letter identifiers, such as ABC, XYZ, etc.

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e) The names, titles, and telephone numbers of required management personnel. This should include the general manager, directors of operations and maintenance, chief pilot, chief inspector, etc., as applicable.

2) Section 1B must be completed by all air operator applicants. The proposed types of operation must be indicated. The applicant may check as many boxes as apply.

3) Section 1C is not applicable to part 125 applicants.

4) Section 1D must be completed by all air operator applicants.

a) The applicant indicates the proposed number and types of airplanes to be operated, as well as the number of passenger seats or cargo payload capacity.

b) The applicant enters the names of the states or geographic areas in which operations are to be conducted. For example, if operations are to be conducted in one or two states, the applicant lists those states. If operations will be within the 48 contiguous states, the applicant indicates, "48 contiguous states." For overseas or international operations, the applicant should enter each country or geographical area, such as Alaska and Canada; Hawaii; Europe; Mexico, Caribbean, and South America.

NOTE: Operations under part 125 cannot be conducted outside the United States by a person who is not a citizen of the United States.

5) Section 1E must be completed by all applicants.

a) The applicant shows any information that would assist FAA personnel in understanding the type and scope of operation or services to be performed.

b) The PASI must be signed as follows:

- Individual if owner.
- At least one partner for partnerships.
- At least one authorized officer for the organizations.

6) If the FSDO assigned certification responsibility is not the one where initial inquiry was made, enter an appropriate remark and the dates when each FSDO and the applicant was notified.

7) If the PASI is unacceptable, note the reasons. Notify the applicant in writing of any discrepancy and that a new PASI is required.

8) Process the PASI as follows:

a) Obtain a precertification number from the Aviation Data Systems Branch (email at 9-AMC-AFS620-Certinfo@faa.gov).

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b) In the "Remarks" section, enter "Proceeding with formal certification" and show the precertification certificate number.

E. Original File. The original PASI will be retained in the Flight Standards office.

F. Preapplication Meeting. As CPM, assure that the following is covered during the Preapplication Meeting:

1) The team reviews the PASI with the prospective operator and verifies that all information is current and correct. Assure that the applicant notes any changes on the PASI. If the changes indicate the need to reassign certification responsibilities, terminate the meeting. Advise the applicant that he or she will be notified of the new certificating office within 15 business-days.

2) Advise the applicant of all applicable regulations and recommend the applicant review (or re-review) those 14 CFRs and any associated ACs.

3) Give the applicant at least the following:

- AC 125-1;
- The applicable Certification Job Aid (Figure 2-109);
- A sample of appropriate OpSpec; and
- A sample SOE format (Figure 2-22).

4) Advise the applicant that a formal application must be submitted at least 60 days before the proposed start-up date. Ensure that the application package consists of at least the following:

- A Formal Application Letter,
- An SOE,
- An Initial Compliance Statement,
- Policy and Procedures Manual,
- Documentation that applicant has or intends to acquire airplanes and facilities, and
- A copy of any deviation authority granted under § 125.3.

5) Ensures that the applicant understands the certification procedures, as well as the form, content, and documents required for formal application.

G. Terminating the Preapplication Phase. Terminate the preapplication phase when the team is satisfied that the applicant is prepared to proceed with formal application. Verify that the applicant intends to continue the certification process. Advise the applicant to contact the CPM regularly on the status of certification efforts. Inform the applicant that if there is no communication within 60 days, certification efforts will be terminated.

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2-687 FORMAL APPLICATION PHASE PROCEDURES. Within 5 business-days after receiving a formal application package, review it and determine whether each item required for formal application has been submitted. If any required item is missing, reject the entire application and return it to the applicant with a letter stating the reasons for rejection (Figure 2-25). Since the application package is reviewed in depth during the upcoming Document Compliance Phase, ensure only that the following required items are included in the application package:

A. Formal Application Letter. If the Formal Application Letter is unacceptable or incomplete, the CPM will notify the applicant, as soon as practical, of the reasons and request a corrected resubmission. The notification can be telephonic, but must be followed up in writing. The CPM will annotate the certification file noting as to who was notified, time and date.

B. SOE. Check the SOE to ensure it lists items, activities, programs, airplanes, or facility acquisitions required for certification and the applicant's best estimate of the date the item will be acquired or ready for inspection.

C. Initial Compliance Statement. Determine that the Initial Compliance Statement contains a complete listing of all part 125 regulations pertinent to the proposed operation.

1) The list should refer to applicable subparts and each relevant section of the subparts.

2) Next to each section, the applicant must provide a brief narrative description or, preferably, a specific reference to a manual or other document that describes how the applicant will comply with each regulation, if the method for compliance is known at the time the Formal Application Letter is submitted.

D. Policy and Procedures Manual. Ensure that the Policy and Procedures Manual contains information about the applicant's organization, general policies and procedures, duties and responsibilities of personnel, and operational control procedures.

1) If a partial manual is submitted at this stage, ensure that it shows compliance with at least § 125.73(a), (d) through (m), (o) through (q), and § 125.249(a)(1) and (b).

2) Ensure that the manual indicates sufficient management personnel to conduct operations safely and in accordance with the requirements of part 125.

a) The Policy and Procedures Manual required by § 125.71 must establish the duties, responsibilities, and authority of management personnel; list the names, addresses, and telephone numbers of each person employed in a management position; and designate the persons responsible for scheduling inspections and for updating the approved weight and balance information on all airplanes operated by the applicant.

b) After certification, operators are required by § 125.25(c) to notify the Flight Standards office of any change made in the assignment of persons in a management position within 10 days of such a change.

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E. Leases, Agreements, Contracts. If any required facilities or services are to be supplied by parties other than the applicant, ensure that copies of the associated contracts are submitted with the application. If a formal contract has not been completed, accept letters showing agreement between the contracting parties.

F. Request for Deviations. A list of standard deviations can be found in a drop-down menu of the automated Web-based Operations Safety System (WebOPSS). These standard deviations have been authorized by the General Aviation and Commercial Operations Division and can be approved by the Flight Standards office. Requests for deviations not listed in WebOPSS must be forwarded to the Commercial Operations Branch along with the justification and any supporting documents. The General Aviation and Commercial Division will either approve or disapprove the request.

G. Formal Application Meeting. As CPM, schedule and conduct the formal application meeting. Assure that the following is accomplished during the meeting:

1) Except for unanticipated circumstances, each member of the certification team must be present.

2) During the meeting the team and the applicant reviews each document and resolves each discrepancy.

3) Thoroughly review the upcoming certification process and discuss the effect on the applicant of not meeting the SOE.

4) If any discrepancy cannot be resolved, terminate the meeting and inform the applicant that the formal application is not acceptable. Return the formal application package to the applicant with a letter explaining the reasons for the rejection.

5) Before concluding the meeting, ensure the applicant clearly understands the following:

a) The applicant will receive written notification of acceptance or rejection of the application package within 5 business-days after the meeting.

b) Accepting a formal application package does not constitute acceptance or approval of the attachments. Each document must be reviewed further, and the applicant must take corrective action as required. Acceptance or approval of each attachment shall be indicated as the certification process continues.

c) If the applicant is unable to meet the SOE or if the facilities are not ready for inspection as indicated on the transmittal letter, the CPM shall terminate the certification until a revised SOE is submitted and accepted. Consequently, the proposed start-up date could be delayed.

6) If the application package is acceptable enough to begin the in-depth review, prepare a letter accepting the formal application and forward it to the applicant within 5 business-days after the meeting (Figure 2-103).

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7) If the application package is rejected, the CPM must return the application and attachments within 5 business-days with a letter stating specific reasons for rejection (Figure 2-25).

8) If the applicant does not submit a corrected formal application and it becomes apparent that the applicant does not intend to proceed with certification, contact the Aviation Data Systems Branch to release the precertification number. Additionally, notify the applicant.

2-688 DOCUMENT COMPLIANCE PHASE PROCEDURES. After accepting the formal application package, ensure each document is complete and correct through an indepth review.

A. Document Review. Review documents by simultaneous reference to 14 CFR, any completed portion of the Initial Compliance Statement, and the appropriate manual or document.

1) Ensure that the Formal Application Letter (Figure 2-104) contains at least the following:

a) A statement that it is a formal application for a part 125 Operating Certificate.

b) The applicant's mailing address and the physical location of its principal base of operations.

c) A list of flight crewmembers and the type of certificates held, including certificate number and ratings.

d) The names of key management personnel.

e) The names, titles, and signatures of persons authorized to sign OpSpecs on behalf of the operator.

f) If a request for deviation from a specified section of part 125 is anticipated, it should be noted in the Formal Application Letter.

g) The letter must be signed by the owner, when applying as an individual; each partner, when applying as a partnership; or an authorized officer, when applying as an organization, such as a company or corporation.

2) Ensure that the schedule flows in a logical, sequential manner throughout the certification process and provides a reasonable amount of time for the FAA to review and accept or approve each item or event. Figure 2-22 is a sample format for an SOE. Encourage the applicant to use this format. Accept other formats if they provide the information necessary for the team to ensure the applicant is proceeding in an appropriate manner.

3) Compliance Statement (Initial or Final).

a) Ensure that the applicant has listed specific regulations and subparts in the same sequence as the regulations.

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b) Where the compliance information has been developed (for example, the manual material submitted with the formal application), ensure that a manual reference or a description of the method of compliance has been included with the applicable regulatory section. If the method of compliance has not been fully developed, explain that the applicant must submit a Final Compliance Statement that does provide this information.

c) Review and accept the Final Compliance Statement before conducting inspections and demonstrations. Examples of compliance statement entries are:

1. Section 125.37, Duty Period Limitations. The company manual advises the necessary personnel that flight crewmembers must be relieved from all duties for at least 8 consecutive hours during any 24-hour period.

2. Section 125.39, Carriage of Narcotic Drugs, Marijuana, and Depressant or Stimulant Drugs or Substances. The company manual advises all company personnel that carriage of any illegal drugs or substances on board any company airplane is a basis for the suspension or revocation of the company's Operating Certificate.

3. Section 125.247, Inspection Programs and Maintenance.

4) Policy and Procedures Manual. See Volume 3, Chapter 32, Section 3.

5) Management Personnel. Each applicant for a certificate under this part must show that it has enough management personnel to assure that its operations are safely and in compliance with the requirements of this part. Only the Director of Operations is required by § 125.25; however, all management personnel must be listed by name and address in the Operations Manual along with their duties and title set forth by the operator. Although the qualifications for operations personnel are not described in § 125.25, the following qualifications for the Director of Operations and chief pilot are deemed minimum desirable:

a) Director of Operations:

- Hold an Airline Transport Pilot (ATP) Certificate with type rating for airplane(s) similar to those being operated.
- Have at least three years of experience as pilot in command (PIC) of a large airplane operated under part 121, 125, or 135.
- Have at least three years of supervisory or managerial experience in a position that exercised operational control over any operations conducted with large airplanes under part 121, 125, or 135.

b) Chief Pilot:

- Hold an ATP Certificate with appropriate ratings for at least one of the types of airplane to be used in the operation.
- Have at least three years of experience as PIC of a large airplane operated under part 121, 125, or 135.

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6) Ensure that minimum equipment lists (MEL), cockpit checklists, and airplane performance documents are contained in the Policy and Procedures Manual or approved Aircraft Flight Manual (AFM).

7) Approve OpSpecs.

8) Approve the noise emission control plan.

a) If the Airworthiness Certificate is dated after January 1, 1985, no action is required.

b) If the Airworthiness Certificate is dated before January 1, 1985, determine if the applicant:

- Has submitted a specific showing of compliance or a compliance plan to the FAA Office of Environment and Energy (AEE-1) through the appropriate Flight Standards division; or
- Has an exemption issued under 14 CFR part 11 or part 91, § 91.805. Ensure that this exemption is carried on board the aircraft during flight operations.

9) Ensure that the weight and balance control program is contained in the Policy and Procedures Manual.

10) Examine proof of crewmember qualifications.

a) Ensure that pilots designated as PIC meet the requirements of §§ 125.281, 125.285, 125.287, and 125.291.

b) Ensure that pilots designated as second in command (SIC) meet the requirements of part 61, § 61.55, and §§ 125.283 and 125.287.

c) Ensure that pilots designated as Flight Engineers (FE) hold current FE certificates and meet the recent experience requirements in § 125.265(b).

d) Ensure that all pilots have passed a written or oral test, in accordance with the requirements of § 125.287(a), and a competency check required by § 125.287(b).

e) Ensure that all flight attendant crewmembers have passed a written or oral test, in accordance with the requirements of § 125.289.

11) Approve inspection programs and maintenance procedures. (Airworthiness.)

12) Inspect aircraft leases in accordance with the related paragraph of the truth-in-leasing clause requirement in leases and conditional sales contracts under § 91.23.

13) Review any previously granted deviations or special authorizations.

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14) Review the emergency evacuation demonstration plan, if applicable.

15) Review any other document referenced in the Policy and Procedures Manual.

B. EIS/AIDS Profile. If not already accomplished, obtain a profile of the applicant and personnel using the Enforcement Information System (EIS) and the Accident/Incident Data Subsystem (AIDS).

C. Unacceptable Documents. If deficiencies are found in any document submitted by the applicant, note the deficiencies in writing for the FSDO files. Be prepared to offer suggestions on how to improve the product but avoid "writing" the applicant's documents. If the documents are not of sufficient quality to warrant further review, schedule a meeting with the applicant to review each deficiency in detail. If appropriate, advise the applicant of either the impracticability of continuing the certification project or agree to a modified SOE that allows time to correct deficiencies.

2-689 DEMONSTRATION AND INSPECTION PHASE PROCEDURES. During the demonstration and inspection phase, the CPM shall ensure the following is accomplished:

A. Observe Maintenance Personnel. Observe company or contract maintenance personnel as they perform scheduled and unscheduled airplane maintenance and inspections. (Airworthiness.)

B. Review Airplane Records. Review airplane records with the PI to ensure there is a clear understanding between the operator's operations personnel and maintenance personnel on what record entries must be made and who should make them. (Airworthiness.)

C. Ensure Airplane Conformity. Inspect airplanes for conformity with appropriate TCs and regulations. (Airworthiness.)

D. Evaluate Maintenance Facilities. This evaluation should be made by the principal airworthiness inspectors (principal maintenance inspector (PMI) and principal avionics inspector (PAI)). Concurrence with the POI is helpful but not necessary. (Airworthiness.)

E. Conduct a Base Inspection. (See Volume 6, Chapter 3, Section 4.)

F. Evaluate Record Keeping System. (See Volume 3, Chapter 20, Section 3.)

G. Conduct or Observe Pilot Qualification Functions. (See Volume 5, Chapter 2, Section 10.)

H. Approve Check Airmen. As applicable, designate a check airman, check FE, or check navigator. (See Volume 3, Chapter 20, Section 3.)

I. Observe Emergency Evacuation and/or Ditching Demonstration. (See Volume 3, Chapter 30, Section 5.)

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2-690 CERTIFICATION PHASE PROCEDURES. When the applicant has met all regulatory requirements for certification, the CPM shall do the following:

A. Prepare and Issue the Operating Certificate. Use FAA Form 8430-21 for an Operating Certificate (see Figure 2-21). Type the following information on the form when preparing the certificate for issuance.

1) Enter the certificate holder's full, legal name directly below the words "This certifies that ...." Include other names (such as "doing business as" (DBA) on the certificate. If necessary, list DBAs in a separate letter bearing the certificate number (see Volume 2, Chapter 1, Section 4).

2) Enter the address of the certificate holder's principal base of operations directly below the certificate holder's name. Do not use a post office box address unless it also reflects the physical location of the principal base of operations.

3) Do not modify the pre-printed certification statement of authority. Complete the statement by typing, "part 125 Operations" in the space provided.

4) Obtain the final certificate number from the Aviation Data Systems Branch.

5) Enter the date when the certification was complete or a later date if requested by the applicant.

6) Enter the four-character, alpha-numeric designator and city and state of the certificate-holding district office (CHDO) into the "Issued at" space of the form (e.g., EA18, Richmond, VA).

7) In the space provided, enter the full title of the person signing the certificate. Submit the Operating Certificate to the FSDO manager for signature.

B. Certification Report. Assemble a certification report containing the following:

- A copy of the PASI;
- The Certification Job Aid;
- The Letter of Application;
- The SOE;
- The Final Compliance Statement;
- The Emergency Evacuation Demonstration Evaluation;
- A copy of the Operating Certificate issued;
- A copy of each OpSpec issued;
- A copy of the Policy and Procedures Manual;
- A summary of any difficulty encountered during certification and its resolution; and
- A copy of any deviation or waiver issued.

1) Retain the original certification report in the FSDO.

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2) Forward any portion or all of the certification report to other FSDOs where the operator's airplanes will be domiciled.

C. MEL. Issue OpSpec D095 to operate with a MEL, if applicable.

D. OpSpecs. Issue the OpSpecs approved in the Document Compliance Phase.

E. Enhanced Vital Information Database (eVID). Enter all appropriate information in the eVID, Air Operator Basic File, and Air Operator Aircraft Auxiliary File.

F. FSDO File. Establish an official office file after certification is complete. The file shall contain at least the following:

- The certification report and attachments;
- EIS/AIDS profile on applicant and personnel, including a negative report if applicable;
- Approved MELs, if applicable;
- Future surveillance reports; and
- General correspondence relevant to the operator or agency.

G. PTRS. Complete the PTRS record, entering the appropriate information.

2-691 TASK OUTCOMES. Completion of this task results in either:

A. Issue a Certificate. Issuance of a certificate and OpSpecs authorizing operations under part 125.

B. File Records. A record on file consisting of the following:

1) Written notification to the applicant denying the certificate (Figure 2-105).

2) Indication of the return of all original documents to the applicant.

3) Notify the Aviation Data Systems Branch to cancel the precertification number.

C. Termination Letter. A letter to the applicant confirming termination of the certification process (Figure 2-106).

2-692 FUTURE ACTIVITIES.

A. Develop Post-Certification Plan. When developing a post-certification plan, the inspector should perform additional surveillance or inspections during the first 90 days the organization is in business. This may require assistance from other FSDOs.

B. Conduct Surveillance. According to the established post-certification plan, conduct surveillance at appropriate intervals.

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Figure 2-21. Sample FAA Form 8430-21, Operating Certificate

U.S. Department of Transportation
Federal Aviation Administration

Operating Certificate

This certifies that

Atlantis Aviation, Inc.
7705 Airport Road
Hangar 13
Chantilly, VA 22435

has met the requirements of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and standards prescribed therein, for the issuance of this certificate and is authorized to operate as an Air Operator and conduct FAR Part 125 Operations

in accordance with said Act and its rules, regulations, and standards:

This certificate is not transferable and, unless canceled, suspended, superseded, surrendered or revoked, shall continue in effect indefinitely.

By Direction of the Administrator.

Fred Fearson
(Signature)

Manager, FSDO 06
(Title)

Certificate number AAI-L-012-9

Effective date: March 15, 1989

Issued at: EA06, Washington, DC

FAA Form 8430-21 (6-87)

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Figure 2-22. Sample Schedule of Events Format

PART 125 SCHEDULE OF EVENTS – CERTIFICATION				
OFFICIAL NAME OF COMPANY		**LOCATION ADDRESS**		
MAILING ADDRESS (if different)		**PRECERTIFICATION NO.**		
DATE READY FOR FAA INSP.	**FORMAL APPLICATION PHASE**	**Date Received**	**Date Returned**	**Date Approved/ Accepted**
	Formal Application Letter			
	Schedule of Events			
	Policies/Procedures Manual			
	Documents of Purchase, Contracts, Leases, and/or Letters of Intent			
	Initial Compliance Statement			
	DOCUMENT COMPLIANCE PHASE			
	Training Programs:			
	Maintenance Personnel			
	Inspection Personnel			
	Ground Handling/Servicing			
	Manuals:			
	Completed Policies/Procedures Manual			
	FAA-Approved Airplane Flight Manual			
	Maintenance Technical Manuals:			
	Airframe/Powerplant			
	Structural Repair			
	Parts Catalogue			
	Inspection Procedures			
	Manufacturer's or Vendor's Manual			
	Wiring Manual			
	Overhaul Manual			
	Aircraft Checklists			
	Training Contracts			
	Maintenance Contracts/Agreements			
	Aircraft Leases			
	Environmental Assessment			
	Final Compliance Statement			
	Emergency Evacuation Demonstration Plan			
	OpSpecs			
	Flight Release Procedures			
	MEL			
	CDL			

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Figure 2-22. Sample Schedule of Events Format (Continued)

DEMONSTRATION AND INSPECTION PHASE				
	Training Facilities			
	Training/Testing			
	Flight Crewmembers			
	Check Airmen			
	Flight Attendants			
	Flight Locating			
	Hazardous Materials			
	Maintenance Training			
	Aircraft Conformity Inspection			
	Main Operations Base			
	Main Maintenance Base			
	Flight Locating Facilities			
	Recordkeeping:			
	Operations			
	Maintenance			
	Inspections			
	Emergency Evaluation Demonstration			
REMARKS				

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Figure 2-23. Sample FAA Form 8400-6, Preapplication Statement of Intent

Form Approved
OMB No. 2120-0593
Expiration Date: 04/30/2018

PREAPPLICATION STATEMENT OF INTENT

US Department of Transportation
Federal Aviation Administration

Paperwork Reduction Act Statement: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0593. Public reporting for this collection of information is estimated to be approximately 96 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are mandatory per 14 CFR Part 119. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden should be directed to the FAA at: 800 Independence Ave SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ASP-110.

***Section 1A.* To Be Completed By All Applicants**

1. Name and mailing address of company	**2. Address of principal base where operations will be conducted** *(do not use post office box)*

3. Proposed Start-up date	**4. Requested three-letter company identifier in order of preference** 1. 2. 3.
Company Email Address	**Doing Business As (DBA)**

5. Management Personnel

Name (Last, first, middle)	Title	Telephone (including area code) and Email Address

Section 1B. To Be Completed By Air Operators

6. Proposed type of operation (check as many as applicable)

- ☐ Air Carrier Certificate
- ☐ Operating Certificate
- ☐ Part 121
- ☐ Part 125
- ☐ Part 133
- ☐ Part 135
- ☐ Passengers and Cargo
- ☐ Cargo Only
- ☐ Scheduled Operations
- ☐ Nonscheduled Operations
- ☐ Single Pilot Operator
- ☐ Single Pilot-in-Command Operator
- ☐ Basic Part 135 Operator

Section 1C. To Be Completed By Air Agencies

7. Proposed type of agency and rating(s)

- ☐ Part 145 Repair Station
  - ☐ Domestic
  - ☐ Foreign ☐ *New* ☐ *Renew*
  - ☐ Satellite
    - ☐ Airframe
    - ☐ Powerplant
    - ☐ Propeller
    - ☐ Radio
    - ☐ Instrument
    - ☐ Accessory
    - ☐ Specialized Service
- ☐ Part 147 Maintenance Technical School
  - ☐ Airframe
  - ☐ Powerplant
  - ☐ Both

Section 1D. *To Be Completed By Air Operators*

8. Aircraft Data		**9. Geographic area of intended operations**
Numbers and types of aircraft (Include Registration if available) (by make, model, and series)	Number of passenger seats or cargo payload capacity	

FAA Form 8400-6 (03-15) Supersedes Previous Edition Page 1 Electronic Version

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Figure 2-23. Sample FAA Form 8400-6, Preapplication Statement of Intent (Continued)

Section 1E. To Be Completed By All Applicants		
10. Additional information that provides a better understanding of the proposed operation or business *(attach additional sheets, if necessary)*		
11. The statements and information contained on this form denote an intent to apply for FAA certification.		
Signature	Date	Name and Title

Section 2. To Be Completed By FAA District Office	
Received by (district office):	**Precertification Number**
Date:	**Date Coordinated with AFS-620**
Remarks	

FAA Form 8400-6 (03-15) Supersedes Previous Edition Page 2 Electronic Version

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Figure 2-24. Questions for Part 125 Applicability Job Aid

(1) Question 1. Do you plan to operate at least one civil airplane with a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more? If no, Title 14 of the Code of Federal Regulations (14 CFR) part 125 does not apply. [Reference: § 125.1(a).] If yes, move to question 2.

(2) Question 2. Is your large airplane registered in the United States? If no, part 125 does not apply. [Reference: § 125.1(a).] If yes, move to question 3.

(3) Question 3. Will your U.S.-registered airplane be operated in any portion of the United States or territory, commonwealth, or possession of the United States? If not, and you are not a U.S. citizen, you are only required to comply with the inspection program and maintenance requirements of § 125.247. [Reference: § 125.1(c).] If yes, move to question 4. Foreign-based U.S. citizens also move to question 4.

(4) Question 4. Is your airplane operated on restricted, limited, or provisional Airworthiness Certificate, special flight permit, or experimental certificate? If yes, part 125 does not apply. [Reference: § 125.1(b)(2).] If no, move to question 5.

(5) Question 5. Do you conduct common carriage as the holder of an Operating Certificate under the provisions of 14 CFR part 121 or 135? The key is common carriage. If yes, then you must continue to operate under the commercial operator requirements of part 121 or 135 [Reference: § 121.1(a) or § 135.1(a)(1).] If no, move to question 6. All other commercial operators must convert to part 125 requirements.

(6) Question 6. Do you presently hold an Air Carrier Operating Certificate issued under parts 121 or 135? If yes, then you are not eligible for a part 125 Operating Certificate. [Reference: § 125.11(a).] If no, move to question 7.

(7) Question 7. Are you presently required to operate your airplanes under part 121, 135, or 137? If yes, part 125 does not apply. [Reference: § 125.1(b)(1).] If no, part 125 is applicable to your operation.

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Figure 2-25. Sample Part 125 Letter Rejecting Formal Application Package

FAA Letterhead

[Date]

[Applicant's Name and Address]

Dear [Name of appropriate official]:

Enclosed is the formal application package you submitted for a Title 14 of the Code of Federal Regulations (14 CFR) part 125 air operator's certificate. It does not contain several of the fundamental elements needed to continue the certification process. We have noted the following problems: [Indicate discrepancies in detail.]

1.
2.
3. (etc)

If we do not receive a corrected formal application package within 60 days, you will be notified that this certification project is terminated.

Sincerely,

John L. Lewis
Certification Project Manager

Figure 2-26. Sample Part 125 Letter Rejecting Operator's Manual

FAA Letterhead

[Date]

[Applicant's Name and Address]

Dear [Name of authorized official]:

The certification team assigned to your application for a Title 14 of the Code of Federal Regulations (14 CFR) part 125 air operator's certificate has reviewed the proposed operator's manual, required by 14 CFR § 125.71. The manual is unacceptable and is being returned for the following reasons:

1.
2.
3. (etc.)

A review of the manual's required contents, found in § 125.73 should provide sufficient guidance for you in correcting the above discrepancies. Issuance of your certificate will be withheld until a corrected manual has been submitted in an acceptable form. Please call this office with any questions you may have.

Sincerely,

John L. Lewis
Certification Team Leader

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Figure 2-103. Sample Part 125 Letter Acknowledging Receipt/Acceptance of Formal Application

FAA Letterhead

[Date]

[Applicant's Name and Address]

Dear [Name of appropriate official]:

This is to acknowledge receipt on January 15, 2004, of your application for a Title 14 of the Code of Federal Regulations (14 CFR) part 125 air operator's certificate and the associated Schedule of Events. After cursory examination, we have determined that your application package is of satisfactory quality for us to continue with the certification process. Acceptance of the application package does not constitute a determination of acceptability of individual documents. This will be determined during an indepth examination for compliance, which is currently being conducted. Unless we discover problems with compliance, the certification team will be ready to conduct inspections in accordance with your Schedule of Events.

Sincerely,

John L. Lewis
Certification Project Manager

Figure 2-104. Sample Part 125 Formal Application Letter

June 1, 2008

Manager
Flight Standards District Office
300 Lindberg Drive
Tulsa, Oklahoma 57692

Dear Sir:

Avalon Aviation, Inc. hereby makes application for a certificate to conduct operations in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 125.

Avalon Aviation, Inc. intends to conduct flight operations in and between any state of the United States of America or in the District of Columbia and to points in Canada, Mexico, and Central and South America.

The attached pages outline how Avalon Aviation, Inc. intends to comply with appropriate sections of part 125. We intend to commence flight operations on December 1, 2008.

Mr. John Edwim has been appointed as Director of Flight Operations. All correspondence relative to this application and future activities of Avalon Aviation, Inc. should be addressed to his attention.

Sincerely,

Smith Ballon
President

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Figure 2-105. Sample Part 125 Letter Denying Certification

FAA Letterhead

[Date]

[Applicant's Name and Address]

Dear [Name of appropriate official]:

Enclosed are the various documents submitted during the attempt to certificate you as a Title 14 of the Code of Federal Regulations (14 CFR) part 125 air operator. Your application for this certificate is denied for the following reasons: [Provide detailed reasons and supportive material.]

1.
2.
3. (etc.)

If, after the noted problems have been corrected, you wish to attempt certification again, the process will be initiated from the beginning as a new certification project.

Sincerely,

Raymond E. Loves
FSDO Manager

Figure 2-106. Sample Part 125 Letter Confirming Termination of Certification Process

FAA Letterhead

[Date]

[Applicant's Name and Address]

Dear [Name of appropriate official]:

This is to confirm the termination of the project to certificate you as a Title 14 of the Code of Federal Regulations (14 CFR) part 125 air operator. [Indicate whether the termination was at the instigation of FAA or at the request of the applicant.] Enclosed are all documents you submitted for review.

Sincerely,

Thomas W. Duley
Aviation Safety Inspector

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Figure 2-107. Sample Template LODA A125

U.S. Department
of Transportation
Federal Aviation
Administration

14 CFR Part 125M Operations

Letter of Deviation Authority (LODA)

1. **Letter of Deviation Authority.** The operator/company listed at the bottom of this document is hereby issued a Letter of Deviation Authority (LODA) from the requirements of 14 CFR Section 125.5 to hold a Part 125 operating certificate and operations specifications, as provided by 14 CFR Section 119.23(a), Section 125.3(a) and as authorized in A005, Letter of Authorization, Exemptions and Deviations.

2. The LODA authorizes the company/operator to transport its personnel, property, and guests. Guests may only travel on flights for which the company/operator has a business purpose.

3. This LODA is issued for the purpose of conducting noncommercial operations. Noncommercial operations are operations in which persons or cargo are transported without compensation or hire, or operations that do not involve the transportation of persons or cargo. It is also issued when the operator/company conducts compensation operations not involving common carriage as long as such compensation operations are only in accordance with the following:

a. Kinds of Operations.

(1) Ferry or training flights;

(2) Aerial work operations such as aerial photography or survey, or pipeline patrol, but not including fire fighting operations;

(3) Flights for the demonstration of an airplane to prospective customers when no charge is made except for those specified in subparagraph 3.c. below;

(4) Flights conducted by the operator of an airplane for his personal transportation, or the transportation of his guests when no charge, assessment, or fee is made for the transportation;

(5) Carriage of officials, employees, guests, and property of a company on an airplane operated by that company, or the parent or a subsidiary of the company or a subsidiary of the parent, when the carriage is within scope of, and incidental to, the business of the company (other than transportation by air) and no charge, assessment or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane, except that no charge of any kind may be made for the carriage of a guest of a company, when the carriage is not within the scope of, and incidental to, the business of that company;

(6) The carriage of company officials, employees, and guests of the company on an airplane operated under a time sharing, interchange, or joint ownership agreement as defined in subparagraph 3.c. below;

(7) The carriage of property (other than mail) on an airplane operated by a person in the furtherance of a business or employment (other than transportation by air) when the carriage is within the

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scope of, and incidental to, that business or employment and no charge, assessment, or fee is made for the carriage other than those specified in subparagraph 3.c. below;

(8) The carriage on an airplane of an athletic team, sports group, choral group, or similar group having a common purpose or objective when there is no charge, assessment, or fee of any kind made by any person for that carriage; and

(9) The carriage of persons on an airplane operated by a person in the furtherance of a business other than transportation by air for the purpose of selling them land, goods, or property, including franchises or distributorships, when the carriage is within the scope of, and incidental to, that business and no charge, assessment, or fee is made for that carriage.

b. Definitions.

(1) A time sharing agreement means an arrangement whereby a person leases his airplane with flightcrew to another person, and no charge is made for the flights conducted under that arrangement other than those specified in subparagraph 3.c. below;

(2) An interchange agreement means an arrangement whereby a person leases his airplane to another person in exchange for equal time, when needed, on the other person's airplane, and no charge, assessment, or fee is made, except that a charge may be made not to exceed the difference between the cost of owning, operating, and maintaining the two airplanes;

(3) A joint ownership agreement means an arrangement whereby one of the registered joint owners of an airplane employs and furnishes the flight crew for that airplane and each of the registered joint owners pays a share of the charge specified in the agreement.

c. Expenses That May be Charged. The following may be charged, as expenses of a specific flight, for transportation:

(1) Fuel, oil, lubricants, and other additives.

(2) Travel expenses of the crew, including food, lodging, and ground transportation.

(3) Hangar and tie-down costs away from the airplane's base of operation.

(4) Insurance obtained for the specific flight.

(5) Landing fees, airport taxes, and similar assessments.

(6) Customs, foreign permit, and similar fees directly related to the flight.

(7) In flight food and beverages.

(8) Passenger ground transportation.

(9) Flight planning and weather contract services.

(10) An additional charge equal to 100 percent of the expenses listed above in subparagraph 3c(1) of this subparagraph.

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4. Any operations, other than those authorized by this LODA, will result in the termination of this deviation authority. This LODA must be surrendered upon the request of the Administrator or an authorized representative. A copy of this LODA must be carried in the airplane(s) as required by 14 CFR § 125.7 and presented for inspection upon the request of the Administrator or an authorized representative.

5. This LODA is issued with the understanding that the company/operator shall:

a. Operate its airplane (make/model and registration number) authorized in A003, Airplane Authorization, in compliance with 14 CFR Sections 125.91 and 125.93 notwithstanding specific deviations as authorized in A005, Letter of Authorization, Exemptions and Deviations.

b. Conduct operations in accordance with 14 CFR Sections 125.25, 125.37, 125.39, 125.45, 125.47 (A001, Issuance and Applicability), 125.49, 125.51, and 125.53, of Subpart B, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations. A007, Letter of Authorization, Designated Persons, must be issued to show compliance or equivalent level of safety to CFR section 125.25.

c. Comply with the Manual Requirements of 14 CFR part 125 Subpart C, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations.

d. Comply with the Airplane Requirements of 14 CFR Part 125 Subpart D, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations.

e. Comply with the Special Airworthiness Requirements of 14 CFR Part 125 Subpart E, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations.

f. Comply with the Instrument and Equipment Requirements of 14 CFR Part 125 subpart F, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations.

g. Comply with the Maintenance Requirements of 14 CFR Part 125 Subpart G, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations.

h. Comply with the airmen and flight crewmember requirements of 14 CFR Part 125, Subparts H and I, and provide initial and/or recurrent training for flightcrew and flight attendant emergency training as authorized in A031, Letter of Authorization for Flight Crewmember Requirements, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations.

i. Conduct flight operations in accordance with 14 CFR Part 125, Subparts J, K and L, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations. These operations shall be described in A008, Letter of Authorization, Flight Release Authority.

j. Comply with the requirements of 14 CFR Part 125 Appendices A, B, C, D, and E, notwithstanding specific deviations authorized in A005, Letter of Authorization, Exemptions and Deviations.

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k. Comply with the Special Area of Authorization requirements contained in, but not limited to, LOAs B034, B036, B039, B046, B050, and D098, as applicable, if issued.

l. Comply with the requirements of 14 CFR Section 125.201 by the issuance of a Letter of Authorization for an MEL (LOA D095).

m. Notify the manager of the Flight Standard District Office of any material change in the facts stated in your letter of compliance for this LODA and/or any changes in the original authorizations and deviations herein.

6. This LODA will remain in effect until superseded, withdrawn, or rescinded.

Text Box - NS

HQ Control: 12/21/2006 HQ Revision: 010

This Authorization is Issued by the Federal Aviation Administration and approved by direction of the Administrator.

I hereby accept and receive this Authorization.

[Acceptor] **Date:**

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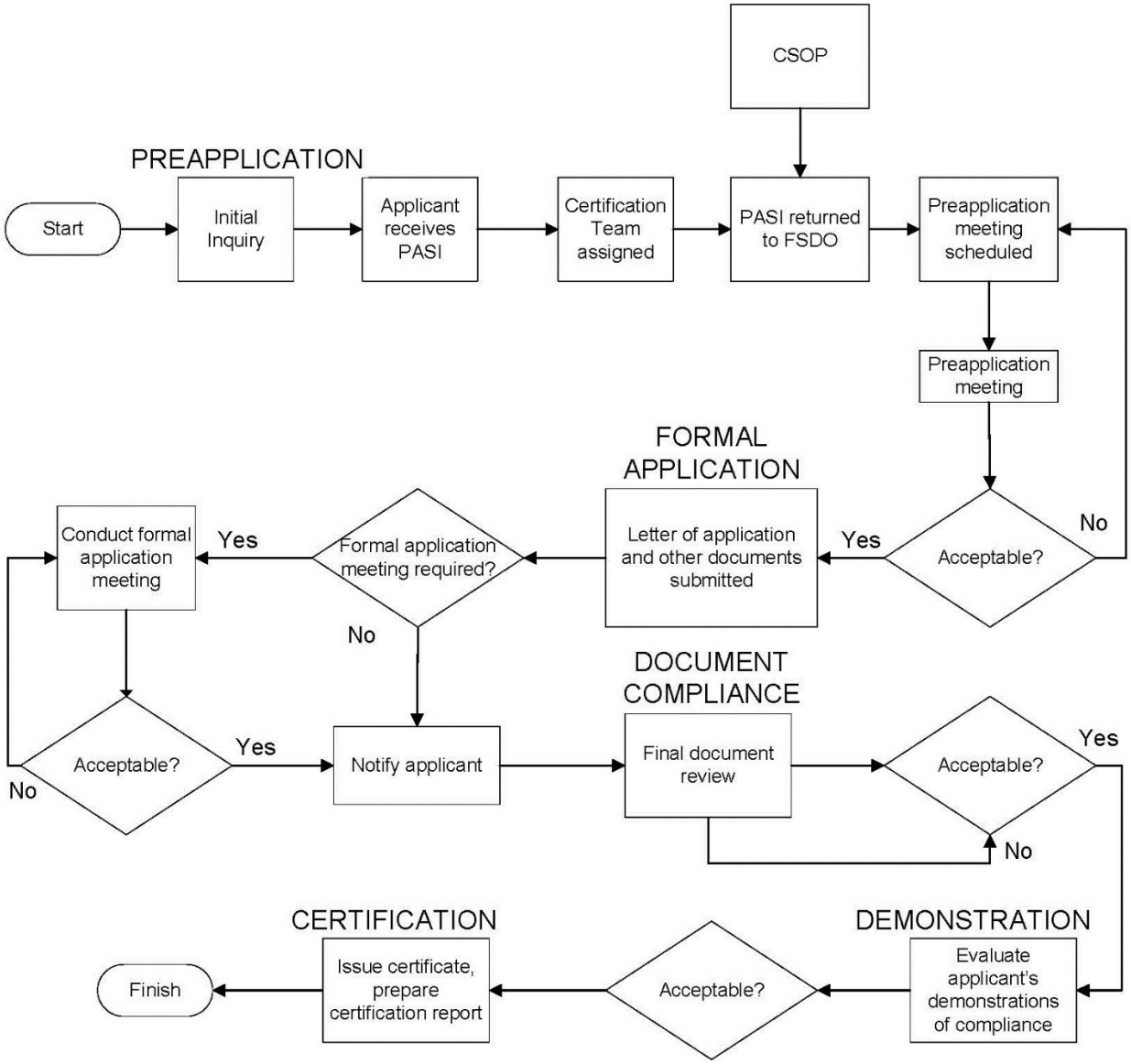
Figure 2-108. Certification Process Flowchart



NOTE: If any of the demonstrations are determined to be unacceptable, notify the applicant.

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Figure 2-109. Certification Job Aid

NAME OF APPLICANT:	INSP. INITIAL	DATE
I. PREAPPLICATION PHASE		
A. INITIAL ORIENTATION: INSPECTOR _____		
1. DETERMINE ELIGIBILITY		
2. ADVISORY CIRCULARS (AC 125-1 AND AC 120-12) PROVIDED TO APPLICANT		
3. PREAPPLICATION STATEMENT OF INTENT:		
a. Initiate CSOP upon receipt of PASI with date of receipt.		
b. Precertification number_____		
B. CERTIFICATION TEAM DESIGNATED (at least one operations, one maintenance, and one avionics inspector) **Name** **Specialty** **CPM** _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____		
C. CONDUCT PREAPPLICATION MEETING		
1. VERIFY PASI INFORMATION		
2. OVERVIEW OF CERTIFICATION PROCESS		
3. PROVIDE CERTIFICATION PACKAGE		
a. Certification Job Aid		
b. Schedule of Events		
c. Advisory Circular		
d. Sample Operations Specifications		
4. EXPLAIN FORMAL APPLICATION SUBMISSIONS		
REMARKS:		

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Figure 2-109. Certification Job Aid (Continued)

II. FORMAL APPLICATION PHASE				
A. REVIEW APPLICANT'S SUBMISSIONS				
1. FORMAL APPLICATION LETTER				
a. Mailing address				
b. Principal base of operations				
c. List of Flight Crewmembers				
o **Certificate numbers**				
o **Ratings**				
d. Key Management Personnel				
e. Persons authorized to sign operations specifications				
o **Name**				
o **Title**				
o **Signature**				
f. Deviations				
2. SCHEDULE OF EVENTS				
3. INITIAL COMPLIANCE STATEMENT				
4. POLICIES AND PROCEDURES MANUAL				
5. CONTRACTS, LEASES, ETC.				
6. AGREEMENTS				
7. LETTERS OF INTENT				
B. EVALUATE FAA RESOURCE CAPABILITY BASED ON SCHEDULE OF EVENTS				
REMARKS:				
C. FORMAL APPLICATION MEETING				
1. SCHEDULE MEETING Date: _____ Time: _____				
2. DISCUSS EACH SUBMISSION				
3. RESOLVE DISCREPANCIES/OPEN ITEMS				
4. REVIEW CERTIFICATION PROCESS				
5. REVIEW IMPACT ON SCHEDULE OF EVENTS				
D. ISSUE LETTER ACCEPTING/REJECTING APPLICATION				
REMARKS:	**INSP. INITIAL**	**DATE RET'D**	**DATE RESUB'D**	**DATE APP. ACC.**

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Figure 2-109. Certification Job Aid (Continued)

III. DOCUMENT COMPLIANCE PHASE				
A. EVALUATE FINAL COMPLIANCE STATEMENT				
B. EVALUATE MANAGEMENT QUALIFICATIONS				
1. GENERAL MANAGER				
2. DIRECTOR OF OPERATIONS				
3. INSPECTION SCHEDULER				
4. CHECK AIRMEN				
5. OTHER				
C. EVALUATE APPLICABLE DOCUMENTS, CONTRACTS, LEASES, AND AGREEMENTS				
1. AIRCRAFT LEASES				
2. MAINTENANCE CONTRACTS/AGREEMENTS				
3. SERVICING CONTRACT/ AGREEMENT				
D. EVALUATE POLICIES/PROCEDURES MANUAL				
E. AIRPLANE FLIGHT MANUAL				
F. MAINTENANCE TECHNICAL MANUALS				
G. OPSPECS				
H. EMERGENCY EVALUATION PLAN				
I. BRIEFING CARDS				
J. ENVIRONMENTAL ASSESSMENT				
1. NOISE				
2. EMISSIONS				
K. MINIMUM EQUIPMENT LIST				
IV. DEMONSTRATION & INPECTION PHASE	**INSP. INITIAL**	**DATE BEGUN**	**DATE COMPL'D**	**DATE APP. ACC.**
A. EVALUATE APPLICANT CONDUCTING TRAINING				
1. MAINTENANCE				
2. SERVICING				
3. INSPECTION				
B. AIRMAN TESTING/CERTIFICATION				
1. FLIGHTCREW				
2. FLIGHT ATTENDANTS				
C. INSPECT AIRCRAFT FOR CONFORMITY				
D. INSPECT BASE				
E. INSPECT MAINTENANCE FACILITY				

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Figure 2-109. Certification Job Aid (Continued)

F. INSPECT RECORDKEEPING PROCEDURES				
1. AIRCRAFT MAINTENANCE RECORDS				
2. TRAINING RECORDS				
3. AIRMAN RECORDS				
4. FLIGHTCREW DUTY RECORDS				
5. MAINTENANCE CREW DUTY RECORDS				
6. FLIGHT ATTENDANT RECORDS				
7. INSPECTION RECORDS				
G. EVALUATE EMERGENCY EVACUATION				
H. INSPECT FLIGHT LOCATING FACILITIES				
REMARKS				

V. CERTIFICATION PHASE	**INSP. INITIAL**	**DATE COMPL'D**
A. APPROVE OPERATIONS SPECIFICATIONS		
B. PRESENT CERTIFICATE & OPSPECS TO CERTIFICATE HOLDER		
C. PREPARE CERTIFICATION REPORT		
1. ASSEMBLE ATTACHMENTS		
2. OUTLINE PROBLEMS		
3. SUGGESTIONS TO IMPROVE CERTIFICATION PROCESS		
4. DISTRIBUTE REPORT		
D. DEVELOP SURVEILLANCE PLAN		
1. WITHIN GEOGRAPHICAL AREA		
2. OUTSIDE GEOGRAPHICAL AREA		
REMARKS:		

RESERVED. Paragraphs 2-693 through 2-710.

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VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 7 THE CERTIFICATION PROCESS—TITLE 14 CFR PART 133

Section 1 The Certification Process—Part 133

2-931 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE. 1341.

2-932 OBJECTIVE. Determine an applicant's ability to conduct operations under Title 14 of the Code of Federal Regulations (14 CFR) part 133. Successful completion of this task results in the issuance of a Rotorcraft External-Load Operating Certificate or a denial of a certificate.

2-933 GENERAL. This chapter provides guidelines for certification and renewal of rotorcraft external-load operators. Part 133 prescribes rules governing the operation of rotorcraft in operations involving loads carried or that extend outside the rotorcraft fuselage.

> NOTE: A 14 CFR part 137 agricultural aircraft operator may, if he or she complies with part 137, conduct agricultural aircraft operations with a rotorcraft with external dispensing equipment in place without a part 133 Rotorcraft External-Load Operating Certificate. The holder of a Rotorcraft External-Load Operating Certificate under part 133 need not comply with part 137 subpart B certification rules when conducting an agricultural aircraft operation involving only the dispensing of water on forest fires by rotorcraft external-load means. However, part 137 subparts A, C, and D apply.

A. Certification Process. The generic certification process outlined in Volume 2, Chapter 1, Section 1 consists of five phases. The part 133 certification process combines the Preapplication and Application Phases. At the end of each phase, gates list the completion requirements to proceed to the next phase and target timelines for each phase. The Flight Standards District Office (FSDO)-selected Certificate Management Team (CMT) should track each phase to ensure progress within the specified timeline. This timeline is a goal for tracking efficiency of the certification process, not a deadline or reason to overlook safety requirements. It is the responsibility of the applicant to meet the requirements of each gate within the specified timeline (see Figure 2-39, Certification Process Flowchart).

B. Renewal Process. A Rotorcraft External-Load Operating Certificate expires at the end of the 24th month after the month issued or renewed. The certificate holder must submit Federal Aviation Administration (FAA) Form 8710-4, Rotorcraft External-Load Operator Certificate Application (see Figure 2-38 for a sample application), to the certificate-holding district office (CHDO) to apply for renewal of a Rotorcraft External-Load Operating Certificate. Operators should submit a renewal application at least 30 days before the expiration of the certificate.

1) Process the application for renewal of a certificate in the same manner as for original issuance.

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2) The inspector will compare the renewal application with the expiring certificate. If no substantial changes are noted and the operator has a satisfactory record of compliance, the inspector may issue a new certificate without conducting a comprehensive inspection.

2-934 APPLICATION PHASE OVERVIEW. Based on the applicant's prior experience with rotorcraft external-load operations, the inspector has some discretion over which issues to discuss with the applicant prior to submission of the application package. The inspector may decide to brief an applicant by phone call or other correspondence. Conduct the required application meeting after the inspector receives and reviews the application package. If the application needs revision, the inspector must be prepared to discuss all items requiring correction or revision during this meeting.

A. Basic Eligibility Requirements. During initial contact with an applicant seeking a Rotorcraft External-Load Operating Certificate, determine if the proposed operation is applicable to part 133. In making this determination, ensure that the applicant meets the following eligibility requirements.

1) The applicant must have the exclusive use of at least one rotorcraft that meets the requirements of part 133, § 133.19.

2) The applicant must hold, or have available the services of at least one person who holds, a current commercial or Airline Transport Pilot (ATP) Certificate with a rating appropriate for the rotorcraft prescribed in § 133.19, issued by the Administrator.

B. Canadian-Registered Rotorcraft. U.S. operators may add Canadian-registered rotorcraft to a Rotorcraft External-Load Operating Certificate in accordance with the following conditions.

1) Operators and new applicants for a part 133 Rotorcraft External-Load Operating Certificate must have and maintain the exclusive use of at least one rotorcraft that is U.S. registered and meets the requirements of § 133.19.

2) Any Canadian-registered rotorcraft added to a part 133 Rotorcraft External-Load Operating Certificate and used in part 133 operations must:

a) Be type certificated (TC) under 14 CFR part 27 or 29, the regulations preceding those parts, or 14 CFR part 21, § 21.25.

b) Hold a U.S. TC in the normal or restricted category.

c) Meet the original type design or properly altered condition.

d) Have records showing maintenance in accordance with the manufacturer's instructions for continued airworthiness (ICA) and the regulations of the country of registry.

e) Undergo an airworthiness inspection prior to addition to a part 133 certificate.

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C. North American Free Trade Agreement (NAFTA). Certain Specialty Air Services (SAS) authorized by NAFTA require use of rotorcraft external loads. NAFTA operators do not require part 133 certification because they hold equivalent authorization from their respective NAFTA Civil Aviation Authority (CAA). However, the rotorcraft authorized by a NAFTA Certificate of Authority (COA) must have an original FAA or Transport Canada Civil Aviation (TCCA) civil TC. Ex-military aircraft that have restricted category certification based on military experience only are not eligible. For more information, see Volume 12, Chapter 1, Section 4.

D. FSDO Certification (Office) File. This file becomes the office file if certification is successful or retains records justifying denial of certificate issuance. Include in the file any correspondence and copies of documents processed before, during, and after certification.

2-935 DOCUMENT COMPLIANCE PHASE OVERVIEW.

A. Document Review. After accepting the application, conduct an indepth review of the following documents during the Document Compliance Phase:

- Rotorcraft lease(s), if applicable;
- Two copies of the Rotorcraft-Load Combination Flight Manual (RLCFM);
- Documentation that the Chief Pilot meets the requirements of § 133.21;
- Documentation that pilots meet instrument qualifications and currency for instrument flight rules (IFR) operations, if applicable; and
- The Class D training programs, including initial and recurrent training, if applicable.

B. Establish Exclusive Use of at Least One Rotorcraft. A registration certificate or information from the aircraft registration data bank is acceptable as proof of ownership for the purpose of § 133.19. A lease agreement is required when the certificate holder does not own at least one rotorcraft certificated for external-load operations. Occasionally, the person who owns the rotorcraft also owns the corporation that is applying for the Operating Certificate. In such cases, the applicant and the person owning the rotorcraft are separate legal entities, and a lease agreement is necessary.

1) Any lease agreement furnished must identify the rotorcraft by type, registration number, and manufacturer's identification number (serial number). The wording of the agreement must show that the certificate holder has sole possession, control, and use of the rotorcraft for flight. The agreement must also indicate the person or entity responsible for ensuring performance of required maintenance.

2) The agreement must provide for at least 6 consecutive months of exclusive use with no escape clause. However, there is no requirement that the lease have 6 months remaining at the time of certificate issuance or renewal. If unable to determine exclusive use of the rotorcraft, obtain a copy of the lease and send it to the appropriate FAA Counsel for evaluation through the appropriate Flight Standards division.

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NOTE: An external-load operator certificate is considered an airworthiness certificate for operations conducted under part 133 (refer to § 133.51) and cannot be issued to a rotorcraft unless it was TC'd under part 27 or 29, the regulations preceding those parts, or § 21.25.

C. RLCFM. The applicant is required to prepare a manual that describes characteristics of the rotorcraft used to achieve the maximum safe working conditions during an external-load operation. Volume 3, Chapter 51, Section 3 describes the requirements of part 133 and part 27 subpart G or part 29 subpart G.

D. Testing, Currency, and Training Requirements.

1) Conduct knowledge and skill tests during the Demonstration and Inspection Phase if the applicant cannot produce evidence that all pilots meet the appropriate regulatory requirements. Logbook entries, including those showing external-load operating experience, and previous letters of endorsement are acceptable forms of evidence to indicate compliance with 14 CFR part 61, § 61.57 and §§ 133.21, 133.23, and 133.37. For a Chief Pilot designation, the Administrator must find that the applicant's previous experience, safety record, knowledge, and skill meet the requirements of §§ 133.21 and 133.23.

2) Section 133.37 states that operators may not use crewmembers or other operations personnel for Class D external-load operations unless they have successfully completed either an approved initial or recurrent training program. Applicants must submit the training program for FAA approval during initial certification or when adding a Class D authorization. Although possibly self-trained, the Chief Pilot must also complete the operator's approved Class D training program.

3) A person who has performed a Class D external-load operation in a rotorcraft of the same type within the past 12 calendar-months does not need to undergo recurrent training.

E. Airworthiness. Airworthiness inspectors must examine the following documents:

- Rotorcraft maintenance records;
- Records showing FAA approval of the attaching means;
- Airworthiness and registration certificates;
- Approved Rotorcraft Flight Manual (RFM); and
- For Class D authorizations, records showing engineering approval of the personnel lifting device.

2-936 DEMONSTRATION AND INSPECTION PHASE OVERVIEW.

A. Knowledge and Skill Test. The applicant-designated Chief Pilot must pass an FAA inspector-administered knowledge and skill test. The test must cover the subjects prescribed in § 133.23. Volume 5, Chapter 10, Section 1 contains a detailed description of the Chief Pilot tests. The Chief Pilot or Chief Pilot designee usually administers subsequent knowledge and skill tests to other operator-employed pilots, but an FAA inspector may give the tests.

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B. Operational Flight Check. If the external-load operator cannot provide a reliable record of having transported a similar load previously, § 133.33 requires the operator to demonstrate, by an operational flight check, the ability to transport an external load in a safe manner. The inspector defines the term "differs substantially from any … previously carried" using the following examples as a guide:

1) Examples of Class B loads that do not differ substantially from each other include an air conditioner versus an electrical transformer. Both these loads are non-aerodynamic and not considered substantially different.

2) Examples of loads that could differ substantially include an air conditioner versus a large pane of glass or other lightweight loads. These loads are substantially different because the pane of glass can be aerodynamic under certain conditions. Follow § 133.41 to the extent necessary for a particular load combination.

NOTE: Conduct this flight check while the inspector observes from the ground, unless the inspector determines observation from aboard the rotorcraft is absolutely necessary.

C. Single-Pilot Operation from an Approved Pilot Station Seat. Most rotorcraft require the pilot to fly from the right pilot station seat. Some operators prefer to fly from the left pilot station during external-load operations and have modified their rotorcraft to permit such operation. Regardless of the pilot station location, the pilot must have an adequate field of view (FOV) and access to the controls and cockpit displays required for safe operation. The pilot also must have access to load release mechanisms and be able to perform emergency procedures as described in the RLCFM. The operator must obtain FAA approval of these modifications from an Aircraft Certification Office (ACO) through the Supplemental Type Certificate (STC) process, or from a FSDO through the field approval process. Either process requires both an FAA evaluation of the modified rotorcraft and ACO approval of the Rotorcraft Flight Manual Supplement (RFMS).

2-937 CERTIFICATION PHASE OVERVIEW.

A. Certification. After successful completion of the part 133 certification process, issue a Rotorcraft External-Load Operating Certificate and applicable authorizations to the applicant. In accordance with §§ 133.27(b) and 133.51, a copy of the Operating Certificate and aircraft authorization must be carried aboard each rotorcraft when the rotorcraft is being used in operations conducted under this part.

B. Restricted Category Rotorcraft. Rotorcraft certificated in the restricted category for special purpose of external-load operations under § 21.25(b)(7) receive restricted category airworthiness certificates for conducting external-load operations. List these rotorcraft in the Web-based Operations Safety System (WebOPSS) authorizations to ensure the operator is working within the limitations of the certificate.

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2-938 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of part 133 regulatory requirements and FAA policies, qualification as an aviation safety inspector (ASI) (Operations), and experience as a rotorcraft external-load pilot.

B. Coordination. This task requires coordination with the FSDO's airworthiness unit and the Aviation Data Systems Branch.

2-939 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 1, 21, 27, 29, 61, 91, and 133.
- Advisory Circular (AC) 133-1, Rotorcraft External-Load Operations.

B. Forms:

- FAA Form 1360-33, Record of Visit, Conference, or Telephone Call.
- FAA Form 8430-21, Operating Certificate (see Figure 2-37 for a sample).
- FAA Form 8710-4, Rotorcraft External-Load Operator Certificate Application (see Figure 2-38 for a sample).

C. Job Aids:

- Certification Process Flowchart (Figure 2-39).
- Part 133 Certification Job Aid (Figure 2-40).
- Sample letters.

2-940 APPLICATION PHASE PROCEDURES.

A. Applicant Resources. When an applicant initially inquires about certification, determine the location of the proposed principal base of operations. If the principal base of operations is in the service area of another FSDO, provide the applicant with the location and telephone number of that office. Direct the applicant to the Flight Standards website at http://www.faa.gov for applicable regulations, ACs, FAA orders, notices, bulletins, and other pertinent information. Make sure the applicant is aware of the certification and operating requirements of part 133 and answer any questions on the following:

- The general applicability and definition of terms;
- The certification requirements;
- The operating rules;
- Part 133 recordkeeping requirements; and
- The requirement to comply with other Federal, state, and local regulations.

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B. Special Considerations for Part 133:

- Load class authorizations (A, B, C, or D);
- IFR authorization requirements;
- Qualifications and experience required for Chief Pilot;
- RLCFM requirement;
- Training program requirements for Class D operations; and
- Hazardous materials (hazmat) training program (if applicable).

C. FAA Form 8400-6, Preapplication Statement of Intent. Instruct the applicant to complete the Preapplication Statement of Intent (PASI) found at http://www.faa.gov/forms and submit it to the FSDO. Complete the Application Phase within 90 days following receipt of this form.

1) Upon receipt of a signed PASI, the FSDO manager initiates the Certification Service Oversight Process (CSOP) (see Volume 10, Chapter 12, Section 1). Review the form to ensure that there is sufficient information to further process the preapplication and that the proposed operation is consistent with part 133. The PASI must contain the following:

a) The company legal name, including any doing business as (DBA) names, the principal base of operations address, the mailing address, phone numbers, and the planned date when operations will begin.

b) Names of management personnel and Chief Pilot.

c) Type, make, model, and quantity of rotorcraft operated.

d) In block 10 of the form, direct the applicant to list all desired authorizations (e.g., Class A, B, C, D, or IFR).

2) If the PASI is unacceptable, describe the reasons why it is unacceptable in section 2 of the form and return to the applicant. Notify the applicant, either verbally or by letter, that the PASI is unacceptable for the reasons detailed in section 2 of the form and that a new PASI is required. It is mandatory to retain a copy of the rejected PASI in the FSDO files.

3) When the PASI is acceptable, the FSDO manager initiates the CSOP in accordance with Volume 10, Chapter 12, Section 1.

D. Certification Project Manager (CPM) and Certification Project Team (CPT).

1) The FSDO designated as the CHDO will select a CPT for the certification project. At a minimum, the team must consist of an Operations, Maintenance, and Avionics inspector. Generally, these inspectors will be the principal inspectors (PI) assigned to the applicant once the certification process is completed. Once the CSOP is completed and a FSDO is designated as the CHDO for the certification project, the CHDO may request a precertification number from the Aviation Data Systems Branch. (See Volume 2, Chapter 1, Section 3.)

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2) The manager of the CHDO will designate one member of the CPT to serve as the CPM. This person should have completed appropriate training and, if possible, should have previous experience in the certification of an air operator under part 133. It is desirable to designate a person with PI experience; however, depending on the situation, other inspectors may be acceptable. The CPT must conduct himself or herself in a professional and responsive manner with the applicant. The CPM will:

a) Serve as the primary spokesperson for the FAA throughout certification and maintain the Certification File.

b) Coordinate all certification matters with assigned certification specialists.

c) Ensure that all certification job functions are completed.

d) Coordinate all correspondence.

e) Notify the FSDO manager of any information that may significantly affect or delay the certification project.

f) Keep individuals involved with the certification project and the FSDO manager fully informed of the current status of the certification.

g) Maintain a record of any difficulties encountered during any phase of the certification or recommendations for future surveillance (Certification Report) to include in the Certification File.

E. PTRS. Open the PTRS file.

F. Application Package.

1) Provide the applicant with the following materials or refer him or her to the current online resource:

- FAA Form 8710-4 (see Figure 2-38 for a sample);
- Part 133 Certification Job Aid (Figure 2-40);
- Letter of Nomination for Designation as a Chief Pilot (see Figure 2-41 for a sample); and
- Sample Rotorcraft-Load Combination Flight Manual (see Volume 3, Chapter 51, Section 3, Figure 3-133).

2) Discuss how to complete the forms and advise the applicant to submit the forms with original signatures.

3) Use the following factors to determine if the inspector needs to discuss additional items with the applicant:

- Previous experience in part 133 external-load operations;
- Size, scope, and safety aspects of the operation;

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- Area of operation;
- Class D or IFR authorization, if requested; and
- Ability to comply with the certification requirements.

4) If necessary, discuss the following with the applicant and answer any questions about the certification process:

a) The time and gate requirements for the completion of each phase;

b) Areas of operation (local or outside FSDO service area), including the principal base of operations and any proposed satellite bases;

c) Load class authorization(s) the operator is seeking;

d) Operator's previous experience with part 133 operations;

e) Qualifications and experience of the designated Chief Pilot;

f) Applicability of parts 91 and 133;

g) AC 133-1;

h) Previous or pending enforcement action against the applicant or pilot(s);

i) Purpose of the certification job aid;

j) Contents of the RLCFM;

k) Training program requirements for Class D operations; and

l) Requirements to carry hazmat.

G. FSDO Office File. Establish a file to include correspondence and copies of documents developed before, during, and after certification.

H. Application Overview. Review the application package and determine if it is complete. If the package is not complete, notify the applicant in writing (see Figure 2-44, Sample Part 133 Letter Rejecting Application Package) of the changes needed before certification can continue. Figure 2-38 shows an example of a properly completed application form. Conduct an indepth review of the package during the Document Compliance Phase.

I. Enforcement History Check. Determine the applicant and pilot's enforcement history using the Enforcement Information System (EIS). Print out the EIS query results, even if no history exists, and place in the FSDO office file.

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1) If a certificate action indicates that the applicant cannot be certificated while an order is in effect, inform the applicant in writing (see Figure 2-42, Sample Letter Indicating Applicant Not Eligible for Certification Because of Pending Enforcement Action) that he or she is not eligible for certification until the terms of the enforcement action have been satisfied.

2) If a certificate action is in effect for the Chief Pilot designee, inform the applicant in writing (see Figure 2-43, Sample Letter Indicating Chief Pilot Designee Not Eligible Because of Pending Enforcement Action) that the pilot is not eligible to be Chief Pilot until the terms of the enforcement action have been satisfied. Continue with the certification process only after designation and checking of another Chief Pilot designee through the EIS.

3) If a certificate action is in effect for any of the other applicant-employed pilots (other than Chief Pilot), continue with the certification process. Inform the applicant that the pilot(s) in question will not be eligible to conduct external-load operations until the terms of the enforcement action have been satisfied.

J. Coordinate with Airworthiness Unit. Notify the airworthiness unit that a Maintenance inspector must review the maintenance records during the Document Compliance Phase. Coordinate with the airworthiness unit during the Demonstration and Inspection Phase for inspection of the installation and operation of the external-load attaching means. For Class D load operations, this may include approval of the personnel lifting device if not previously approved.

K. Application Meeting (Required). Schedule the application meeting after completing the application review process.

1) Review a schedule for certification and make any necessary adjustments.

2) Review the requirements for each load class authorization.

3) Discuss the requirements for the RLCFM.

4) Discuss the rotorcraft ownership or lease agreement.

5) Review the applicant’s previous experience in external-load operations.

6) Review the experience and qualifications of the designated Chief Pilot.

7) Review the requirements for an IFR authorization, if applicable.

8) Review the requirements for a Class D training program, if applicable.

L. Gate Complete. Verify that all steps in the Application Phase are complete before continuing to the Document Compliance Phase (see Figure 2-39). If this phase is not complete within 90 days of the receipt of the PASI, notify the applicant that the inspector may need to end the certification process. Completion of this gate triggers a new 90-day completion timeline for the Document Compliance Phase.

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2-941 DOCUMENT COMPLIANCE PHASE PROCEDURES. After receiving the application package, evaluate the information in the following documents.

A. The Application Form, FAA Form 8710-4 (see Figure 2-38 for a sample).

1) In block 1, the applicant indicates the following:

a) "Original Issuance" if the application is for initial certification;

b) "Amendment" if the application is for a change to an existing certificate;

c) "Renewal" if the application is for renewal of an existing certificate;

d) Certificate number if the application is for amendment or renewal; and

e) Check the appropriate block(s) to indicate the load classes requested.

2) In block 2, the applicant indicates the name (including DBAs), mailing address, and telephone number of the operator.

3) In block 3, the applicant indicates the address and telephone number of the principal or local base of operations. Verify the applicant has listed a physical address in this block; a post office box is not acceptable.

4) In block 4, the applicant indicates the name of the Chief Pilot or designee and that pilot's Airman Certificate grade (e.g., private, commercial, airline transport pilot (ATP)) and certificate number.

5) In block 5, the applicant indicates all rotorcraft used by registration number, make, and model. The applicant also indicates the requested load classes and whether the FAA previously approved the attaching device for each rotorcraft. The applicant may use the "Remarks" column to indicate rotorcraft for which he or she is requesting IFR authorization.

6) At the bottom of the form, the applicant or authorized officer must date and sign the application. The person signing the application must also include their title (e.g., Director of Operations, President).

7) The inspector will complete the reverse side of the form during the Certification Phase.

B. Evaluate Rotorcraft Lease(s). See Volume 3, Chapter 51, Section 5.

C. Evaluate RLCFM. See Volume 3, Chapter 51, Section 3.

D. Letter of Nomination for Designation as a Chief Pilot (see Figure 2-41 for a sample). Verify the nomination of and acceptance by the Chief Pilot. Both the operator and Chief Pilot must sign the letter.

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E. Qualifications of Chief Pilot. Determine if the Chief Pilot nominee meets the requirements of § 133.21 and has:

1) Previous experience in external-load operations;

2) A satisfactory safety record; and

3) Passed the knowledge and skill test for external-load operations.

NOTE: If it is necessary to administer a knowledge and skill test for the Chief Pilot, conduct it during the Demonstration and Inspection Phase.

F. Review Rotorcraft and Equipment Maintenance Records (Airworthiness). See Volume 3, Chapter 51, Sections 2 and 4.

G. Class D Training Program (if applicable). Examine Class D initial and recurrent training programs for the following elements.

1) Ground training for pilots should include:

a) Reviewing the contents of the Class D authorization;

b) Calculating the longitudinal and lateral Weight and Balance;

c) Determining single-engine hovering out-of-ground effect performance, considering weight and environmental conditions (refer to § 133.45(e)(1));

d) Reviewing normal and emergency communications procedures, including hand signals;

e) Reviewing crew coordination procedures;

f) Reviewing preflight procedures for all equipment;

g) Reviewing congested area plan (CAP) requirements;

h) Briefing all persons involved with the external-load operation;

i) Using approved personnel lifting devices;

j) Operating the winch, including weight, longitudinal and lateral center of gravity (CG), operational limitations, preflight, normal, and emergency procedures;

k) Night operation considerations, limitations, and risk mitigation procedures (if applicable);

l) Avoiding collisions and obstacles; and

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m) Reviewing other information necessary to ensure pilot competence. For example, for each rotorcraft make and model used, examine the training program for information about the following:

- Major rotorcraft systems;
- Limitations of the rotorcraft make and model;
- Performance characteristics;
- Fuel consumption and management;
- Approved RFM, approved RLCFM, and approved supplements;
- Procedures for normal and emergency situations;
- Explanations of the causes of loss of tail rotor effectiveness and procedures to recover; and
- Avoidance of potentially hazardous meteorological conditions.

2) Flight training for pilots while carrying a simulated load (ballast) on the personnel lifting device should include:

a) Computing longitudinal and lateral Weight and Balance and performance planning;

b) Performing takeoffs and landings;

c) Maintaining directional control while hovering;

d) Accelerating from a hover;

e) Performing approaches to landing or work areas;

f) Operating the winch, if so equipped;

g) Using safety devices that prevent inadvertent release of the load;

h) Releasing the load in an emergency;

i) Single-engine hovering and maneuvering for landing;

j) Night flight training (if applicable); and

k) Avoiding collisions and obstacles.

3) Ground training for flight crewmembers (e.g., winch operators) should include:

a) Reviewing normal and emergency communications procedures, including hand signals;

b) Operating the winch, including weight and operational limitations, preflight, normal, and emergency procedures;

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c) The appropriate portions of the RLCFM;

d) Reviewing crew coordination procedures;

e) Conducting a preflight inspection of lifting equipment;

f) Using the approved personnel lifting devices;

g) Using personal safety equipment (e.g., harnesses, clothing, and gloves);

h) Recognizing the onset of hazardous load oscillations;

i) Recognizing other dangerous situations;

j) Night operation considerations, limitations, and risk mitigation procedures. (if applicable); and

k) Avoiding collisions and obstacles.

4) Flight training for flight crewmembers (e.g., winch operators) while carrying a simulated load (ballast) should include:

a) Operating the winch, if so equipped;

b) Communicating among crewmembers, including hand signals as well as normal and emergency communications procedures;

c) Using safety devices that prevent inadvertent release of the load;

d) Releasing the load in an emergency;

e) Using an approved personnel lifting device;

f) Using personal safety equipment (e.g., harnesses, clothing, and gloves);

g) Stabilizing oscillating winch loads; and

h) Avoiding collisions and obstacles.

5) Ground and flight training for ground crew personnel while carrying a simulated load (ballast) should include:

a) Reviewing normal and emergency communications procedures, including hand signals;

b) Reviewing crew coordination procedures;

c) Performing a preflight inspection of the lifting equipment;

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d) Using an approved personnel lifting device;

e) Operating the winch, including limitations and normal and emergency procedures;

f) The appropriate portions of the RLCFM;

g) Recognizing dangerous situations;

h) Night flight training (if applicable);

i) Recognizing the onset of hazardous oscillation of the load; and

j) Using personal safety equipment (e.g., helmets, gloves, and goggles).

6) If there are any unsatisfactory items, notify the applicant. The inspector may make minor corrections in the office without returning the entire package. For substantial corrections, notify the applicant in writing and place a reasonable time limit on when the corrections should be completed (see Figure 2-46, Sample Letter Explaining Document Deficiencies). Place a copy of the letter in the Certification File.

H. Gate Complete. Verify that all steps in the Document Compliance Phase are complete before continuing to the next phase (see Figure 2-39). Notify the applicant that the inspector may need to take steps to end the certification process if this phase takes longer than 90 days. The completion of this gate triggers a new 90-day completion timeline for the Demonstration and Inspection Phase.

2-942 DEMONSTRATION AND INSPECTION PHASE PROCEDURES.

A. Conduct Knowledge and Skill Tests. See Volume 5, Chapter 10.

B. Conduct Rotorcraft and Equipment Inspection (Airworthiness). See Volume 3, Chapter 51, Sections 2 and 4.

C. Conduct Operational Flight Checks (if required). Conduct operational flight checks (as required by § 133.33). Conduct this flight check while the inspector observes from the ground, unless the inspector determines observation from aboard the rotorcraft is absolutely necessary.

1) Have the operator ensure the gross weight and CG location of the rotorcraft-load combination (RLC) is within approved limits. They should also verify the secure fastening of the external load and that the load does not interfere with devices provided for its emergency release.

2) Observe an initial lift-off to verify that controllability is satisfactory.

3) Have the pilot execute a 360-degree pedal turn (to the right or left, as appropriate) to verify that directional control is satisfactory while the rotorcraft is hovering.

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4) Verify that no attitude encountered in forward flight results in the rotorcraft becoming uncontrollable or the occurrence of dynamic turbulence. Check that hazardous oscillations of the external load do not occur. Other crewmembers or ground personnel may verify this if the load is not visible to the ASI when conducting a check in the rotorcraft.

5) Have the pilot increase forward speed to determine the maintenance of directional stability as both the rotorcraft and external load accelerate.

6) If appropriate, have the pilot maintain horizontal flight at the maximum speed for which authorization is requested; observe whether load oscillations occur that would interfere with rotorcraft stability.

7) For load Classes B, C, and D, observe normal operation of the lifting device during flight or hovering to ensure that it does not interfere with flight control.

8) Have the pilot maneuver the external load into its release position and demonstrate the release. Note any difficulties or discrepancies in the proper positioning of the load and the rotorcraft exit from the site.

9) Make notes during and immediately after the operational flight check for reference when debriefing the applicant and for later placement in the office file.

D. Conduct a Base Inspection. See Volume 6, Chapter 5, Section 1.

E. Results of Inspections and Testing. If all inspections are satisfactory, proceed with certification. Advise the applicant in writing (see Figure 2-47, Sample Letter Explaining Inspection Deficiencies) if any items are unsatisfactory. Reschedule the inspections or tests, as appropriate.

F. Gate Complete. Verify that all steps in the Demonstration and Inspection Phase are complete before continuing to the next phase (see Figure 2-39). Notify the applicant that the inspector may need to take steps to end the certification process if this phase takes longer than 90 days. The completion of this gate triggers a 14-day completion timeline for the Certification Phase.

2-943 CERTIFICATION PHASE PROCEDURES. When the applicant meets all certification requirements, review and complete the job aid (Figure 2-40) for verification purposes.

A. Prepare and Issue Operating Certificate. Use FAA Form 8430-21 for an Operating Certificate (see Figure 2-37 for a sample). Follow these steps to prepare the certificate:

1) Enter the full legal business name of the company below the words “This certifies that.” Use the same legal business name as indicated on Figure 2-48, Sample Part 133 Letter Listing DBAs. Place any additional business names on the certificate below the legal name.

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a) The acronym "DBA" precedes the additional business name.

b) The certificate holder will provide evidence, as applicable, of the appropriate State or local government's authorization of all business names.

c) The CHDO should not restrict the number of DBAs used by a certificate holder. Should there be insufficient space on the certificate to accommodate all DBAs, the legal name and address should appear on the certificate with a notation to see an accompanying letter for a list of DBAs.

2) Enter the address of the principal base of operations below the full legal name. This address must reflect the physical location of the principal base of operations.

3) Do not modify the preprinted certification statement of authority. Complete the statement by typing "ROTORCRAFT EXTERNAL-LOAD OPERATIONS" in the space provided.

4) Include the expiration date, which is the last day of the 24th calendar-month after the date of issue (refer to § 133.13).

5) Enter the certificate number. Contact the Aviation Data Systems Branch if the inspector did not already obtain a precertification number.

6) Enter the date the applicant met all requirements for certification. Type the four-character alphanumeric designator and the city and state of the CHDO into the space provided (e.g., NM09, Portland, OR).

7) Enter the full title of the person signing the certificate.

8) Submit the certificate for the FSDO manager to sign.

B. Issuing Authorizations in WebOPSS. The FAA uses WebOPSS to provide a national standardized method for issuing regulatory letters of authorization (LOA). Use of this system also puts the operator into the national database for receiving safety advisories and alerts. Enter all appropriate information in WebOPSS and issue the required paragraphs and any applicable optional paragraphs. In accordance with §§ 133.27(b) and 133.51, each rotorcraft must carry a copy of the Operating Certificate and aircraft authorization (LOA A003) when the rotorcraft is being used in operations conducted under this part.

C. Application Completion. Complete the inspection report on the reverse side of FAA Form 8710-4.

1) Approve each suitable rotorcraft by the following:

- Make and model;
- Registration number;
- Approval date;
- Load classes (A, B, C, or D);

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- Weight authorized;
- Limitations and remarks (IFR authorizations, if applicable); and
- The inspector's signature.

2) Include any pertinent remarks.

3) Indicate how the Chief Pilot met the knowledge and skill requirements (i.e., actual test or previous logbook endorsement). In addition, indicate:

a) The Chief Pilot's name;

b) The load classes the Chief Pilot is authorized for (insert in name block); and

c) The date the Chief Pilot met the knowledge and skill requirements.

4) Sign the application or have it signed by the inspector who tested or verified the Chief Pilot's experience.

5) Check the applicable boxes to indicate the operator's authorized load classes.

6) Include the certificate number obtained from the Aviation Data Systems Branch.

7) Indicate the issue date of the certificate.

8) Enter the FSDO acronym.

9) Have the CPM approve and sign the application.

D. Certificate Denial. If the applicant does not meet certification requirements, issue a letter of denial (see Figure 2-49, Sample Part 133 Letter Denying Certification). Indicate disapproval on FAA Form 8710-4, make any necessary comments, and have the FSDO manager sign and date the application.

E. FSDO Certification (Office) File. After issuing the certificate, verify that the office file contains copies or originals of the following:

1) PASI Form;

2) FAA Form 8710-4;

3) Certification job aid;

4) Operating Certificate;

5) Letter designating Chief Pilot;

6) Summary of any difficulty encountered during certification and its resolution (Certification Report);

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7) RLCFM;

8) Approved Class D training program, if applicable;

9) WebOPSS authorizations;

10) The EIS/Accident Incident Data System (AIDS) profile on the applicant and personnel;

11) Knowledge and skills tests including results, or logbook endorsements, as appropriate;

12) Approved CAP, if applicable;

13) Amendment or revision authorization letter; and

14) All general correspondence relevant to the operator.

F. Operator Records. After certification, the operator must maintain records required by the regulations, including training and currency records for that operator's pilots and Chief Pilot. For further details, see Volume 5, Chapter 10, Section 1 and Volume 6, Chapter 5, Section 1. Remind the operator of these requirements when the certificate is issued.

G. Enhanced Vital Information Database (eVID). Enter all appropriate information into the eVID Air Operator Basic File and Air Operator Aircraft Auxiliary File.

H. PTRS. Complete the PTRS record.

I. Gate Complete. Verify that all steps in the Certification Phase are complete (see Figure 2-39). Complete this phase within 14 days.

2-944 TASK OUTCOMES. Completion of this task results in one or more of the following:

- Issuance of a Rotorcraft External-Load Operating Certificate and the appropriate part 133 LOAs;
- Certification denial in writing (see Figure 2-49) and the return of all original documents to applicant;
- A letter to the applicant confirming termination of the certification process at the applicant's request; and/or
- A letter to the applicant confirming termination of the certification process after exceeding the time limit for any phase.

2-945 FUTURE ACTIVITIES. Future activities include:

- Schedule and conduct surveillance according to national guidelines;
- Renew the certificate every 24 calendar-months;
- Review CAPs, if revised (see Volume 3, Chapter 51, Section 6);
- Amend the certificate, as required (see Volume 3, Chapter 51, Section 1); and
- Amend or add authorizations, as required.

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Figure 2-37. Sample FAA Form 8430-21, Operating Certificate

US Department
of Transportation
Federal Aviation Administration

Operating Certificate

This certifies that

Operator's Name and Address

has met the requirements of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and standards prescribed therein, for the issuance of this certificate and is authorized to operate as an Air Operator and conduct

Rotorcraft External-Load Operations

in accordance with said Act and the rules, regulations, and standards;

This certificate is not transferable and, unless canceled, suspended, superseded, surrendered or revoked, shall continue in effect **until [enter the last day of the 24th calendar month after the date of issue]**

By Direction of the Administrator

Certificate number: AAA-A-XXX-A

Effective Date: [Date]

Issued at: AAXX, City, State

(Signature)

Manager, XXX-FSDO-XX
(Title)

FAA Form 8430-21 (6-87) AFS Electronic Forms System - v2.2

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Figure 2-38. Sample FAA Form 8710-4, Rotorcraft External-Load Operator Certificate Application

Form Approved: OMB No. 2120-0044
11/30/2011

US Department of Transportation
Federal Aviation Administration

Rotorcraft External-Load Operator Certificate Application

INSTRUCTIONS: *Submit this form in triplicate to local FAA District Office*

1. APPLICATION FOR *(CHECK APPLICABLE BOX)*	CERTIFICATE NO. *(For amendment or renewal only.)*	EXTERNAL - LOAD CLASS AUTHORIZATION (S)
☒ ORIGINAL ISSUANCE ☐ AMENDMENT ☐ RENEWAL		☒ A ☐ B ☐ C ☒ D

2. NAME AND ADDRESS OF APPLICANT *(Include Zip Code)*	3. PRINCIPAL OR LOCAL BASE OF OPERATIONS *(Airport, City, State, and Zip Code)*
Bob Operator 858 Lift Lane, Silver Bay, MN 55044	Duluth International Airport (KDLH) 901 Aviation Drive, Duluth, MN 55041
TELEPHONE NUMBER (202) 123-4567	TELEPHONE NUMBER

4. NAME OF CHIEF PILOT OR PILOT IN CHARGE OF LOCAL OPERATION	AIRMAN CERTIFICATE	GRADE	NUMBER
Joe P. Ilot		ATP	1234567

5. **ROTORCRAFT TO BE USED**

REGISTRATION NUMBER	TYPE		LOAD CLASS (X)				ATTACH PREV DEVICE APPD.		REMARKS
	MAKE	MODEL	A	B	C	D	YES	NO	
N123VF	Bell	206	X				X		
N456VF	Agusta	AW139				X		X	

CERTIFICATION

I certify that the statements made on this application form and any attachments are true and correct, and that the operations indicated on this application will be conducted within the requirements of the Federal Aviation Act of 1958 and the applicable Federal Aviation Regulations.

DATE	TITLE OF AUTHORIZED OFFICER	SIGNATURE OF APPLICANT OR AUTHORIZED OFFICER
05/01/2009	President	

FAA Form 8710-4 (11-2007) SUPERSEDES FAA FORM 8420-7 and FAA FORM 8000-32 Electronic Forms (PDF)

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Figure 2-39. Certification Process Flowchart

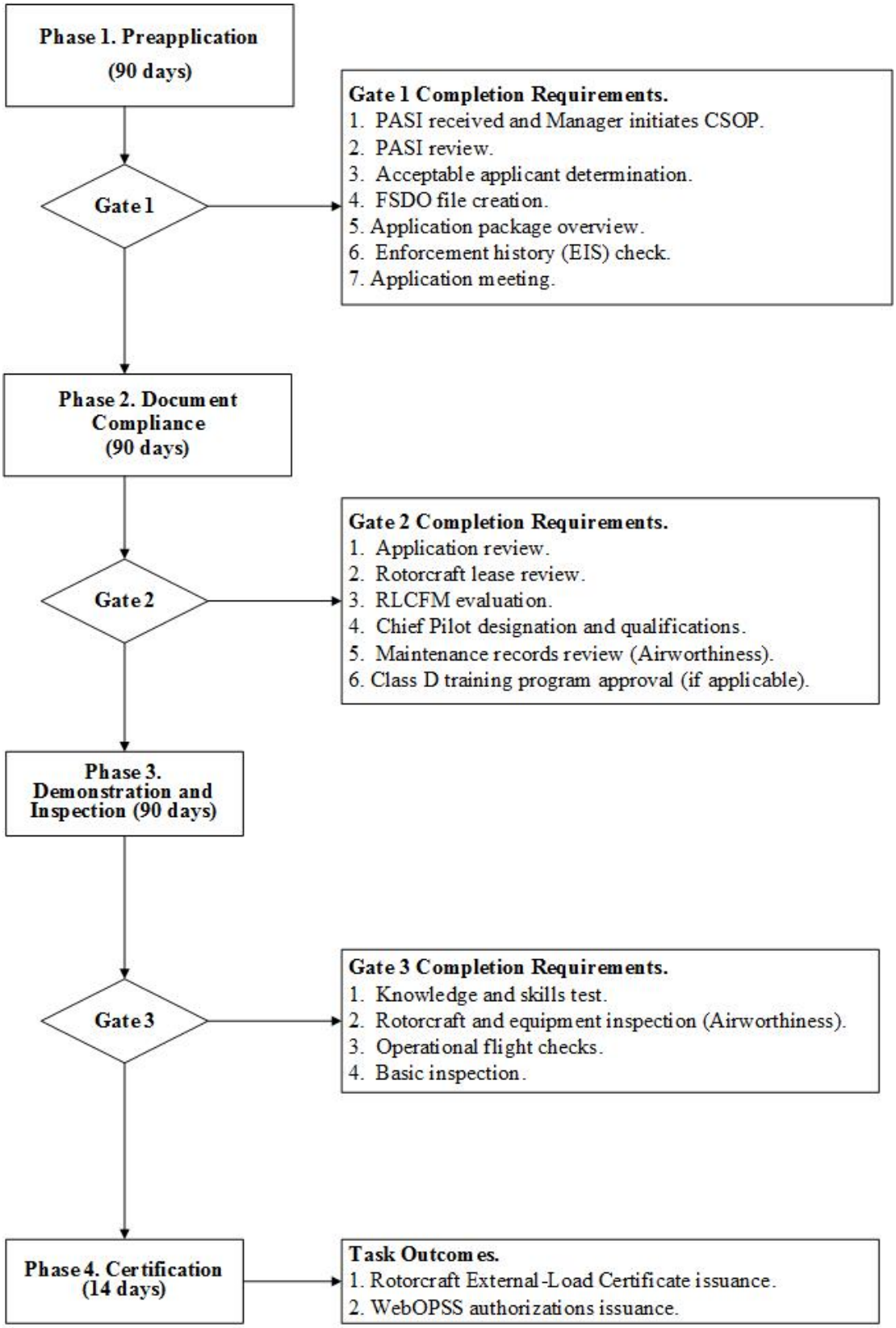

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Figure 2-40. Part 133 Certification Job Aid

14 CFR PART 133 CERTIFICATION JOB AID					
CERTIFICATION TEAM **Name** **Specialty** _____ _____ _____	**Name of Applicant** **Remarks**				
	Inspector's Initials	**Date**	**S**	**U**	**N/A**
APPLICATION PHASE					
1. Initial contact with _____.					
2. Applicant provided with current references.					
3. Answer initial certification questions.					
4. Preapplication Statement of Intent (PASI) received. (Manager initiates CSOP.)					
5. PASI review.					
6. Provide application package.					
7. Application quality review.					
8. Enforcement history check.					
9. Application meeting.					
10. Gate complete (within 90 days).					
DOCUMENT COMPLIANCE PHASE					
11. Application package review (in depth).					
a. FAA Form 8710-4.					
b. Rotorcraft ownership/lease.					
c. Rotorcraft-Load Combination Flight Manual (RLCFM).					
d. Letter of Designation of Chief Pilot.					
e. Qualifications of Chief Pilot.					
f. Review maintenance records (Airworthiness).					
g. Class D training program.					
h. Gate complete (within 90 days).					

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Figure 2-40. Part 133 Certification Job Aid (Continued)

14 CFR PART 133 CERTIFICATION JOB AID					
CERTIFICATION TEAM **Name** **Specialty** _____ _____ _____	**Name of Applicant** **Remarks**				
	Inspector's Initials	**Date**	**S**	**U**	**N/A**
DEMONSTRATION AND INSPECTION PHASE					
12. Knowledge and skill tests.					
13. Rotorcraft and equipment inspection (Airworthiness).					
a. Equipped for Class A loads.					
b. Equipped for Class B loads.					
c. Equipped for Class C loads.					
d. Equipped for Class D loads.					
e. Approved Class D personnel lifting device.					
f. Section 133.49(a) placard (in cockpit or cabin).					
g. Section 133.49(b) placard (next to load attaching means).					
(1) States maximum load.					
(2) Matches RLCFM.					
h. Installation and function of load carrying/attaching device.					
14. Operational flight checks.					
15. Base inspection.					
16. Gate complete (within 90 days).					

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Figure 2-40. Part 133 Certification Job Aid (Continued)

14 CFR PART 133 CERTIFICATION JOB AID					
CERTIFICATION TEAM **Name** **Specialty** _____ _____ _____	**Name of Applicant** **Remarks**				
	Inspector's Initials	**Date**	**S**	**U**	**N/A**
CERTIFICATION PHASE					
17. Certificate number obtained from Aviation Data Systems Branch (AFS-620).					
18. Prepare Operating Certificate.					
19. Prepare Web-based Operations Safety System (WebOPSS) authorizations.					
20. Complete inspection report (reverse side of FAA Form 8710-4).					
21. Complete the Flight Standards District Office (FSDO) certification (office) file.					
22. Enhanced Vital Information Database (eVID) entry.					
23. Program Tracking and Reporting Subsystem (PTRS) entry.					
24. Certificate issuance.					
25. Gate complete (within 14 days).					
26. Surveillance plan established.					

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Figure 2-41. Sample Letter of Nomination for Designation as a Chief Pilot

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

[Date]

Federal Aviation Administration (FAA)
Flight Standards District Office (FSDO)
[FSDO address]
[FSDO city, State, and ZIP Code]

Dear Inspectors:

I am writing to inform you that, as part of our application for a Rotorcraft External-Load Operating Certificate, I wish to designate the following person as Chief Pilot, with your approval:

[Name, certificate grade and number]

[Name] has accumulated over [XXXX] hours as pilot in command (PIC) of rotorcraft and most recently was employed as an external-load pilot for [name of other operator]. In this capacity, [name] flew [make and model]. [Name] completed the FAA knowledge and skill tests on [date].

All records of experience and training are available for the inspector's review.

Sincerely,

[Signature of operator]

[Name]
[Title]

I accept this nomination for designation as Chief Pilot.

[Signature of Chief Pilot]

[Name of Chief Pilot]

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Figure 2-42. Sample Letter Indicating Applicant Not Eligible for Certification Because of Pending Enforcement Action

[FAA Letterhead]

[Date]

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

Dear [name of applicant]:

This letter is to inform you that you are ineligible for certification as a rotorcraft external-load operator.

During our precertification review of your enforcement history, we determined that [type of enforcement action and justification for discontinuing certification process].

If you have any questions concerning this matter or desire to reapply after completion of the enforcement sanction, please contact this office at [telephone number].

Sincerely,

[Flight Standards District Office (FSDO) manager's signature]

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Figure 2-43. Sample Letter Indicating Chief Pilot Designee Not Eligible Because of Pending Enforcement Action

[FAA Letterhead]

[Date]

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

Dear [name of applicant]:

This letter is to inform you that your nominee for Chief Pilot, [name of Chief Pilot], is not eligible for the position.

During our precertification review, we determined that an enforcement action is in effect against [name of Chief Pilot]'s Airman Certificate.

Please submit a new Chief Pilot nominee within 30 days from receipt of this letter.

If you have any questions concerning this matter or desire to submit another nominee for Chief Pilot, please contact this office at [telephone number].

Sincerely,

[Flight Standards District Office (FSDO) manager's signature]

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Figure 2-44. Sample Part 133 Letter Rejecting Application Package

[FAA Letterhead]

[Date]

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

Dear [name of applicant]:

This letter is to inform you that the application package you submitted to become a rotorcraft external-load operator is not acceptable. The following is a list of discrepancies noted:

[List the specific discrepancies found in each document.]

[List any missing items or documents.]

We have returned all items in your application package with this letter. We have enclosed blank forms for you to submit a corrected application package. If you intend to terminate the certification process or if you have any questions, please contact this office at [telephone number].

Sincerely,

[Flight Standards District Office (FSDO) manager's signature]

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Figure 2-45. Sample Part 133 Letter Accepting Formal Application Package

[FAA Letterhead]

[Date]

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

Dear [name of applicant]:

This letter is to inform you that we have accepted your application for a Rotorcraft External-Load Operating Certificate for review.

The next step in the certification process is to review the following:

> [List the documents, as appropriate to the applicant. For example:
>
> FAA Form 8710-4, Rotorcraft External-Load Operator Certificate Application.
> Lease Agreements.
> Rotorcraft-Load Combination Flight Manual (RLCFM).
> Letter of Designation of Chief Pilot.
> Qualifications of Chief Pilot.
> Rotorcraft and Equipment Maintenance Records.
> Class D Training Programs.]

We will notify the inspector of the results of this review and any further actions required.

Sincerely,

[Certification project manager's (CPM) signature]

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Figure 2-46. Sample Letter Explaining Document Deficiencies

[FAA Letterhead]

[Date]

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

Dear [name of applicant]:

During the Document Compliance Phase of certification, we found the following items deficient and are returning them for correction:

> [List the specific items and discrepancy, for example:
>
> 1. FAA Form 8710-4, Rotorcraft External-Load Operator Certificate Application, should indicate the registration numbers of the rotorcraft used.
>
> 2. The Class D training program does not include any training on appropriate hand signals used by ground personnel in the event of radio communication failure.]

Please correct and resubmit the items listed above by [date] in order to continue the certification process. If you have any questions concerning this matter, please contact this office at [telephone number].

Sincerely,

[Certification project manager's (CPM) signature]

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Figure 2-47. Sample Letter Explaining Inspection Deficiencies

[FAA Letterhead]

[Date]

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

Dear [name of applicant]:

During the [type of inspection; e.g., rotorcraft equipment, operational flight check, base inspection] we noted the following deficiencies:

[List specific deficiencies.]

You must correct these items before the certification process can continue. Inform this office of when you anticipate completing these corrections so that the schedule for certification may be adjusted.

Sincerely,

[Certification project manager's (CPM) signature]

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Figure 2-48. Sample Part 133 Letter Listing DBAs

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

[Date]

Federal Aviation Administration (FAA)
Flight Standards District Office (FSDO)
[FSDO address]
[FSDO city, State, and ZIP Code]

Dear Inspectors:

The following corporate names (doing business as (DBA)) may be associated with rotorcraft external-load operations authorized upon certification of [legal business name]:

[List all business names and addresses.]

Sincerely,

[Name of applicant]

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Figure 2-49. Sample Part 133 Letter Denying Certification

[FAA Letterhead]

[Date]

[Operator's name]
[Operator's address]
[Operator's city, State, and ZIP Code]

Dear [name of applicant]:

This letter is to inform you that we have denied your application for a Rotorcraft External-Load Operating Certificate.

The reasons for denial are as follows:

> [List specific reasons in detail and cite Title 14 of the Code of Federal Regulations (14 CFR) sections where possible.]

If you have any questions concerning the above, please contact this office at [telephone number].

Sincerely,

[Flight Standards District Office (FSDO) manager's signature]

RESERVED. Paragraphs 2-946 through 2-965.

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VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 8 CERTIFICATION OF A PART 137 OPERATOR

Section 1 The Certification Process of a Part 137 Operator

2-966 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE. 1202.

2-967 OBJECTIVE. This task determines that an applicant for a Title 14 of the Code of Federal Regulations (14 CFR) part 137 certificate meets the rules governing the operation of agricultural aircraft by private or commercial operators. This guidance applies to manned aircraft as well as certificated or noncertificated Unmanned Aircraft Systems (UAS). Successful completion of this task results in either issuance of a Private or Commercial Agricultural Aircraft Operator Certificate or denial of a certificate.

2-968 GENERAL. Before beginning any process, inspectors should review Volume 2, Chapter 1, Section 1, and the Web-based Operations Safety System (WebOPSS). Certification of a part 137 operator that wishes to use a UAS requires the inspector to have additional knowledge of Public Law (PL) 112-95, FAA Modernization and Reform Act of 2012, Section 333, Special Rules for Certain Unmanned Aircraft Systems; the 14 CFR part 11 exemption process; 14 CFR part 107; and Volume 16. Certification of an operator using a small UAS requires an inspector to have knowledge of part 107. Please be aware, the operator of a UAS either cannot comply with several sections in part 137, or those requirements are not applicable to UAS operations. Therefore, an applicant proposing to use a UAS must receive a grant of exemption with relief of the appropriate sections of part 137 before the certification process reaches the Demonstration and Inspection Phase. UAS that weigh less than 55 pounds are operated under part 107 and will require an exemption to sections of part 137 to legally conduct operations. UAS that weigh 55 pounds or more must be operated under an exemption and that exemption will include relief from sections of 14 CFR parts 61, 91, and 137. The phrase "unless otherwise exempted" is used numerous times in this volume and refers to an operator's exemption, whether they are operating a small UAS under part 107 or under a PL 112-95, Section 333 exemption for a UAS that weighs 55 pounds or more.

2-969 PREAPPLICATION PHASE.

A. Basic Eligibility Requirements. During initial contact with an applicant proposing a part 137 operation, the inspector must determine if the proposed operation is applicable to part 137, and whether the applicant will become certified with a manned aircraft or a UAS. In making this determination, the inspector considers the following basic eligibility requirements:

1) The applicant should apply for either a Private or a Commercial Operator Certificate, per part 137, § 137.19.

a) The private agricultural aircraft operator may not conduct operations over property unless the operator is the owner or lessee of the property or has ownership or other legal

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interest in the crops located on the property. (See Volume 3, Chapter 52, Section 1, subparagraph 3-4233D, Proof of Property Interest.) In addition, the private operator may not conduct operations for compensation or hire over a congested area (refer to § 137.35). A commercial agricultural aircraft operator is not limited by these conditions.

b) The private operator/applicant for manned aircraft operations must hold a Private, Commercial, or Airline Transport Pilot (ATP) Certificate with appropriate ratings.

c) The private operator/applicant for unmanned aircraft (UA) operations must hold an exemption from § 137.19(b). The exemption will dictate the level of certificate the applicant must hold (e.g., Remote Pilot, Sport Pilot, Recreational Pilot, and/or Private Pilot Certificate).

d) The commercial operator/applicant for manned aircraft operations must have available the services of a pilot with a current Commercial or ATP Certificate with appropriate ratings. (The applicant may be the available pilot.)

e) The commercial operator/applicant for UA operations must hold an exemption from § 137.19(b). The exemption will dictate the level of certificate the applicant must hold (e.g., Remote Pilot, Sport Pilot, Recreational Pilot, and/or Private Pilot Certificate).

2) The applicant must show proof of the availability of at least one aircraft that is properly certificated, Airworthy, and equipped for the proposed agricultural operations, unless otherwise exempted.

3) The applicant for a Commercial Operator Certificate must have the appropriate knowledge and skills or have the services of a chief supervisor of agricultural operations who has the appropriate knowledge and skills applicable to the aircraft used (manned aircraft or UA).

B. Exceptions to Part 137. The following are exceptions to part 137 applicability:

1) A public aircraft (manned aircraft or UA), whether it is a state or local government entity or a Federal entity conducting agricultural aircraft operations, need not comply with the certification rules of part 137, but must comply with certain operating rules of part 137. A public aircraft is one used exclusively in the service of any government or any political subdivision thereof and not engaged in carrying persons or property for commercial purposes. (Refer to 14 CFR part 1, § 1.1.) For more information on public aircraft operations (PAO), refer to Volume 3, Chapter 14, Section 2 and Advisory Circular (AC) 00-1.1, Public Aircraft Operations.

2) The holder of a 14 CFR part 133 certificate may conduct an agricultural aircraft operation involving only the dispensing of water on forest fires by rotorcraft external-load means without meeting the part 137 certification requirements. (Refer to §§ 137.11(d) and 137.29(e).)

C. Restricted and Experimental Category Aircraft. Restricted category aircraft may be used in agricultural operations, per part 91, § 91.313(c). Under certain conditions, aircraft with experimental (amateur-built) certification may also be used in private agricultural operations, per § 91.319.

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D. The Certification Team. For a part 137 certification, the office manager or unit supervisor usually selects at least one Operations inspector, one Maintenance inspector, and one Avionics inspector, as required for a team. One person is designated as the certification project manager (CPM). All correspondence, both to and from the applicant, shall be coordinated with the CPM.

E. Certification Service Oversight Process (CSOP). The Flight Standards District Office (FSDO) manager will initiate CSOP upon receipt of the part 137 application from either a private or commercial applicant.

NOTE: See Volume 10, Chapter 12, Section 1, Flight Standards Certification Services Oversight Process, for detailed information/guidance on CSOP.

F. Establishment of a FSDO File for the Applicant. This file forms the basis for the eventual operator file if certification is successful. It also provides information for justifying the denial of a certificate.

G. Job Aids. The Part 137 Certification Job Aid (Figure 2-50) can be useful to the certification team and the applicant. The certification team may also wish to provide the applicant with a blank Part 137 Sample Schedule of Events (Figure 2-51) for the applicant's use. The applicant may, however, submit a certification schedule in any form as long as it is acceptable to the certification team.

H. The Preapplication Meeting. If the certification team has determined a preapplication meeting is necessary, that meeting should include, but not be limited to, the following:

- An overall review of the Letter of Intent (LOI) (see Figure 2-52, Part 137 Sample Letter of Intent),
- A review of the applicable 14 CFR parts and ACs, and
- A review and discussion of the upcoming certification process.
- A discussion on any required exemptions needed if a UAS will be used.

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Figure 2-50. Part 137 Certification Job Aid

NOTE: Parts of the job aid may not apply to Unmanned Aircraft Systems (UAS) operations due to issued exemptions.

14 CFR PART 137 CERTIFICATION JOB AID						
NAME OF OPERATOR:	CERTIFICATION TEAM NAME _____ _____	Specialty _____ _____				
ADDRESS:	_____	_____				
Page one		**INSP. INITIAL**	**DATE**	**YES**	**NO**	**N/A**
1. Initial contact handled by:						
2. Letter of Intent (LOI).						
3. Preapplication meeting.						
4. Applicant has a current edition of Advisory Circular (AC) 137-1, Certification Process for Agricultural Aircraft Operators, and understands how to obtain guidance through the Flight Standards Information Management System (FSIMS).						
5. Formal application meeting.						
6. Application for private agricultural certificate submitted. FSDO manager will initiate the Certification Service Oversight Process (CSOP) upon receipt of the application.						
7. Application for commercial agricultural certificate submitted. FSDO manager will initiate CSOP upon receipt of the application.						
8. Aircraft is certificated and Airworthy, unless otherwise exempted.						
9. Is UAS operated under an exemption?						
10. Aircraft is equipped for agricultural operations.						
11. Aircraft inspected by Airworthiness inspector.						
a. Inspection of installation and function of load-carrying or attaching devices.						
b. Optional equipment installations inspected.						
c. Airworthiness Directives (AD) record current.						
d. Installation and function of spray or diffusion equipment and jettisoning device.						
e. In-house or contract maintenance observed.						

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Figure 2-50. Part 137 Certification Job Aid (Continued)

14 CFR PART 137 CERTIFICATION JOB AID						
NAME OF OPERATOR:	CERTIFICATION TEAM NAME _____ _____	Specialty _____ _____				
ADDRESS:	_____	_____				
Page two		**INSP. INITIAL**	**DATE**	**YES**	**NO**	**N/A**
11. Applicant has services of appropriate chief supervisor and pilots.						
a. Knowledge test passed (14 CFR part 137, § 137.19(e)(1)).						
b. Skill test passed (§ 137.19(e)(2)).						
c. For congested area operations, each pilot in command (PIC) meets the requirements of § 137.53(b)(1) through (2).						
d. UAS pilots not meeting § 137.19 hold an exemption.						
12. Congested area operations proposed.						
a. Basic congested area plan (CAP) submitted for approval.						
(1) Plan provides for approval by appropriate government officials.						
(2) Plan provides for air traffic control (ATC) coordination, if needed.						
(3) Plan includes a complete description of the operations.						
(4) Plan lists all involved aircraft by make, model, and N-number.						
(5) Plan lists all involved pilots by name, certificate, grade, and number.						
(6) Plan includes appropriate maps, charts, and diagrams.						
(7) Plan has a specific method for discontinuing the operation in the event of a hazard.						
b. Plan clearly describes who is actually conducting the operation and what is being contracted.						

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Figure 2-50. Part 137 Certification Job Aid (Continued)

14 CFR PART 137 CERTIFICATION JOB AID						
NAME OF OPERATOR:	CERTIFICATION TEAM NAME _____ _____	Specialty _____ _____				
ADDRESS:	_____	_____				
Page three		**INSP. INITIAL**	**DATE**	**YES**	**NO**	**N/A**
13. Applicant understands agricultural aircraft operating limitations.						
a. Limitations of 14 CFR part 91, § 91.313(b) and (c) and/or any applicable conditions and limitations (C&L) listed in an exemption held by the operator.						
b. Prohibitions on passenger carrying.						
c. Weight and Balance (W&B) limits.						
d. Limits on operating without position lights.						
e. Limits on congested area dispensing.						
f. Limits on nonstandard traffic patterns.						
g. Limits of § 91.119 during ferry to/from dispensing site.						
14. Commercial operator recordkeeping.						
a. Name of each person to whom services were provided.						
b. Date services were provided.						
c. Name and quantity of material dispensed.						
d. Name of each pilot used and date § 137.19(e) was met.						
e. Knowledge of the need to keep records for 1 year.						
15. Certificate number obtained from the Aviation Data Systems Branch (AFS-620).						
16. Private or Commercial Agricultural Aircraft Operator Certificate prepared and issued.						
17. Certification report and FSDO file prepared.						
18. Surveillance plan established.						

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Figure 2-50. Part 137 Certification Job Aid (Continued)

14 CFR PART 137 CERTIFICATION JOB AID						
NAME OF OPERATOR:	CERTIFICATION TEAM NAME _____ _____	Specialty _____ _____				
ADDRESS:	_____	_____				
Page four		**INSP. INITIAL**	**DATE**	**YES**	**NO**	**N/A**
19. Other						
Note: 1. Operators may be exempt from certain requirements in this job aid. Refer to the operator's exemption for specific relief or additional requirements. See exemption C&L.						
Remarks:						
Inspectors' signatures:						

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Figure 2-51. Part 137 Schedule of Events

14 CFR PART 137 SCHEDULE OF EVENTS					
NAME OF OPERATOR:	NAMES OF MANAGEMENT PERSONNEL				
	Name _____ _____		Title _____ _____		
ADDRESS:	_____		_____		
	Applicant Date Ready	**FAA Date Received**	**FAA Date Returned**	**FAA Date Applied/ Accepted**	**Inspector Initial**
1. Letter of Intent (LOI).					
2. Application (FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application).					
3. Chief Supervisor Knowledge and Skill Test.					
4. Other Pilots Knowledge and Skill Test.					
5. Aircraft Lease/Proof of Availability.					
6. Aircraft Conformity Inspection (Airworthiness).					
7. Aircraft Records (Airworthiness).					
8. Commercial Operator Recordkeeping System.					
9. Proof of Bona Fide Property Interest (Private Operators).					
10. Other:					

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Figure 2-52. Sample Part 137 Letter of Intent

[*Operator's Letterhead*]

[*Date*]

[*Responsible FAA Flight Standards District Office (FSDO) address*]

Sir/Madam:

This is to notify the Federal Aviation Administration (FAA) of our intent to become a certificated Commercial [*or Private*] Agricultural Aircraft Operator under Title 14 of the Code of Federal Regulations (14 CFR) part 137.

We plan to begin operations on [*date*], and are ready for your certification inspection at this time. Operations will be confined to [*location*] and will involve the operation of [*number and type of aircraft*].

Enclosed is FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application, in duplicate.

Sincerely,

[*Operator's name and title*]

Attachments

2-970 FORMAL APPLICATION PHASE. If the certification team decides to have a formal application meeting, all members of the team should be present, barring unanticipated circumstances. If one member cannot be present, another qualified inspector of the same specialty should attend. Most likely the team will have called the meeting due to discrepancies with the application or the team perceived the applicant to be unsure of what was expected. If the proposed operation is complex, the certification team may decide to hold a formal application meeting.

> NOTE: An applicant intending to use a UAS in his or her operation must have made petition for an exemption by the beginning of this phase.

2-971 THE DOCUMENT COMPLIANCE PHASE. The application and evidence of an appropriately equipped aircraft must be reviewed during the Document Compliance Phase, unless they were satisfactorily reviewed in the formal application meeting (if so, then this phase can be eliminated). If an applicant or operator proposes to use a UAS in part 137 operations, the inspector must verify there are no discrepancies between the primary documents, such as the exemption or associated operating documents, and the proposed operation. If a discrepancy exists, the inspector should contact the General Aviation and Commercial Division for guidance. If the applicant will become certificated with a UAS, the applicant must provide the CPM with

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the make, model, and series (M/M/S), if applicable, of the UAS or the type, registration number (FA number), and serial number of the UAS to be used.

NOTE: The Federal Aviation Administration (FAA) guidance for issuance of Special Flight Authorizations (SFA) for foreign-registered manned aircraft is contained in FAA Order 8130.2, Airworthiness Certification of Products and Articles, Chapter 7, Special Flight Authorizations (SFA) for Foreign Civil Aircraft. There are no provisions in FAA Order 8130.2 or Order 8130.34, Airworthiness Certification of Unmanned Aircraft Systems and Optionally Piloted Aircraft, for issuance of SFAs for UAS. If a foreign-registered UAS needs an SFA to operate in the United States, this would require coordination and deviation approval from the Airworthiness Certification Section (AIR-113).

2-972 THE DEMONSTRATION AND INSPECTION PHASE. During this phase, the applicant will demonstrate the ability to comply with all applicable 14 CFR parts, any conditions and limitations (C&L) in an exemption or waiver (if held), and safe operating practices.

NOTE: An applicant planning to use a UAS may not begin this phase without having a granted exemption in hand for all the applicable 14 CFR parts.

A. Private Operators. Private agricultural aircraft operators are not required to maintain any records pertinent to their operation. However, this does not preclude the use of a written record to present evidence of informing personnel of their duties and responsibilities.

B. Commercial Operators. Each holder of a Commercial Agricultural Aircraft Operator Certificate must maintain, and keep current at the primary base of operations, certain specific records. Commercial operators may also wish to keep a written record to indicate that personnel have been informed of their duties and responsibilities (§ 137.71).

C. Time Limitation. The required records must be kept at least 12 months. The operator must make the records available for inspection by the FAA upon request.

2-973 THE CERTIFICATION PHASE.

A. Issuance of Certificate. The Air Operator Certificate number is obtained from the Aviation Data Systems Branch, as described in Volume 2, Chapter 1, Section 3. When the certification team has concluded that the applicant meets the qualifications for an Agricultural Aircraft Operator Certificate, prepare FAA Form 8430-21, Operating Certificate, using the date the final inspection was successfully completed as the effective date. (See Figure 2-53, FAA Form 8430-21, Sample Private Agricultural Aircraft Operator Certificate; and Figure 2-54, Sample Commercial Agricultural Aircraft Operator Certificate, for samples.)

B. Signature and Certificate Facsimile. The original certificate, signed by the FSDO manager, is given to the operator. A copy of the certificate is placed in the FSDO file for the operator. A facsimile of the certificate must be carried on board each aircraft or be in possession of the pilot in command (PIC) if operating a UAS.

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C. Private or Commercial Operator. The certificate and its copies must show that the certificate is for either a private operator or a commercial operator.

D. WebOPSS Templates. The appropriate authorizing documents must be issued to the operator from WebOPSS.

Figure 2-53. FAA Form 8430-21, Sample Private Agricultural Aircraft Operator Certificate

US Department
of Transportation
Federal Aviation
Administration

Operating Certificate

This certifies that

[Enter company name]
[Enter address of principal base of operations]

has met the requirements of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and standards prescribed therein, for the issuance of this certificate and is authorized to operate as an Air Operator and conduct

[Enter, Private Agricultural Aircraft Operations]

in accordance with said Act and the rules, regulations, and standards;
[Enter, dispensing of Economic Poisons Allowed or Dispensing of Economic Poisons Prohibited, as appropriate]
This certificate is not transferable and, unless canceled, suspended, superseded, surrendered or revoked, shall continue in effect
[Enter the word, indefinitely]

By Direction of the Administrator

Certificate number: [Enter certification number obtained from AFS-620]

Effective Date: [Enter date certification was completed]

Issued at: [FSDO, city & state]

[District office manager signs]
(Signature)

[District office manager's title
(Title)

FAA Form 8430-21 (6-87) AFS Electronic Forms System - v2.2

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Figure 2-54. FAA Form 8430-21, Sample Commercial Agricultural Aircraft Operator Certificate

US Department
of Transportation
Federal Aviation
Administration

Operating Certificate

This certifies that

[Enter company name]
[Enter address of principal base of operations]

has met the requirements of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and standards prescribed therein, for the issuance of this certificate and is authorized to operate as an Air Operator and conduct

[Enter, Commercial Agricultural Aircraft Operations]

in accordance with said Act and the rules, regulations, and standards;
[Enter, Dispensing of Economic Poisons Allowed or Dispensing of Economic Poisons Prohibited, as appropriate]
This certificate is not transferable and, unless canceled, suspended, superseded, surrendered or revoked, shall continue in effect
[Enter the word, indefinitely]

By Direction of the Administrator

Certificate number: [Enter certification number obtained from AFS-620]

Effective Date: [Enter date certification was completed]

Issued at: [FSDO, city & state]

[District office manager signs]
(Signature)

[District office manager's title]
(Title)

FAA Form 8430-21 (6-87) AFS Electronic Forms System - v2.2

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2-974 DISPOSITION OF FILE.

A. Certification Successful. If the application and other documents are approved and the demonstrations are acceptable, the applicant receives an Agricultural Aircraft Operator Certificate and WebOPSS documents. The FSDO file must contain copies of the application and a copy of the operator's certificate in addition to the other applicable material indicated in the remainder of this section.

B. Certification Unsuccessful. If the certification attempt is denied, the application is returned to the applicant as a notice of disapproval. The FSDO file must contain a copy of the notice of disapproval, with appropriate remarks pertaining to the denial.

2-975 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of the regulatory requirements of part 137 and FAA policies and qualification as an aviation safety inspector (ASI) (Operations).

B. Coordination. This task requires coordination with the airworthiness unit.

2-976 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts l, 43, 61, 107, and 137.
- AC 137-1, Certification Process for Agricultural Aircraft Operators.
- PTRS Procedures Manual.

B. Forms:

- FAA Form 8000-36, Program Tracking & Reporting System Data Sheet.
- FAA Form 8430-21, Operating Certificate (see Figure 2-53 and Figure 2-54).
- FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application.

C. Job Aids:

- Figure 2-50, Part 137 Certification Job Aid.
- Figure 2-51, Part 137 Schedule of Events.
- Sample letters and figures.

2-977 PREAPPLICATION PHASE PROCEDURES.

A. Initial Inquiry. Upon initial inquiry from an applicant, ask for the location of the principal base of operation. If the principal base of operation is in the jurisdiction of another FSDO, provide the applicant with the location and telephone number of that office. However, continue to give the applicant information to begin certification.

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B. Applicant Resources. Make sure the applicant is aware of the certification and operating requirements of parts 43, 61, 91, 107, and 137. The applicant should have current copies of parts 91 and 137 and AC 137-1. If there is any question, explain the following:

- General applicability and definition of terms;
- Certification requirements, including what may be applicable to UAS;
- Operating rules;
- Required records and reports of part 137; and
- The exemption process.

C. Other Regulations. Advise the applicant that he or she is responsible for complying with other Federal, state, and/or county aerial application regulations.

D. LOI. Determine if an LOI (Figure 2-52) is required based on the size and scope of the operation. (See subparagraph 2-977F below for content.) If no LOI is required, give the applicant three copies of the application.

E. PTRS. Open the PTRS file.

F. FSDO Review of the LOI. Within 30 business-days of the FAA's receipt of an LOI, review it to determine if the information is complete, accurate, and acceptable.

1) The LOI should contain the following items:

- Specific type of Agricultural Aircraft Operator Certificate for which he or she is applying (commercial or private);
- Company legal name and any doing business as (DBA) names, principal operations base address, primary airport address, mailing address (if applicable), and telephone numbers;
- Responsible person(s) who can sign the LOI;
- Email address;
- Type of aircraft to be operated;
- Estimated date when operations or services will begin;
- Names and addresses of any management personnel or chief supervisor; and
- In the case of a corporation, the Articles of Incorporation.

2) Determine if the applicant meets the eligibility requirements for certification. (Refer to detailed eligibility requirements in § 137.19.) If the applicant does not satisfy these, or holds an exemption granting relief from or has petitioned for an exemption requesting relief from these, discuss the specific areas that must be complied with before certification can begin.

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G. Application. If the applicant appears to meet the basic eligibility requirements, give the applicant a copy of FAA Form 8710-3, or have the applicant download the form.

1) Discuss how to complete these forms with the applicant.

2) Advise the applicant to download the form and submit it electronically. The original form can then be scanned and distributed electronically. These are distributed as follows: one in the FSDO file for the operator and one to the applicant.

3) Explain the certification process to the applicant, including the requirements for:

- The Preapplication Phase,
- The Formal Application Phase,
- The Document Compliance Phase,
- The Demonstration and Inspection Phase, and
- The Certification Phase.

H. Preapplication Meeting.

1) Determine if a preapplication meeting is necessary based on the following considerations about the applicant:

- Previous part 137 operating experience;
- Size and scope of operation;
- Manned aircraft or UA to be used;
- Area of operation; and
- Applicant's ability to comply with requirements.

2) If a preapplication meeting is not necessary, schedule a date and time for a formal application meeting.

3) If a preapplication meeting is necessary, schedule a date and time. At the meeting, discuss the following:

a) Area of Operation (local or across district boundaries):

- Location of principal operations base, and
- Location of probable satellite sites.

b) Type of operation:

- Private or commercial operator;
- Manned aircraft or UA;
- Economic poisons or other dispensing material; and
- Operating as individual, corporation, or partnership.

c) Previous experience with part 137 operations.

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d) Category and class of aircraft (helicopter or airplane) or UAS.

e) Qualifications and experience of chief supervisor.

f) Applicability of parts 91 and 137.

g) AC 137-1.

h) Any previous or pending enforcement action.

4) Advise an applicant who plans to use a UAS that they must have made petition for an exemption from the applicable sections of part 137 by the time the Formal Application Phase begins.

I. FSDO Records. If not already accomplished, the inspector may record visits, conferences, and telephone calls in the PTRS record 1202.

J. FSDO Working File. Establish a FSDO working file. Place any correspondence and additional documents in this file.

K. Other FSDO Actions. Query the Enforcement Information System (EIS) and Accident Incident Data System (AIDS) to determine the applicant's enforcement history.

1) If a certificate suspension or revocation order indicates that the applicant cannot be certificated while the order is in effect, inform the applicant in writing (see Figure 2-60, Part 137 Letter Confirming Termination of Process at Applicant's Request) that until the enforcement is fulfilled, the applicant is ineligible for certification.

2) Place the EIS and AIDS output in the file.

L. Termination of Preapplication Phase. This ends the Preapplication Phase. Begin the Formal Application Phase with the receipt of the completed application form.

2-978 FORMAL APPLICATION PHASE PROCEDURES.

A. Application Review. Within 30 business-days of receipt, review the application only to determine if it is of sufficient quality to continue with certification. Review it in depth in the Document Compliance Phase. (A sample application is shown in Figure 2-55, Sample FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application.)

B. Application Inaccurate or Incomplete. If the application is not complete or accurate, notify the applicant in writing (see Figure 2-56, Part 137 Letter Indicating Application is Not Correct) of needed changes before certification can be continued.

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C. Necessity of Formal Application Meeting. Determine if the optional formal application meeting is necessary.

1) If a formal application meeting is not necessary, schedule the certification inspection of the principal base of operations. Review with the applicant the procedures required during the Demonstration and Inspection Phase.

2) If a formal application meeting is necessary, schedule a date and time.

D. Formal Application Meeting. Discuss the items which would have been covered in a preapplication meeting or any discrepancies in the application thus far. Confirm that if the applicant is using a UAS, they have petitioned for an exemption from the applicable sections of parts 107, 137, and other 14 CFR parts if the UAS weighs 55 pounds or more.

E. Termination of Formal Application Phase. This completes the Formal Application Phase. The next phase is the Document Compliance Phase (normally conducted in the FSDO).

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Figure 2-55. Sample FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application

Form Approved
OMB No. 2120-0049
09/30/2014

US Department of Transportation
Federal Aviation Administration

AGRICULTURAL AIRCRAFT OPERATOR CERTIFICATE APPLICATION

INSTRUCTIONS
Submit in triplicate to the local Flight Standards District Office.

1. APPLICATION FOR	TYPE		FOR DISPENSING *(Check one)*			
		PRIVATE		ECONOMIC POISONS		ORIGINAL
		COMMERCIAL		OTHER THAN ECONOMIC POISONS		AMENDMENT
						REISSUANCE

2. NAME AND ADDRESS OF APPLICANT

TELEPHONE NUMBER

3. PRINCIPAL OPERATIONS BASE *(Airport, City, State)*

TELEPHONE NUMBER

4. OPERATING AS			
		INDIVIDUAL	OTHER *(Specify)*
		CORPORATION	
		PARTNERSHIP	

5. NAME OF CHIEF SUPERVISOR OF OPERATIONS IF OTHER THAN SHOWN IN ITEM 2. (COMMERCIAL OPERATIONS ONLY)

(First) *(Middle Initial)* *(Last)*

6. AIRMAN CERTIFICATE HELD | CERTIFICATE NUMBER

GRADE		RATINGS				
	PRIVATE		ASEL		AMES	TYPE RATING(S) *(Specify)*
	COMMERCIAL		AMEL		HELICOPTER	
	AIRLINE TRANSPORT		ASES		GYROPLANE	

7A. DO YOU HOLD A CURRENTLY EFFECTIVE CERTIFICATE OF WAIVER FOR CONDUCTING AGRICULTURAL AIRCRAFT OPERATIONS?

NO
YES *(Complete 7B)*

7B. WAIVER HELD	DATE ISSUED	EXPIRATION DATE	FAA DISTRICT OFFICE WHERE ISSUED

8. AGRICULTURAL AIRCRAFT TO BE OPERATED

MAKE	MODEL	EQUIPPED FOR		TOTAL NUMBER EACH AIRCRAFT OPERATED	REGISTRATION MARK (List a minimum of one)
		LIQUID	SOLID		

9. LIST THE NAME(S) AND AIRMAN CERTIFICATE NUMBER(S) OF AGRICULTURAL PILOT(S) WORKING FOR YOU AT THE PRESENT TIME
(Use separate sheet and attach if additional space is needed.)

NAME	CERT. NO.	NAME	CERT. NO.

10. REMARKS

11. CERTIFICATION: I CERTIFY THAT STATEMENTS MADE ON THIS FORM ARE TRUE AND CORRECT.

DATE	TITLE	SIGNATURE

FAA Form 8710-3 (10/12) SUPERSEDES PREVIOUS EDITION Page 1

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Figure 2-56. Sample Part 137 Letter Indicating Application is Not Correct

[*FAA Letterhead*]

[*Date*]

[*Applicant's name and address*]

Dear [*applicant's name*]:

The enclosed Federal Aviation Administration (FAA) Form 8710-3, Agricultural Aircraft Operator Certificate Application, is being returned because [*cite the specific item number on the application form and discrepancy*].

I am also enclosing additional forms for your use in resubmitting your application. The new application should be submitted no later than [*date of the letter plus 30 business-days*] so that the certification process will not be terminated.

Sincerely,

[*Name and signature of Operations inspector*]

2-979 DOCUMENT COMPLIANCE PHASE PROCEDURES. After accepting the application, the team must ensure each document is complete and correct through an in-depth review.

A. Document Review. The certification team evaluates at least the following:

1) The Application (FAA Form 8710-3). The form should be filled out in its entirety, except for block 7B (as directed by block 7A) and block 10, as required.

a) In block 1, the applicant indicates either Private or Commercial Operator Certificate, if economic poisons will be dispensed, and that the application is for original issuance.

b) Block 2 is for the name, business name, mailing address, and telephone number of the applicant. The applicant lists here all DBAs that will be used.

c) Block 3 is the applicant's principal operations base physical address and phone number.

d) In block 4, the applicant specifies whether the application is for an individual, a corporation, or a partnership.

e) In block 5, applicants for a Commercial Operator Certificate must indicate the name of the chief supervisor, if it is other than the applicant.

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f) In block 6, the applicant indicates the chief supervisor's grade of certificate; category, class, and type ratings; and certificate number.

g) Block 7A, indicate yes or no, and block 7B.

h) In block 8, the applicant indicates the registration number and make and model (M/M) of aircraft and whether they are equipped for liquid or solid dispensing.

i) In block 9, the applicant lists any other pilots employed and their certificate numbers.

j) Block 10 is for any pertinent remarks the applicant may have.

k) In block 11, the applicant or authorized officer signs and dates the application. Signatures on all copies must be original.

l) The reverse side is the inspector's report, where the certification team indicates the acceptability of the inspections. Figure 2-57, Sample FAA Form 8710-3, Reverse Side, Inspector's Report, shows a typical example.

2) Chief Supervisor (commercial operators only) and Pilot Qualifications (§ 137.19):

- Pilot currency requirements (part 61),
- Any existing letters of competency,
- Aircraft records (airworthiness),
- Registration certificate,
- Airworthiness Certificate,
- Aircraft maintenance documents, and
- Requirements of § 137.31 (shoulder harness).

3) UAS Operations.

a) If an applicant or operator proposes to use a UAS in part 137 operations, the inspector must verify there are no discrepancies between the primary documents, such as the exemption, waiver, Certificate of Authorization (CoA), or associated operating documents, and the proposed operation. If a discrepancy exists, the inspector should ensure the proposed operations are in compliance with the applicant's exemption and applicable rules.

b) If the applicant will become certificated with a UAS, the applicant must provide the CPM with the M/M/S, if applicable, of the UAS or the type, registration number (FA number), and serial number of the UAS to be used.

B. Unsatisfactory Items. If there are any unsatisfactory items, advise the applicant that they must be corrected before certification can continue.

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C. Terminating the Document Compliance Phase. When all documents are satisfactory, conclude the Document Compliance Phase. The next phase is the Demonstration and Inspection Phase.

Figure 2-57. Sample FAA Form 8710-3, Reverse Side, Inspector's Report

INSPECTION REPORT - For FAA Use Only

(To be completed by the General Aviation for Flight Standards District Office)

COMPLIANCE WITH APPLICABLE REGULATIONS			
1. PILOTS	NOT REQUIRED	SATISFACTORY	UNSATISFACTORY
A. CERTIFICATES			
B. RATING(S)			
C. KNOWLEDGE TEST			
D. SKILL TEST			
2. AIRCRAFT			
A. CERTIFICATED			
B. AIRWORTHY			
C. EQUIPPED FOR AGRICULTURAL OPERATIONS			

10. REMARKS *(Include an explanation of denial if application is disapproved).*

4. DISTRICT OFFICE ACTION	
☐ CERTIFICATE ISSUED	INSPECTORS SIGNATURES
☐ APPLICATION DISAPPROVED	
DATE INSPECTION COMPLETED	

FAA Form 8710-3 (10/12) SUPERSEDES PREVIOUS EDITION Page 2

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Figure 2-58. Sample FAA Form 8710-3, Reverse Side, Inspector's Report Completed

INSPECTION REPORT - For FAA Use Only

(To be completed by the General Aviation for Flight Standards District Office)

COMPLIANCE WITH APPLICABLE REGULATIONS			
1. PILOTS	NOT REQUIRED	SATISFACTORY	UNSATISFACTORY
A. CERTIFICATES		X	
B. RATING(S)		X	
C. KNOWLEDGE TEST	X		
D. SKILL TEST	X		
2. AIRCRAFT			
A. CERTIFICATED		X	
B. AIRWORTHY		X	
C. EQUIPPED FOR AGRICULTURAL OPERATIONS		X	

10. REMARKS *(Include an explanation of denial if application is disapproved).*

This applicant has been employed as a chief supervisor by other operators for the past six (6) years and is establishing his own business. According to our records, neither he nor his pilots have been involved in an accident during dusting or spraying operations.

4. DISTRICT OFFICE ACTION		
X	CERTIFICATE ISSUED	INSPECTORS SIGNATURES
	APPLICATION DISAPPROVED	[Signed] William F. Worth, Operations Inspector
DATE INSPECTION COMPLETED 01/21/1990		[Signed] Steve C. Boyingon, Maintenance Inspector

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2-980 DEMONSTRATION AND INSPECTION PHASE PROCEDURES.

A. Conduct Knowledge and Skill Test. You may accept a letter of competency or a logbook endorsement by an FAA inspector as meeting the requirement for a knowledge and skill test for the chief supervisor. A chief supervisor who has a letter of competency or logbook endorsement (from the FAA) may administer tests to other agricultural pilots employed by the operator for which he or she is the chief supervisor. If the chief supervisor has passed a state agricultural exam, it is not necessary to test on chemical knowledge. (See Volume 5, Chapter 11, Section 1.)

NOTE: A chief supervisor must be qualified via the knowledge and skill test for an airplane, rotorcraft, UAS, or all three by being tested and passing all applicable portions of § 137.19(e)(2). If the chief supervisor will oversee UAS operations, he or she must have passed a knowledge and skill test for UAS operations as well.

1) If any test is failed, notify the pilot immediately, following the procedures in Volume 5, Chapter 11, Section 1. Reschedule the appropriate portion of the test.

2) If the pilot passes the test, issue a Statement of Competency Letter or make a notation in the pilot's logbook. Use Volume 5, Chapter 11, Section 1, Figure 5-198, Statement of Competency Letter, or Figure 5-199, Sample Logbook Endorsement, as applicable. (If a logbook entry is used, make a memorandum for the FSDO file for the operator.)

B. Inspect Records and Recordkeeping Requirements. Inspect the applicant's record system:

- Commercial operators (§ 137.71),
- Private operators (none are required), or
- EIS/AIDS profile on applicant and personnel, record in PTRS "Comments" section, if necessary.

C. Inspect Aircraft. (Airworthiness.)

- Manned aircraft: According to Airworthiness Certificate held.
- UA: According to part 107 or C&L held in an exemption.

D. Conduct Base Inspection. See Volume 6, Chapter 6, Section 1.

E. Terminating Demonstration and Inspection Phase. When all demonstrations and inspections are complete, conclude the Demonstration and Inspection Phase. The next phase is the Certification Phase.

2-981 CERTIFICATION PHASE PROCEDURES. When all certification requirements have been met, complete inspection reports and checklists. Have the administrative staff prepare the Operating Certificate.

A. Prepare and Issue the Operating Certificate. Use FAA Form 8430-21 for an Agricultural Aircraft Operator Certificate (Figure 2-53 or Figure 2-54). Obtain a certificate

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number during certification and its resolution, following the procedures in Volume 2, Chapter 1, Section 3. The following information must be typed on the appropriate form when preparing the certificate for issuance:

1) Enter the certificate holder's full legal name directly below the words, "This certifies that …." Other names, such as DBAs, shall be listed on the Agricultural Aircraft Operator Certificate in accordance with § 137.55, as well as on template A001 in WebOPSS.

2) Enter the address of the certificate holder's principal base of operations directly below the certificate holder's name. (Do not use a Post Office Box address unless it also reflects the physical location of the principal base of operations.)

3) Do not modify the preprinted certification statement of authority. Complete the statement by typing either "Private Agricultural Aircraft Operations" or "Commercial Agricultural Aircraft Operations" in the space provided. Indicate whether dispensing of economic poisons is prohibited or allowed.

4) Obtain the final certificate number from Aviation Data Systems Branch in accordance with Volume 2, Chapter 1, Section 3.

5) Enter the date all requirements for certification were met.

6) Type the four-character alphanumeric designator, city, and state of the certificate-holding district office (CHDO) into the "Issued at" space of the form (e.g., EAl8, Richmond, VA).

7) Submit the certificate to the FSDO manager for signature.

8) Enter the full title of the person signing the certificate in the space provided.

B. Certificate Denial. If any certification requirement is not met, issue a letter of denial (see Figure 2-59, Part 137 Letter Denying Certificate). Specify the reasons for denial.

C. Certification Report. Assemble a certification report containing the following:

- A copy of the LOI, if applicable,
- The certification job aid,
- The application,
- The Schedule of Events (SOE),
- A copy of the Operating Certificate issued,
- A summary of any difficulty encountered during certification and its resolution, and
- A copy of any deviations or waivers issued.

D. Disposition of the Certification File.

1) The FSDO shall retain the original certification report in the FSDO file for the operator.

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2) If airplanes are to be housed outside of the CHDO's jurisdiction, the principal operations inspector (POI) assigned to the operator shall notify the other FSDO and provide a copy of any portion or all certification files at their request.

E. Minimum Equipment List (MEL). If applicable, issue authorization D095 from WebOPSS to authorize operations with an MEL. (See Volume 4, Chapter 4, Section 2.)

F. Enhanced Vital Information Database (eVID). Enter all appropriate information in the eVID Air Operator Basic File and Air Operator Aircraft Auxiliary File.

G. WebOPSS. WebOPSS authorizations were not previously issued to part 137 operators, as this was done utilizing paper documents; however, the WebOPSS system is now used to provide a national standardized method for issuing regulatory authorizations, such as congested area operations. The use of WebOPSS also places the operator into the national database for receiving safety advisories and alerts. Enter all appropriate information in WebOPSS and issue at least the required letter of authorization (LOA) paragraphs A001, A002, A003, A004, A007, and A447. Paragraphs D137 and D095 are optional.

H. FSDO File. The CPM shall ensure an official FSDO file for the operator is established after certification is complete. The file shall contain at least the following:

- Material from any working file used up to this point;
- The certification report and attachments;
- EIS/AIDS profile on applicant and personnel, including negative reports, if applicable (optional);
- Surveillance reports (can be noted in the PTRS);
- General correspondence relevant to the operator or agency; and
- Record of visit, conference, or telephone call (if made).

I. PTRS. Make a PTRS entry for this task.

2-982 TASK OUTCOMES. Completion of the task results in either:

A. Issuance of Certificate. Issuance of a certificate authorizing operations under part 137.

B. Denial of Certificate. A record on file consisting of:

1) Written notification to the applicant denying the certificate (Figure 2-60) and the return of all original documents; or

2) A letter to the applicant confirming termination of the certification process per the applicant's request (Figure 2-60).

2-983 FUTURE ACTIVITIES.

A. Develop a Postcertification Plan. When developing a postcertification plan, the inspector should plan to conduct additional surveillance or inspections during the first

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90 calendar-days the organization is in business. Accomplishment of the surveillance may require assistance from other FSDOs.

B. Conduct Surveillance. According to the established postcertification plan, conduct surveillance at appropriate intervals and update WebOPSS and the Enhanced Flight Standards Automation System (eFSAS), if necessary.

Figure 2-59. Sample Part 137 Letter Denying Certificate

[*FAA Letterhead*]

[*Date*]

[*Applicant's address*]

Dear [*applicant's name*]:

This letter is to inform you that your application for an Agricultural Aircraft Operating Certificate under Title 14 of the Code of Federal Regulations (14 CFR) is denied. During the process of application, the following items were not in compliance with the requirements of 14 CFR parts 61 and 137:

[*To the inspector: List only those items that were found not in compliance and cite the specific section. For example:*

1. Pilot did not possess valid medical certificate (part 61, § 61.3(c)).

2. The aircraft presented for initial inspection did not have a properly installed shoulder harness (part 137, § 137.31(b)).]

Attempts by personnel from this office to determine if these discrepancies have been corrected have not been successful.

Sincerely,

[*FSDO manager's signature*]

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Figure 2-60. Sample Part 137 Letter Confirming Termination of Process at Applicant's Request

[*FAA Letterhead*]

[*Date*]

[*Applicant's name and address*]

Dear [*applicant's name*]:

This letter confirms your request to terminate the certification process for the issuance of an Agricultural Operating Certificate (Title 14 of the Code of Federal Regulations (14 CFR) part 137).

All materials submitted for review are being returned with this letter. Any attempts to reapply after the date of this letter will require reinitiating the entire certification process.

Sincerely,

[*FSDO manager's signature*]

Figure 2-61. Sample Part 137 Letter Indicating Applicant Ineligible for Certification Because of Existing Enforcement Action

[*FAA Letterhead*]

[*Date*]

[*Operator's name and address*]

Dear [*operator's name*]:

This letter is to inform you that you are ineligible for certification as an agricultural aircraft operator (Title 14 of the Code of Federal Regulations (14 CFR) part 137).

During the investigation of enforcement history, it was determined that [*insert type of enforcement action*].

If you have any questions concerning this matter or desire to reapply once the enforcement action has been fulfilled, please contact this office at [*telephone number*].

Sincerely,

[*FSDO manager's signature*]

RESERVED. Paragraphs 2-984 through 2-1000.

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VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 9 ISSUE A CERTIFICATE OF WAIVER FOR AEROBATIC COMPETENCY EVALUATION/PRACTICE OPERATIONS

Section 1 Issue a Certificate of Waiver for Aerobatic Competency Evaluation/Practice Operations

3-236 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.

A. Issuance of Certificate of Waiver (CoW). 1230.

B. Review/Revise Aerobatic Competency Evaluation/Practice (ACE/P) Operations Manual and/or Plan of Activities (POA). 1237.

3-237 OBJECTIVE. The objective of this task is to review and issue, or deny, a request for a Federal Aviation Administration (FAA) Form 7711-1, Certificate of Waiver or Authorization, for Aerobatic Competency Evaluation/Practice (ACE/P) operations, and to determine if the applicant has developed an acceptable ACE/P Operations Manual for use in ACE/P operations, which includes procedures for an authorized aerobatic competency evaluator (ACE) to submit a POA to the responsible Flight Standards District Office (FSDO), providing notification of planned ACE/P operations within their district boundaries. Successful completion of this task results in the approval or disapproval of FAA Form 7711-2, Application for Certificate of Waiver or Authorization, for an ACE/P and an ACE/P Operations Manual, and the issuance or nonissuance of an ACE/P CoW.

3-238 GENERAL.

A. Purpose of the ACE/P CoW. The ACE/P CoW allows for reduced-notice, temporary ACE/P operations to be conducted under a CoW, in accordance with an ACE/P Operations Manual, which becomes an attachment to the approved CoW. The CoW grants authority to ACEs listed in the ACE/P Operations Manual to act as the responsible person during ACE/P operations according to a POA submitted to the FSDO responsible for the area where the proposed ACE/P operations are to be conducted. The ACE/P CoW authorizes the holder of a Statement of Aerobatic Competency (SAC), FAA Form 8710-7 or Transport Canada (TC) Form 26-0307 to be evaluated by the ACE or to practice their air show performance in a controlled environment that simulates the air show aerobatic box or flying display area. All ACE/P operations participants will conduct operations in accordance with the ACE/P CoW, special provisions, and ACE/P Operations Manual that establishes safe operating procedures, guidelines, and criteria to conduct aerobatics, dynamic, and standard maneuvering, and operate below the altitudes required in Title 14 of the Code of Federal Regulations (14 CFR) Part 91, General Operating and Flight Rules.

1) Pilots who hold a SAC are required to demonstrate their aerobatic competency on a regular basis, including the conduct of specific numbers of practices within specific time periods, in order to comply with the currency requirements established in FAA policy.

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2) ACEs evaluate air show performers who are required by FAA policy to hold a SAC. These pilots perform aerobatic, dynamic, and standard maneuvers below 1,500 feet above the surface as specified in part 91, § 91.303(e) or in proximity to persons, property, or airspace as specified in § 91.303(a)–(d). Additionally, these aircraft are flown at altitudes and/or horizontal radii less than the minimums specified in § 91.119(b) and (c), and/or § 91.515(a). These operations may also take place outside the parameters of several other regulations listed in § 91.905.

3) The ACE/P CoW will grant greater access to waivered airspace and allow ACEs and performers who hold a SAC the opportunity to practice or to be evaluated on a temporary basis in an environment that simulates the air show environment. The ACE/P CoW process is a tool that will allow the air show industry to significantly increase the level of safety for the performers and the public attending air shows in the United States.

B. Definitions.

1) Aerobatic Competency Evaluation/Practice (ACE/P) Operations. A vital safety tool used to establish waivered airspace for the purpose of evaluating SAC applicants conducting aerobatic routines under an FAA-accepted Recognized Industry Organization (RIO) ACE Program, and for the applicants and SAC holders to practice aerobatic routines in order to comply with currency requirements required by Volume 3, Chapter 6, Section 1.

NOTE: ACE/P operations do not involve invited assemblies of persons.

2) Aerobatic Competency Evaluator (ACE) and Aerobatic Competency Evaluation/Practice (ACE/P) ACE.

a) An ACE is a person designated to conduct an aerobatic competency evaluation in accordance with the provisions of an FAA-accepted RIO ACE Program and make recommendations to the FAA for the issuance of a SAC. This includes the initial issuance, renewal, reevaluation, and reinstatement of a SAC.

b) An ACE/P ACE is an ACE who is named in the ACE/P Operations Manual and is authorized under the ACE/P CoW as a responsible person for a local POA.

3) ACE/P Operations Manual. The ACE/P Operations Manual is the standard by which a certificate holder must conduct all operations pursuant to FAA Form 7711-1 for ACE/P. The controls, procedures, and conditions set forth in the ACE/P Operations Manual are the primary assurance that nonparticipating persons will not be jeopardized. The ACE/P Operations Manual is the basis for the issuance of the ACE/P CoW and, after approval, for the procedures by which a POA is created and submitted for each ACE/P area of operations. The ACE/P Operations Manual is a required attachment to the ACE/P CoW. Therefore, failure to comply with the provisions of the ACE/P Operations Manual shall be considered a violation of the terms of the ACE/P CoW and may constitute justification for cancellation of the ACE/P CoW.

4) Aerobatic Flight. When participating in accordance with the provisions of a CoW for an air show or ACE/P operations, single and formation aircraft are defined to be in aerobatic flight when the pitch attitude of that aircraft is greater than 60 degrees above

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or below the horizon and/or the angle of bank is greater than 75 degrees in reference to the horizon. The definition in § 91.303 does not apply. Therefore, an applicant should request that the portion of § 91.303 that defines aerobatic flight be waived in their application for an ACE/P CoW.

5) Aircraft. Any aircraft that is flown as part of the ACE/P operations.

6) Aviation Event. Aviation events include air shows, aerobatic competitions, closed-course air races, cross-country air races, parachute demonstrations, balloon events, flyovers, and fly-ins conducted before an invited assembly of persons, for which the FAA issues a CoW or Certificate of Authorization (CoA). ACE/P operations are not considered an aviation event/air show because they are not conducted before an invited assembly of persons.

7) Authorized Person. An authorized person is described as a person participating in the ACE/P operations who has been authorized by the ACE responsible for the ACE/P operations taking place and is listed on the POA submitted to the responsible FSDO. Examples of these authorized participants include: an ACE, pilot performer, safety observer, other performers and/or participants such as wing walkers, jet car drivers, motorcycle or car drivers, pole holders, glider wing runners and authorized critique photographers.

NOTE: Examples of nonparticipating persons are the public, spectators, media, and others who are not required to conduct ACE/P operations.

8) Responsible Person. This person is responsible for all aspects and special provisions of the CoW. This person must be acceptable to the Administrator as being knowledgeable concerning the terms and provisions of the CoW and the ACE/P Operations Manual. The responsible person will be accountable to the FAA for the safe conduct of the ACE/P operations and compliance with the FAA-approved ACE/P Operations Manual.

9) Plan of Activities (POA). A document containing the information listed in the ACE/P Operations Manual required for the proposed activity to be submitted to the FSDO responsible for the area of proposed ACE/P operations. This document provides notification of planned ACE/P operations in accordance with the ACE/P CoW and the attached ACE/P Operations Manual.

10) Statement of Aerobatic Competency (SAC). FAA Form 8710-7 and TC Form 26-0307 are used to issue a SAC. In order for a civil pilot (including foreign pilots) of a civil aircraft to perform aerobatics, dynamic maneuvering, and certain other maneuvers at air shows authorized by FAA Form 7711-1, the pilot must have a valid SAC in his or her possession.

C. Scope of Waivers. Waivers of part 91 listed on the CoW and the special provisions attached to the CoW may vary in scope, depending on the regulations that an applicant requests to be waived.

1) Some aerobatic maneuvers may require only a waiver of § 91.303(e) to permit aerobatic flight at less than 1,500 feet above ground level (AGL). Others may require the waiver

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of speed limitations, minimum safe altitudes, operations in controlled airspace, or specific prohibitions while operating in the vicinity of an airport.

2) Section 91.905 is an all-inclusive list of part 91 regulations that can be waived.

3) Commonly waived regulations for aerobatic contests, aerobatic practice areas, air shows and ACE/P operations are §§ 91.117, 91.119, 91.127, 91.129, 91.130, 91.131, 91.155, 91.303, and 91.515, depending on the location, congestion, and complexity of the area in which aerobatics will take place (see Figure 3-251, Sample List of ACE/P Regulations Waived).

NOTE: Section 91.155 may not be waived at any time for an ACE/P operation, unless the ACE/P operation is conducted entirely within the lateral boundaries of Class D Airspace.

4) Regulations that may not be waived at any time for an ACE/P operation:

a) Section 91.119(a).

b) Section 91.303(a) and (b).

D. Coordination With Air Traffic. ACE/P operations may be conducted at controlled or uncontrolled airports, or in sparsely populated areas far removed from any persons and/or congested areas, provided prior arrangements have been made with the controlling agency(ies) and/or property owner(s), in accordance with the ACE/P Operations Manual and the required POA. The location of these operations is determined through proper coordination by the CoW holder, the authorized ACE, and with appropriate air traffic control (ATC) personnel and property owners, as necessary.

1) Controlled airport procedures are as follows:

a) The pilot must have a two-way radio and be in contact with the tower, or other controlling agency (e.g., air route traffic control center (ARTCC)) on its frequency, and monitor the discrete frequency utilized by the observer.

b) The observer will be in contact with the air traffic control tower (ATCT) or other controlling agency (e.g., ARTCC) on its frequency, and with the pilot on the discrete frequency.

c) The authorized ACE will coordinate in advance with the ATCT or other controlling agency a location for the pilot to hold, when nonparticipating/transient aircraft approach the ACE/P operations area, until the traffic is no longer a factor to the ACE/P operations.

d) If necessary, the pilot may land until traffic conflicts are eliminated.

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2) Uncontrolled airport and off-airport location procedures are as follows:

a) The authorized person(s) must have a two-way radio and be in contact with the observer on a predetermined frequency.

b) The observer and the pilot will monitor the separate common traffic advisory frequency (CTAF) to maintain awareness of nonparticipating/transient aircraft.

c) The observer will immediately alert the pilot of any conflicting traffic or traffic inbound to the airport.

d) The authorized ACE, the pilot(s), and the observer(s) will coordinate in advance a location for the pilot to hold when nonparticipating/transient aircraft approach the ACE/P operations area, until the traffic is no longer a factor to the ACE/P operations.

e) If necessary, the pilot may land until traffic conflicts are eliminated.

E. Operation of Transponders. Transponders must be installed, operational, and used in the appropriate airspace, as required by § 91.215.

1) Transponders must be installed, operational, and used in the appropriate airspace, as required by § 91.215. All transponder-equipped aircraft are required to have their transponders turned on and set to Mode C while in the waivered airspace. This regulation cannot be waived under § 91.905.

2) Operation of Automatic Dependent Surveillance-Broadcast (ADS-B) Out equipment.

a) After January 1, 2020, and unless otherwise authorized by ATC, ADS-B must be installed, operational, and used in the appropriate airspace, as required by §§ 91.225 and 91.227.

b) All ADS-B Out-equipped aircraft are required to have their ADS-B Out equipment turned on while in the waivered airspace. This regulation cannot be waived under § 91.905.

1. Reduced ADS-B Out avionics performance during aerobatic flight is expected, and the FAA does not consider this to be a condition of noncompliance to applicable regulations.

2. ADS-B Out equipment installed on aircraft used while conducting aerobatic flight or aircraft certified for aerobatic flight must meet the performance requirements specified in § 91.227 when conducting nonaerobatic flights.

F. Night Operations. Night operations must be conducted in accordance with the corresponding special provisions listed in the ACE/P Operations Manual associated with the CoW. “Night” means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the Air Almanac, converted to local time.

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G. Special Considerations. Authorized persons may be present while on the exterior of, or entering or exiting, an aircraft in flight. The following are possible scenarios:

1) Aircraft that include external activities such as wing walking, parachuting, air-to-air transfers, air-to-ground transfers, and ground-to-air transfers.

2) Helicopter activities that include rappelling, long line operations, and other air show activities may constitute an external load. However, the FAA does not provide Class B, C, or D certification for nonjettisonable activities. They would not be approved as external-load operations under 14 CFR part 133.

H. Standard, Limited, Restricted, and Experimental Category Aircraft. In order to be used in ACE/P operations, the aircraft must have a Certificate of Airworthiness issued in the appropriate category and include operating limitations that, if applicable, permit the proposed operations.

I. Helicopter. Helicopter operations are generally conducted under § 91.119(d). However, helicopter ACE/P operations below 500 feet AGL may create a hazard to persons or property on the surface by drawing nonparticipants into the area. Therefore, FAA Form 7711-1 must be obtained for helicopter ACE/P operations. If helicopters are to be used for aerobatic purposes under the provisions of an ACE/P CoW, refer to the helicopter special provisions applicable to ACE/P operations available on the National Aviation Events Program website at http://www.faa.gov/about/initiatives/airshow/waiver.

J. FAA Forms. FAA Form 7711-2, Application for a Certificate of Waiver or Authorization (see Figure 3-242, Sample FAA Form 7711-2 Application for Aerobatic Competency Evaluation/Practice Operations), is a multipurpose form used to apply for FAA Form 7711-1, Certificate of Waiver or Authorization (see Figure 3-243, Sample FAA Form 7711-1 for Aerobatic Competency Evaluation/Practice Operations). All items on the form may not be applicable to the application request.

K. Application. FAA Form 7711-2, including a proposed ACE/P Operations Manual, should be submitted at least 90 days before the first ACE/P operation is proposed to begin. The completion and submission of FAA Form 7711-2 and a proposed ACE/P Operations Manual are the sole responsibility of the applicant. Only the holder of an FAA-accepted RIO ACE Program is eligible to apply.

L. Approval or Disapproval. Applications for an ACE/P Operations CoW are processed at the General Aviation Operations Branch, and must be issued at least 15 days prior to when the first ACE/P operation is proposed to begin. Within 30 days of receipt of FAA Form 7711-2, the General Aviation Operations Branch must have notified the applicant and discussed any problems with the application. The General Aviation Operations Branch manager or his or her designated representative from within that branch shall sign the CoW for approval. The approval of the FAA Form 7711-2 and the associated ACE/P Operations Manual become part of FAA Form 7711-1. Disapproval of FAA Form 7711-2 must be issued at least 30 days prior to the beginning date of the planned operations.

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M. Expiration Date. FAA Form 7711-1 for ACE/P will have an expiration date 36 calendar-months from the date of issuance.

N. Revisions. ACE/P CoW holders shall discuss ACE/P Operations Manual revisions, including revisions to the Special Provisions Appendix, with the General Aviation Operations Branch. The General Aviation Operations Branch shall approve or deny the ACE/P CoW revisions.

O. Special Provisions. Special provisions are conditions, requirements, or limitations necessary to protect nonparticipating persons, property on the surface, and other users of the National Airspace System (NAS).

1) Applicability. Many safety provisions are general in nature and are applicable to most ACE/P operations. Other special provisions require extensive and highly detailed special provisions and may apply only to certain types of ACE/P operations. Provisions that appear or are linked to the ACE/P CoW should be restricted to protective measures, controls, or requirements that are not otherwise specified by the regulations. Special provisions never supersede aircraft airworthiness operating limitations.

2) Ensuring Safety. The special provisions ensure that the event can be conducted without an adverse effect on safety. Every ACE/P CoW must contain special provisions to ensure an equivalent level of safety with the rules that are waived for the nonparticipating public and nonparticipating air traffic.

3) Authorized Use. Special provisions that are authorized to be used for ACE/P operations are applied at the following three levels:

a) FAA Standard Special Provisions—ACE/P Operations. A complete listing of FAA-approved ACE/P special provisions authorized to be incorporated in the ACE/P Operations Manual can be located on the FAA National Aviation Events Program website at http://www.faa.gov/about/initiatives/airshow/. These special provisions are developed in compliance with current guidance in this order, as determined by the General Aviation and Commercial Division.

b) Special Provisions—ACE/P CoW/Operations Manual. The application for an ACE/P CoW (FAA Form 7711-2) will include a list of special provisions established for ACE/P operations planned to be conducted under the ACE/P CoW. The list of the proposed special provisions will be created from the FAA Standard Special Provisions list and must be included as an appendix to the ACE/P Operations Manual submitted with FAA Form 7711-2. The ACE/P CoW will refer to the special provisions listed as an appendix to the attached ACE/P Operations Manual (see Figure 3-243).

c) Special Provisions—ACE/P POA. The POA submitted by a responsible ACE/P ACE will include special provisions selected for a specific ACE/P operation and will be derived from the list of special provisions in the ACE/P Operations Manual Special Provisions Appendix, as referenced in the ACE/P CoW.

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4) Unlisted Special Provisions. Any special provision submitted as part of FAA Form 7711-2 and the ACE/P Operations Manual that is not listed on the FAA National Aviation Events Program website must have Aviation Events Specialist (AES) or National Aviation Events Specialist (NAES) approval.

a) If requested after the ACE/P CoW is issued, this must be requested by the responsible person for the ACE/P CoW through the General Aviation Operations Branch as a change to the ACE/P Operations Manual Special Provisions Appendix.

b) This should be documented in the General Aviation Operations Branch file in the form of electronic media or written documentation.

5) Special Provisions Appendix. Type the FAA Standard Special Provisions incorporated into the ACE/P Operations Manual Special Provisions Appendix or the ACE/P POA with as little editorial change as possible. Include only applicable special provisions. Numbers and language can be inserted or changed to suit each event only when necessary, appropriate, and in accordance with the guidance in this order.

P. Regulatory Basis. Failure to comply with any special provision is a violation of the terms of an ACE/P CoW and is justification for cancellation of the ACE/P CoW. This constitutes a violation of Title 49 of the United States Code (49 U.S.C.) § 44711(a)(2)(B) and/or § 44711(a)(5). The FAA has the authority to cancel or delay any or all activity if the safety of persons or property on the ground or in the air is in jeopardy, or if there is a violation of the terms of the CoW.

3-239 CONTENTS OF THE ACE/P OPERATIONS MANUAL. The applicant must submit a copy of the ACE/P Operations Manual as an attachment to, and part of, the application for an ACE/P CoW. The ACE/P Operations Manual must include at least the following:

A. List of Qualified ACEs Approved to Initiate and Use the ACE/P Operations CoW. This list must include the ACE's:

- Name,
- Address, and
- Telephone number (cell phone is preferred).

B. Distribution and Revision Information. This section must contain a revision control page for the ACE/P Operations Manual to ensure that all ACE/P Operations Manuals are kept current. Proposed revisions to the ACE/P Operations Manual shall be submitted electronically, via email, to the General Aviation Operations Branch for review at least 20 business-days before the proposed effective date. Revisions will not be distributed by the ACE/P CoW holder until approved by the General Aviation Operations Branch and returned to the ACE/P CoW holder with an indication of acceptance. If the revisions are not accepted, the General Aviation Operations Branch must notify the CoW holder in writing electronically, via email, within 10 business-days of receipt of the proposed revisions.

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C. Persons Authorized. Section 91.119(c) is waived only with respect to those authorized participating persons, vehicles, and structures directly involved in the operation of the ACE/P operations. The ACE/P Operations Manual will include procedures to ensure that no persons are allowed within 500 feet of the ACE/P area of operations except authorized personnel.

D. Area of Operations. Depending upon the activities of the applicant, there could be a variety of operational needs. Certain ACE/P CoW holders may confine their activities to a local area, while other ACE/P CoW holders may conduct activities throughout the entire United States and its territories and possessions. The ACE/P Operations Manual shall define the area authorized by the ACE/P CoW. While the ACE/P CoW is issued by the General Aviation Operations Branch, the authorized ACE must coordinate with the FSDO having responsibility over the area where the ACE/P operations will be conducted. This coordination is accomplished using the POA (see subparagraph E).

E. POA. The ACE/P Operations Manual must establish what is included in a POA and procedures for an authorized ACE to submit a written POA to the FSDO responsible for the area of proposed operations for the purpose of planned ACE/P operations. See paragraph 3-241, Preparing the POA, for what must be included in the POA.

1) The POA must be submitted at least 10 business-days prior to commencing ACE/P operations. The 10-business-day notification may be reduced to a minimum of 3 business-days with the concurrence of the responsible FSDO. Justification of the exception to the 10-business-day requirement, acceptable to the responsible FSDO, is required. This exception should not be requested for the initial POA coordinated with a FSDO.

2) ACE/P operations (actual operations, not scheduled operations) may not be conducted for more than 3 consecutive days and no more than 12 days in a 30-day period at any one location.

F. Coordination with Property Owners and Local Officials. The ACE/P Operations Manual will specify requirements and procedures for the ACE/P CoW holder to coordinate with private property owners and for the required coordination with local officials (e.g., police, sheriff, fire departments, airport management, and ATC) as appropriate for the conduct of all ACE/P operations when operating under the provisions of the ACE/P CoW.

G. Security. The applicant will specify the method of security that will be provided to exclude all persons not directly involved with the ACE/P operations from the location. In the interest of safety, provisions will be made to stop activities when unauthorized persons, vehicles, or aircraft enter the ACE/P operations area, or for any other reason. Procedures must be in place to require a minimum safety distance of 500 feet from nonparticipating personnel and occupied buildings.

H. Briefing of Pilot/Authorized Participants. Procedures will be included to brief participating personnel of the risks involved, emergency procedures, and safeguards to be followed during the conduct of ACE/P operations. At a minimum, the briefing shall cover:

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- ACE/P Operations Manual, including special provisions;
- POA, including local special provisions for that activity;
- Waived regulations;
- Aircraft parking and starting;
- Taxi procedures;
- Radio communications;
- Takeoff procedures;
- Aviation activities to be conducted;
- Approach and landing procedures;
- Recall procedures;
- Emergency procedures;
- Risks to participating personnel; and
- Control of nonparticipating person(s).

I. Certification/Airworthiness. The responsible ACE must ensure the participating aircraft have the required documentation to show the aircraft is in Airworthy condition. The responsible ACE may use the ACE/P Aircraft Required Documents Checklist (see Figure 3-249) to ensure they have reviewed all the correct information.

1) Examination of Condition. To ensure that the participating aircraft are Airworthy, the responsible ACE should examine the general condition of the aircraft and required aircraft documents, and he or she should determine if the aircraft has met the specified inspections.

2) Determining Compliance. The responsible ACE should use one of the following methods to determine compliance with required inspections and Airworthiness Directives (AD):

a) Review of the aircraft's maintenance records (logbooks), or

b) Review of a current and valid form supplied by the owner/operator.
The completed form must be similar to the Sample FAA Aircraft Status and Inspection Form (Figure 3-248).

J. Pilot Personnel—Minimum Requirements. The responsible ACE shall establish the participating pilot meets the minimum pilot requirements. The responsible ACE can use the ACE/P performer's required documents checklist (see Figure 3-250) to ensure they have all of the correct information.

1) Minimum requirements shall meet or exceed the following:

a) Each pilot must be current and have the proper qualifications for the specific make and model of aircraft, to include a medical certificate, as applicable, and government-issued photo identification.

b) Each pilot must hold a SAC or be in the process of being evaluated for the issuance of a SAC when occupying a seat of an aircraft with functional controls for all three axes during aerobatic flight.

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c) Each pilot in command (PIC) must hold a nonaerobatic formation credential when occupying a seat of an aircraft that has functional dual controls for all three axes when in a formation flight during nonaerobatic flight.

d) A copy of aircraft operating limitations.

e) A copy of the emergency parachute inspection card.

f) Performers emergency extraction information.

2) In the event the ACE/P operation to be conducted contains elements of an external-load operation, whether a fixed-wing or rotary-wing operation, pilots used in the operation shall be qualified. This qualification may be obtained through a knowledge test (which may be oral and/or written) and/or skill. The ACE who is qualified to carry loads externally will give the test(s), which are similar to part 133 requirements and cover the following subjects:

a) Steps to be taken before starting operations, including a survey of the flight area;

b) Proper method of loading, rigging, or attaching the external load;

c) Aircraft performance capabilities under ACE/P operating procedures and the Aircraft Flight Manual (AFM);

d) Proper instructions for flight and ground crew personnel; and

e) AFM, pilot's operating handbook (POH), or a Rotorcraft-Load Combination Flight Manual (RLCFM) and limitations, if appropriate.

K. Communications. The ACE/P Operations Manual must contain procedures to provide communications capability to all participants during the actual ACE/P operations. The communications must be able to keep all the participants apprised of the current status of the ACE/P operation, including transient aircraft when ACE/P operations are conducted at an uncontrolled airport, or outside an area subject to ATC.

L. Accident Notification. The ACE/P Operations Manual must contain procedures for the notification and reporting of accidents, notifying the National Transportation Safety Board (NTSB) under Title 49 of the Code of Federal Regulations (49 CFR) part 830, and the protection of the accident scene, as well as the notification of the AES and NAES.

M. Recall/Stop Procedures. The applicant can use oral, visual, or radio communications, or any combination acceptable to the Administrator as long as it keeps the participants continuously apprised of the current status of the ACE/P operations.

N. Aerobatic Competency. The ACE/P Operations Manual must state that a SAC holder can only be evaluated by the ACE or practice their air show performance in a controlled environment that simulates the air show aerobatic box or flying display area.

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The Operations Manual must state if is acceptable that a pilot who is in the process of being evaluated by an ACE for the issuance of a SAC use the ACE/P operation area. It must also state where the list of authorized ACEs is located. For operations requiring the issuance of FAA Form 8710-7 or TC Form 26-0307, see Volume 5, Chapter 9, Section 1.

O. Minimum Required Weather. This section must identify the minimum weather requirements permitted under a POA, before ACE/P operations may be conducted. Section 91.155 is not waivable for ACE/P operations unless operating within the lateral boundaries of Class D Airspace.

3-240 PREPARING FAA FORM 7711-2. Pertinent items are discussed below for clarity and uniformity. The reviewing office will accept strikeovers that are minor in nature and initialed by the applicant on FAA Form 7711-2.

A. Items 1 and 2—Name of Organization and Name of Responsible Person. If the applicant is a representative of an organization, the organization's name shall appear in item 1. The name of the individual and his or her position or authority to represent the organization (e.g., the responsible person) shall appear in item 2. If the applicant is not representing others, the indication, N/A, shall be entered in item 1 and the applicant's name entered in item 2.

B. Item 3—Permanent Mailing Address of Organization. The applicant should indicate the permanent mailing address of the organization named in item 1 or the individual named in item 2.

C. Item 4. N/A should be entered. Applies only to banner tow operations.

D. Item 5. N/A should be entered. Applies only to banner tow operations.

E. Item 6—FAR Section and Number to be Waived. For ACE/P operations, the applicant will list only those regulations applicable to aviation events and aerobatic practice areas (APA) listed in § 91.905. See Figure 3-251 for a listing of ACE/P waivable regulations.

F. Item 7—Description of Proposed Operation. The following verbiage is sufficient for the applicant: "Aerobatic Competency Evaluation/Practice Operations conducted in accordance with this CoW and the attached, accepted ACE/P Operations Manual, and operations conducted at the specific site, by pilots and aircraft listed in the required Plan of Activities."

G. Item 8—Area of Operation. The area in which the ACE/P CoW may be utilized. For ACE/P operations, "Continental United States, including Alaska and Hawaii," is appropriate.

H. Item 9—Beginning/Ending Dates and Hours. The dates requested for the effective dates must not exceed 36 calendar-months. The hours are not required.

I. Item 10—Aircraft and Pilot Information. When FAA Form 7711-2 for authorization of ACE/P operations is submitted, the ACE/P Operations Manual must include the names of the ACEs authorized to commence ACE/P operations under this CoW. Specific pilots and the aircraft to be used in a particular operation site will be listed in the POA for each specific ACE/P operations site. The application may be accepted with a notation in item 10 or the

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"Remarks" block that a list of pilots and aircraft for any particular ACE/P operations must be provided as part of the required POA.

J. Item 11—Sponsorship. Do not complete.

K. Item 12—Permanent Mailing Address of Sponsor. Do not complete.

L. Item 13—Policing. For ACE/P operations, this information will be contained in the ACE/P Operations Manual, not on this form.

M. Item 14—Emergency Facilities. For ACE/P operations, this information will be contained in the POA, not on this form.

N. Item 15—Air Traffic Control. For ACE/P operations, this information will be contained in the ACE/P Operations Manual, not on this form.

O. Item 16—Schedule of Events. Do not complete.

P. Item 17—Certification. Ensure that the responsible person listed in item 2 has signed and dated the application.

3-241 PREPARING THE POA. The ACE/P Operations Manual must include procedures for an authorized ACE to submit, 10 business-days before scheduled operations, a written POA to the FSDO responsible for the area of proposed operations for the purpose of notification of planned ACE/P operations. The 10-business-day notification may be reduced to no less than 3 days with the concurrence of the responsible FSDO. Justification of the exception to the 10-day requirement, acceptable to the responsible FSDO, is required. This exception should not be requested for the initial POA submitted to the FSDO. ACE/P operations (actual operations, not scheduled operations) may not be conducted for more than 3 consecutive days and no more than 12 days in a 30-day period, at any one location. The POA must include at least the following (see Figure 3-244, Title 14 CFR Part 91 Aerobatic Competency Evaluation/Practice Operations Manual Development Guide):

- Dates and times for all flights.
- Name and phone number of the authorized ACE responsible for the ACE/P operations.
- Make, model, and serial or N-number of aircraft to be used and type of airworthiness certificate, including category.
- Name and certificate number of pilots participating in the ACE/P operations, including any notation of external-load endorsements or aerobatic competency, if required.
- A statement that the ACE/P CoW holder has coordinated with property owners (if ACE/P operations are to be conducted over private property) and coordinated with local officials (e.g., airport manager, police, sheriff, fire departments, and ATC) planned activity to conduct the ACE/P operations; and documentation, to include contact information, for property owners (if applicable), ATC, airport management,

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and Flight Service Station (FSS) showing they have each been coordinated with, and Notices to Airmen (NOTAM) have been requested.
- Signature of the ACE/P CoW holder or ACE/P ACE.
- List of specific special provisions derived from the special provisions listed in the ACE/P Operations Manual that apply to this specific location and the ACE/P operations to be conducted under this POA.
- A copy of the signed ACE/P CoW and associated ACE/P Operations Manual.
- A description of the flight activity, including maps or diagrams of any area, city, town, county, and/or state over which ACE/P operations will be conducted and the minimum altitudes essential to accomplish the operations.
- Information about emergency facilities.

NOTE: The POA may be submitted as a hardcopy, although electronic submissions are preferred.

3-242 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of the regulatory requirements of part 91 and FAA policies and qualification as an aviation safety inspector (ASI) (Operations).

B. Coordination. This task may require coordination with the airworthiness unit within the FSDO, other FSDOs, the Aircraft Maintenance Division, appropriate air traffic facilities, and the General Aviation and Commercial Division.

3-243 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 1, 21, 43, 61, 91, and 133.
- PTRS Procedures Manual (PPM).
- Volume 3, Chapter 6, Section 1, Issue a Waiver or Authorization for an Aviation Event.

B. Forms:

- FAA Form 7711-1, Certificate of Waiver or Authorization (see Figure 3-243).
- FAA Form 7711-2, Application for Certificate of Waiver or Authorization (see Figure 3-242).
- FAA Form 8710-7, Statement of Aerobatic Competency.
- TC Form 26-0307, Statement of Aerobatic Competency.

C. Job Aids. Sample letters and figures:

- Sample Letter of Disapproval of an Application (Figure 3-245).
- Sample Letter of Nonacceptance of an ACE/P Operations Manual (Figure 3-246).
- Sample Letter of Acceptance of an ACE/P Operations Manual (Figure 3-247).
- Sample Aircraft Status and Inspection Form (Figure 3-248).

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- Sample ACE/P Checklist—Required Documents Aircraft (Figure 3-249).
- Sample ACE/P Checklist—Required Documents Performer (Figure 3-250).
- Sample List of ACE/P 14 CFR Regulations Waived (Figure 3-251).

3-244 PROCEDURES—GENERAL AVIATION AND COMMERCIAL DIVISION.

A. Determine if FAA Form 7711-1 is Required. See subparagraph 3-238A, Purpose of the ACE/P CoW.

1) If FAA Form 7711-1 is not required, terminate the task.

2) If FAA Form 7711-1 is required:

a) Direct the applicant to http://www.faa.gov/about/initiatives/airshow/waiver for a current FAA Form 7711-2 and the location of the FAA Standard Special Provisions for inclusion in the ACE/P Operations Manual Special Provisions Appendix (see paragraph 3-241 and Figure 3-244).

b) Advise the applicant to complete items 1 through 10 and 17, as applicable, on FAA Form 7711-2, and refer to the instructions listed in paragraph 3-240, Preparing FAA Form 7711-2.

c) Advise the applicant that the application must be submitted to the General Aviation and Commercial Division at least 90 days prior to the first date ACE/P operations are to commence.

B. Open a PTRS Record.

C. Receipt of FAA Form 7711-2 and ACE/P Operations Manual. Using the information provided by the applicant and the background in the ACE/P Operations Manual, review FAA Form 7711-2, the ACE/P Operations Manual, and Special Provisions Appendix for all pertinent information for the proposed ACE/P operations. Accept strikeovers that are minor in nature and initialed by the applicant. Discrepancies can be modified through electronic media or written correspondence by asking the applicant to make the corrections on the application. When absolutely necessary, corrections can be made to FAA Form 7711-2, if documented via electronic media, record of telephone conversation, or written correspondence, and attached with the instructions for changes from the applicant authorizing a change. Refer to paragraph 3-240 as a guide for reviewing the completed form.

D. Incomplete FAA Form 7711-2. If FAA Form 7711-2 has not been completed satisfactorily:

1) Mark the “Disapproved” box on FAA Form 7711-2, and sign and date in the “Action” block of FAA Form 7711-2;

2) List the reasons for disapproval in the “Remarks” block of FAA Form 7711-2;

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3) Prepare a letter of disapproval of application (see Figure 3-245) with a suspense date for submission of a corrected FAA Form 7711-2;

4) Retain a copy of the application for future comparison;

5) Return the application, ACE/P Operations Manual, and the letter of disapproval to the applicant; and

6) Make appropriate PTRS entries.

E. Completed FAA Form 7711-2. If FAA Form 7711-2 has been completed, ensure that the ACE/P Operations Manual contains the required items (see paragraph 3-239, Contents of the ACE/P Operations Manual, and Figure 3-244).

F. Satisfactory ACE/P Operations Manual. If the ACE/P Operations Manual is satisfactory:

1) Mark the "Approved" box on FAA Form 7711-2, and sign and date in the "Action" block of FAA Form 7711-2;

2) Prepare a letter of acceptance of the ACE/P Operations Manual (see Figure 3-248);

3) Stamp the revision page of the ACE/P Operations Manual as "Accepted"; and

4) Prepare FAA Form 7711-1.

G. Unsatisfactory ACE/P Operations Manual. If the ACE/P Operations Manual is unsatisfactory:

1) Contact the applicant and explain areas of the ACE/P Operations Manual that need to be corrected;

2) Prepare a letter of nonacceptance of the ACE/P Operations Manual (see Figure 3-246) with a suspense date for submission of the corrected ACE/P Operations Manual;

3) On FAA Form 7711-2, mark the "Disapproved" box, list reasons for the disapproval in the "Remarks" block, and sign and date in the "Action" block;

4) Retain a copy of the ACE/P Operations Manual for future comparison; and

5) Return the application, one copy of the ACE/P Operations Manual, and the letter of nonacceptance to the applicant.

H. Complete FAA Form 7711-1 as Follows (see Figure 3-243).

1) Enter the Waiver Holder's (WH) and responsible person's names and addresses as they appear in items 1 and 2 on the application.

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2) Include a brief summary in the "Operations Authorized" block. Using the verbiage, "Aerobatic Competency Evaluation/Practice (ACE/P) Operations conducted in accordance with this CoW and the FAA-accepted, Recognized Industry Organization ACE/P Manual," is sufficient for the applicant.

3) Include in the "List of Waived Regulations by Section and Title" block each specific regulation possibly waived by the FAA. Ensure that the listed regulations correspond to those on FAA Form 7711-2 or contained in the ACE/P Operations Manual, and conform to § 91.905. Use the following statement, "Regulations listed in the attached FAA-accepted, Recognized Industry Organization ACE/P Manual. See Plan of Activities for specific regulations requested for the ACE/P Operations site."

4) In the "Special Provisions" section, insert "1" to "2" in the applicable areas and check "See Attached" box. On the back of the FAA Form 7711-1, add the following special provisions:

1. The ACE/P Operations Manual must be attached to this ACE/P CoW and be available at each ACE/P operations site.

2. The Special Provisions Appendix of the ACE/P Operations Manual is authorized and available for use under this ACE/P CoW. Only those Special Provisions selected from this list and submitted with the Plan of Activities are authorized at the associated ACE/P operations site.

5) Attach any additional pages to the ACE/P CoW.

6) The General Aviation Operations Branch manager, or his or her designated representative, must sign FAA Form 7711-1.

7) Attach to FAA Form 7711-1 a copy of FAA Form 7711-2 and its supporting documents.

8) Distribute and file FAA Forms 7711-1 and 7711-2 and associated ACE/P Operations Manual as follows:

a) Prepare a General Aviation and Commercial Division file for the applicant of an ACE/P CoW that includes, but is not limited to, copies of the following documents, as applicable:

- FAA Form 7711-1;
- FAA Form 7711-2;
- FAA-Accepted ACE/P Operations Manual containing the Special Provisions Appendix;
- Letter of disapproval of application (FAA Form 7711-2), letter of nonacceptance of the ACE/P Operations Manual, or letter of acceptance of the ACE/P Operations Manual; and
- Any other documents of correspondence.

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b) Send an electronic copy and originals of the following documents to the applicant:

- FAA Form 7711-1 and FAA Form 7711-2;
- FAA-Accepted ACE/P Operations Manual containing the Special Provisions Appendix; and
- Letter of acceptance of the ACE/P Operations Manual.

I. Close the PTRS Record. Make appropriate PTRS entries.

J. Enhanced Vital Information Database (eVID). Establish an eVID record. Add to eVID "noncertificated as a WH," which will need to be validated yearly and inactivated after the ACE/P CoW is canceled or expires.

3-245 PROCEDURES—FSDO.

A. Aerobatic Competency. After the ACE/P CoW and the associated ACE/P Operations Manual have been issued, only ACEs listed in the ACE/P Operations Manual are authorized to open and close ACE/P operations in accordance with the ACE/P CoW, the associated ACE/P Operations Manual, and the POA. Each pilot must hold a current and valid FAA Form 8710-7 or TC Form 26-0307 with all necessary aircraft and authorizations listed, or be in the process of being evaluated for the issuance of an FAA Form 8710-7 or TC Form 26-0307.

B. Open a PTRS Record.

C. Review the POA. After the ACE/P CoW and the associated ACE/P Operations Manual have been issued, a POA is submitted to the FSDO responsible for the ACE/P operation. Refer to the information submitted by the responsible ACE, including the ACE/P CoW, ACE/P Operations Manual, and POA.

1) Ensure the POA is submitted at least 10 business-days prior to scheduled operations unless reduced to a minimum of 3 business-days with the concurrence of the responsible FSDO.

a) Justification of the exception to the 10-business-day requirement, acceptable to the responsible FSDO, is required. This exception should not be requested for the initial POA coordinated with a FSDO.

b) Assign an Operations inspector to review the POA for required information for the proposed ACE/P operations (see paragraph 3-241) and review for compliance with the attached ACE/P CoW, ACE/P Operations Manual, and Special Provisions Appendix.

c) Submitted special provisions are authorized in the Special Provisions Appendix.

d) The responsible ACE is listed in the ACE/P Operations Manual.

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e) Requested ACE/P operations are authorized in accordance with procedures in the ACE/P Operations Manual.

2) Document any discrepancies. Coordinate with the responsible ACE that submitted the POA and resolve discrepancies identified.

3) No further action is necessary if no discrepancies are identified; however, if resources are available, surveillance may be performed at the discretion of the FSDO manager.

D. District Office File. Prepare a FSDO file for the submission of a POA that includes, but is not limited to, copies of the following documents:

- FAA Form 7711-1;
- ACE/P Operations Manual containing the Special Provisions Appendix; and
- Any other documents of correspondence.

E. Close the PTRS Record. Make appropriate PTRS entries.

3-246 TASK OUTCOMES.

A. General Aviation and Commercial Division. Completion of this task results in one or more of the following:

- Issuance of an ACE/P CoW;
- Review and Acceptance of an ACE/P Operations Manual;
- Letter of acceptance of the ACE/P Operations Manual;
- Creating an eVID record; and/or
- Disapproval of FAA Form 7711-2 application.

B. FSDO. Completion of this task results in one or more of the following:

- Review of requested ACE/P operations to determine if ACE/P operations are authorized in accordance with procedures in the ACE/P CoW, and FAA-Accepted ACE/P Operations Manual;
- Surveillance of ACE/P operations at the discretion of the responsible FSDO manager; and/or
- Disapproval of ACE/P operations.

3-246 FUTURE ACTIVITIES.

- Reissue an ACE/P CoW or cancel an ACE/P CoW;
- Review proposed revisions to the ACE/P Operations Manual;
- Surveillance of any operations approved by the ACE/P CoW;
- Possible enforcement investigation;
- Take part in an investigation as a result of an accident, incident, or violation of the regulations; and/or
- Rescind FAA Form 8710-7 or TC Form 26-0307, or require reevaluation.

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Figure 3-242. Sample FAA Form 7711-2 Application for Aerobatic Competency Evaluation/Practice Operations

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

Form Approved: O.M.B. No. 2120-0027 10/31/2015

APPLICANTS - DO NOT USE THESE SPACES

Region	Date
ANE	01/31/2015

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
International Council of Air Shows
John Cudahy, President

2. Name of responsible person
Chairperson/co-chairpersons ACE committee

3. Permanent mailing address	House number and street or route number	City	State and ZIP code	Telephone No.
	748 Miller Drive, SE, Suite G-3	Leesburg	VA 20175	703-779-8510

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.
N/A

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.
N/A

6. FAR section and number to be waived
This could include any regulation listed in 14 CFR 91.905. Specific regulations must be identified in the required Plan of Activities for each ACE/P Ops site.

7. Detailed description of proposed operation *(Attach supplement if needed)*
Aerobatic Competency Evaluation/Practice Operations conducted in accordance with this CoW and the attached, accepted ACE/P Operations Manual, and operations conducted at the specific site, by pilots and aircraft listed in the required Plan of Activities.

8. Area of operation *(Location, altitudes, etc.)*
Continental United States, including Alaska and Hawaii

9a. Beginning *(Date and hour)*		b. Ending *(Date and hour)*	
02/01/2015	07:00	02/28/2017	20:00

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

Page 1

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Figure 3-242. Sample FAA Form 7711-2 Application for Aerobatic Competency Evaluation/Practice Operations (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 may be 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
01/26/2015	

Remarks

See attached ACE/P Operations Manual.

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

Page 2

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Figure 3-243. Sample FAA Form 7711-1 for Aerobatic Competency Evaluation/Practice Operations

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO
International Council of Air Shows (ICAS)
Dan Hollowell - Director of Safety

ADDRESS
748 Miller Drive, SE Suite G-3
Leesburg, VA 20175

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

Aerobatic Competency Evaluation/Practice (ACE/P) Operations conducted in accordance with this CoW and the FAA-accepted, Recognized Industry Organization ACE/P Manual.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

Regulations listed in the attached FAA-accepted, Recognized Industry Organization ACE/P Manual. See Plan of Activities for specific regulations requested for the ACE/P Operations site.

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. 1 to 2 inclusive, are set forth on the reverse side hereof. "See Attached" ☒

This certificate is effective from November 1, 2016 to November 30, 2019, inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

AWA AFS-800	ss/James Angelo Viola
(Region)	(Signature)
11/17/2016	AFS-800 General Aviation and Commercial Division Manager
(Date)	(Title)

FAA Form 7711-1 (7-74) Electronic Forms (PDF)

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Figure 3-243. Sample FAA Form 7711-1 for Aerobatic Competency Evaluation/Practice Operations (Continued)

1. The ACE/P Operations Manual must be attached to this ACE/P CoW and be available at each ACE/P operations site.

2. The Special Provisions Appendix of the ACE/P Operations Manual is authorized and available for use under this ACE/P CoW. Only those Special Provisions selected from this list and submitted with the Plan of Activities are authorized at the associated ACE/P operations site.

Electronic Forms (PDF)

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Figure 3-244. Title 14 CFR Part 91 Aerobatic Competency Evaluation/Practice Operations Manual Development Guide

Each Aerobatic Competency Evaluation/Practice (ACE/P) Operations Manual must contain at least the following items, although it is not restricted to these items:

1. Operator/Organization Name.

2. Responsible person: name, address, and telephone number of applicant.

3. List of designated aerobatic competency evaluators (ACE) authorized to utilize the ACE/P operations Certificate of Waiver (CoW), including their pilot certificate numbers. Include the address and telephone number (cell phone preferred) of each ACE.

4. Procedures to require that each individual pilot's information (those who will actually be using the ACE/P operations area) shall be placed in the Plan of Activities (POA) required for each ACE/P operation. The list must include specific Statement of Aerobatic Competency (SAC) authority to include authorized aircraft, aircraft category, level and endorsements (aerobatic, external-load, etc.), if applicable.

5. Procedures to require that a list of aircraft includes make, model, and serial or registration number. This information is required to be listed in the POA.

6. Distribution and Revision.

   (a) Procedures for revising the ACE/P Operations Manual, to include the Special Provisions Appendix, to ensure that all manuals are kept current. A List of Effective Pages (LEP) may be appropriate.

   (b) Revisions submitted electronically, via email, or mailed for the ACE/P Operations Manual should be forwarded to the Flight Standards District Office (FSDO) at least 20 days before the proposed effective date.

7. Persons Authorized. The ACE/P Operations Manual must include procedures to ensure that no persons, except those persons consenting to be involved and necessary for the ACE/P operations, are allowed within 500 feet of the ACE/P Operations.

8. Area of Operations. The ACE/P Operations Manual must define the area that will be used during the term of the ACE/P CoW (FAA Form 7711-1, Certificate of Waiver or Authorization).

9. POA. The ACE/P Operations Manual must include procedures for the submission, 10 days prior to scheduled operations, of a written POA, to the FSDO responsible for the proposed ACE/P operations location. At the discretion of the FSDO with responsibility over the area where the ACE/P operations are to take place, the 10-day notification may be reduced to 3 days. Justification of the exception to the 10-day requirement is needed. This should not be authorized for the initial request submitted to the FSDO for review of a POA. The POA must include at least the following:

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(a) Dates and times for all flights.

(b) Name and phone number of the ACE responsible for the ACE/P operations.

(c) Make, model, and serial number or registration number of aircraft to be used and type of Certificate of Airworthiness, including category.

(d) Names, certificate numbers, and a copy of the SAC for pilots involved in the ACE/P operations.

(e) A statement that coordination with property owners and/or local officials (e.g., airport manager, police, sheriff, fire departments, and air traffic control (ATC)) to conduct the ACE/P operations has been accomplished listing each entity's contact information.

(f) Signature of the ACE/P CoW holder or a designated representative.

(g) A general outline or summary of the flight activity schedule, including maps or diagrams of the specific evaluation/practice location, if necessary.

(h) Method of security used to protect nonparticipating personnel and spectators.

(i) Information about emergency facilities in the area.

10. Coordination. The ACE/P Operations Manual shall specify requirements and procedures that the CoW holder will use to coordinate and document coordination with property owners and/or local officials (e.g., airport manager, police, sheriff, fire departments, and ATC) as appropriate for the conduct of all ACE/P operations performed using the ACE/P CoW (FAA Form 7711-1).

11. Security. The ACE/P Operations Manual must specify the method of security that will be used to exclude all persons not directly involved with the ACE/P operation from the location. This should also include procedures that will be used to stop activities when unauthorized persons, vehicles, or aircraft enter the ACE/P operations location, or for any other reason, in the interest of safety.

12. Briefing of Pilot/Ground Personnel. Procedures must be included to brief personnel of the risks involved, emergency procedures, and safeguards to be followed during the ACE/P operations. Personnel will also be briefed on any additional provisions that may be issued by the responsible FSDO, including the location of boundaries or any other time limits.

13. Certification/Airworthiness. Procedures must be included to ensure that inspections will be in accordance with Title 14 of the Code of Federal Regulations (14 CFR) parts 43 and 91 and applicable operating limitations. The aircraft to be used may be certificated in any category, including experimental, provided the requirements of part 91, §§ 91.7, 91.9, and 91.203 are met.

14. Pilot Personnel—Minimum Requirements. The pilot/operator must establish and specify the minimum pilot requirements. Minimum requirements should meet or exceed the following:

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(a) A current U.S. Commercial Pilot Certificate with ratings appropriate to the category, class, and type (if applicable) of aircraft to be used under the terms of the CoW.

(b) Each pilot must hold a current SAC, with authorized aircraft, aircraft category, level, and endorsements listed, or be in the process of being evaluated for the issuance of a SAC.

(c) In the event the ACE/P operation to be conducted contains elements of an external-load operation, whether fixed-wing or rotary-wing operations, pilots used in the operation shall be qualified. This qualification may be obtained through a knowledge test (which may be oral and/or written) and/or skill. The ACE who is qualified to carry loads externally will give the test(s), which are similar to 14 CFR part 133 requirements and cover the following subjects:

i. Steps to be taken before starting operations, including a survey of the flight area.

ii. Proper method of loading, rigging, or attaching the external load.

iii. Aircraft performance capabilities under the ACE/P Operations Manual and the Aircraft Flight Manual (AFM).

iv. Proper instructions for flight and ground crew personnel.

v. AFM, pilot's operating handbook (POH), or a Rotorcraft-Load Combination Flight Manual (RLCFM) and limitations, if appropriate.

15. Communications. The ACE/P Operations Manual must contain procedures to provide communications capability with all participants during the actual ACE/P operations. The applicant can use oral, visual, or radio communications as long as it keeps the participants continuously apprised of the current status of the operation; however, the primary method of communication will be two-way radio.

16. Accident Notification. The ACE/P Operations Manual must contain procedures for notification and reporting of accidents.

17. Recall/Stop Procedures. The applicant can use oral, visual, or radio communications, or any combination acceptable to the Administrator, as long as it keeps the participants continuously apprised of the current status of the ACE/P operations.

18. Aerobatic Competency. For operations requiring the issuance of FAA Form 8710-7 or TC Form 26-0307, see Volume 5, Chapter 9, Section 1.

19. Minimum Required Weather. This section must identify the minimum weather requirements permitted under a specific CoW, before ACE/P operations may be conducted. Section 91.155 is not waivable for ACE/P operations, unless operating within the lateral boundaries of Class D Airspace.

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20. Special Provisions—ACE/P Operations Manual. This appendix is a list of all special provisions that could apply during any proposed POA, at any proposed site where ACE/P operations could take place under a specific CoW. A complete listing of FAA-approved ACE/P special provisions authorized to be incorporated in the ACE/P Operations Manual can be located on the FAA National Aviation Events Program website at http://www.faa.gov/about/initiatives/airshow/waiver.

Figure 3-245. Sample Letter of Disapproval of an Application

FAA Letterhead

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

This letter informs you that the application you submitted on [indicate date] has been disapproved for the reasons listed in the "Remarks" block of FAA Form 7711-2, Application for Certificate of Waiver or Authorization.

Please make the corrections noted and return to this office within 15 days of receipt of this letter.

If you have any questions or comments, please feel free to contact this office at the following telephone number [indicate number].

Sincerely,

[Principal Operations Inspector's signature]

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Figure 3-246. Sample Letter of Nonacceptance of an ACE/P Operations Manual

FAA Letterhead

[Date]

[Pilot/Operator's Name and Address]

Dear [Pilot/Operator's Name]:

This letter informs you that the Aerobatic Competency Evaluation/Practice (ACE/P) Operations Manual submitted on [indicate date] has been determined to be unacceptable for the following reasons:

[List all reasons for nonacceptance]

Please make the corrections noted and resubmit to this office within 20 days of receipt of this letter.

If you have any questions, please feel free to contact this office during regular business hours at the following telephone number [indicate number].

Sincerely,

[Principal Operations Inspector's signature]

Figure 3-247. Sample Letter of Acceptance of an ACE/P Operations Manual

FAA Letterhead

[Date]

[Pilot/Operator's Name and Address]

Dear [Pilot/Operator's Name]:

This letter informs you that the Aerobatic Competency Evaluation/Practice (ACE/P) Operations Manual submitted on [indicate date] has been approved.

A Plan of Activities must be submitted, as outlined in your approved ACE/P Operations Manual, to the Flight Standards District Office (FSDO) responsible for the area of proposed ACE/P operations.

The Plan of Activities must be submitted at least 10 days before actual evaluation/practice begins, unless a reduction to no less than 3 days is authorized by the FSDO.

If you have any questions, please feel free to contact this office during regular business hours at the following telephone number [indicate number].

Sincerely,

[Principal Operations Inspector's signature]

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Figure 3-248. Sample Aircraft Status and Inspection Form

Aircraft Status and Inspection Form

N-_____ S/N: _____ Make: _____ Model: _____

Inspection (Check the Inspection that Applies)	**Compliance Date & Hours**	**Next Due**
☐ Annual		
☐ Condition		
☐ 100 Hour (If Required)		
☐ Progressive		
☐ § 91.411 (Altimeter/Static)		
☐ § 91.413 (Transponder)		
☐ § 91.207 (ELT Inspection)		

Recurring ADs	**Description**	**Compliance Date & Hours**	**Next Due**

Note: Foreign Aircraft - Provide in accordance with SFA and CAA requirements

I certify this information accurately represents the applicable information documented in the aircraft maintenance records and the records were reviewed on this day to verify the inspection and Airworthiness Directive status of this aircraft. This form is valid until the next inspection or Airworthiness Directive is due.

Owner/Operator (Print Name): _____

Signature: _____

Date: _____

Reference Information:
FAA Order 8900.1, Volume 3, Chapter 6, Section 1, Paragraph 3-145F.
FAA Order 8900.1, Volume 6, Chapter 11, Section 10.
14 CFR Part 91, § 91.715 and FAA Order 8130.2, Chapter 22.

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Figure 3-249. Sample ACE/P Checklist—Required Documents Aircraft

ACE/P Checklist – Required Documents Aircraft

Aircraft Required Documents Reg # _____ S/N _____ M/M _____ Date: _____		**N/A**
1) Copy of airworthiness certificate:	☐	-
2) Copy of registration certificate:	☐	-
3) Copy of operating limitations:	☐	☐
4) Copy of the current inspections below **or** Aircraft Status and Inspection Form: • Annual/100 Hour/Progressive/Condition • § 91.411 (Altimeter/Static) • § 91.413 (Transponder) • § 91.207 (ELT) • § 91.417 (Recurring Airworthiness Directives Status)	☐	-
5) Copy of program letter (e.g., experimental exhibition):	☐	☐
6) Copy of Special Flight Authorization (SFA) for foreign-registered aircraft:	☐	☐
7) Authority to carry passengers for hire: 1) Exemption § 91.317/§ 91.319 2) § 91.146/§ 91.147:	☐	☐
8) Copy of the logbook signoff for maneuvers being performed in the air show, documenting maneuvers were satisfactory accomplished. (Per the Operating Limitations for Aircraft with a Special Airworthiness Certificate):	☐	☐
9) Ejection Seat installed—Training Program:	☐	☐
10) Copy of the emergency parachute inspection card:	☐	☐

Note: Owner/operator must submit copies of the applicable documents (electronic copies preferred).

Aircraft Documentation Requirement References:
1: 14 CFR Part 91, § 91.203.
2: 14 CFR Part 91, § 91.203.
3: FAA Order 8130.2, Chapter 4, Special Airworthiness Certification.
4: 14 CFR Part 91, §§ 91.411, 91.413, 91.207, and 91.417.
5: FAA Order 8900.1, Volume 3, Chapter 6, Section 1, Paragraph 3-145F, Figure 3-38; and FAA Order 8130.2, Chapter 4, Special Airworthiness Certification.
6: 14 CFR Part 91, § 91.715 and FAA Order 8130.2, Chapter 4, Special Airworthiness Certification.
7: Reference Exemption Letter issued to the operator (§ 91.317/§ 91.319).
8: FAA Order 8130.2, Chapter 4, Special Airworthiness Certification.
9: FAA Order 8130.2, Chapter 4, Special Airworthiness Certification.
10: 14 CFR Part 105, § 105.43.

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Figure 3-250. Sample ACE/P Checklist—Required Documents Performer

ACE/P – Performer/Parachutist Documents Requirements Checklist

Performer Required Documents Pilot Name: _____ Date: _____	**Yes**	**N/A**
1) Copy of pilot certificate:	☐	-
2) Copy of medical certificate:	☐	☐
3) Copy of current/valid government photo ID:	☐	-
4) Copy of the LOA/endorsement for pilots operating surplus military aircraft:	☐	☐
5) Copy of the Statement of Aerobatic Competency (SAC) for aerobatic (Solo ☐ Formation ☐) ☐ Dynamic Maneuvering (Solo ☐ Formation ☐) pilots:	☐	☐
6) Copy of the industry formation credential for Standard Formation (Nonaerobatic) pilots:	☐	☐
7) Copy of the emergency parachute inspection card:	☐	☐
8) Performer's emergency extraction information (mandatory): Listed in ICAS Database: Yes ☐	☐	☐

Note: Owner/operator must submit copies of the applicable documents (electronic copies preferred).

Performer Required Documents References:
1: 14 CFR Part 61, § 61.3(a)(1) or (b).
2: 14 CFR Part 61, § 61.3(c).
3: 14 CFR Part 61, § 61.3(a)(2).
4: FAA Order 8900.1, Volume 6, Chapter 11, Section 10; and
5: FAA Order 8900.1, Volume 5, Chapter 9, Section 1.
6: FAA Order 8900.1, Volume 3, Chapter 6, Section 1.
7: 14 CFR Part 105, § 105.43.
8: FAA Order 8900.1, Volume 3, Chapter 6, Section 1.

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Figure 3-251. Sample List of ACE/P 14 CFR Regulations Waived

Section 91.9(b), ***Civil Aircraft Flight Manual, Marking and Placard Requirements***, is waived to allow International Aerobatic Club (IAC) members to participate in this IAC aerobatic competition, operating a U.S.-registered civil aircraft, without carrying the approved Airplane Flight Manual in the aircraft in accordance with the conditions and limitations set forth in FAA Exemption No. 10159B, dated March 11, 2014.

Section 91.117(a), ***Aircraft Speed***, is waived to allow participating aircraft to operate below 10,000 feet mean sea level (MSL) at an indicated airspeed in excess of 250 knots (288 mph).

Section 91.117(b), ***Aircraft Speed***, is waived to allow participating aircraft to operate within Class C or D Airspace at a speed in excess of 200 knots (230 mph).

Section 91.117(c), ***Aircraft Speed***, is waived to allow participating aircraft to operate beneath Class B Airspace at a speed in excess of 200 knots (230 mph).

Section 91.119(c), ***Minimum Safe Altitudes***, *Over Other Than Congested Areas*, is waived to allow flight within the boundaries of the waiver area below 500 feet above the surface and less than 500 feet from persons or property, applicable only for nonaerobatic flight, while temporarily exiting or returning to the operating area, only if unoccupied structures are involved or to allow participating personnel, vehicles, or vessels to be positioned closer than 500 feet from the performing aircraft.

Section 91.121(a), ***Altimeter Settings***, is waived to allow each person operating an aircraft in waivered airspace to determine their own altimeter setting.

Section 91.126(b)(1), ***Operating On or In the Vicinity of an Airport in Class G Airspace***, *Direction of Turns*, is waived to permit operations in waivered airspace without adhering to established traffic patterns.

Section 91.126(d), ***Operating On or In the Vicinity of an Airport in Class G Airspace***, *Communications With Control Towers*, is waived to permit participating aircraft to operate within Class G/waivered airspace via appropriate communications with the official air show control point. Except when otherwise authorized by agreement between the air traffic control tower (ATCT) and the waiver holder, the usual required communications for arrival and departure at a tower-controlled airport still apply.

Section 91.127(b), ***Operating On or In the Vicinity of an Airport in Class E Airspace***, *Departures*, is waived to permit operations in waivered airspace without adhering to published traffic patterns.

Section 91.127(c), ***Operations On or In the Vicinity of an Airport in Class E Airspace***, *Communications With Control Towers*, is waived to allow participating aircraft to operate within Class E/waivered airspace via appropriate communications with the official air show control point. Except when otherwise authorized by agreement between the ATCT and the waiver holder, the usual required communications for arrival and departure at a tower-controlled airport still apply.

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Section 91.129(c), ***Operations in Class D Airspace***, *Communications*, is waived to allow participating aircraft to operate within Class D/waivered airspace via appropriate communications with the official air show control point. Except when otherwise authorized by agreement between the ATCT and the waiver holder, the usual required communications for arrival and departure at a tower controlled airport still apply.

Section 91.129(e), ***Operations in Class D Airspace***, *Minimum Altitudes When Operating to an Airport in Class D Airspace*, is waived to allow large or turbine-powered aircraft to operate below 1,500 feet at the discretion of the pilot in command (PIC).

Section 91.129(f), ***Operations in Class D Airspace***, *Approaches*, is waived to allow participating aircraft to operate in Class D/waivered airspace without circling to the left.

Section 91.129(g), ***Operations in Class D Airspace***, *Departures*, is waived to allow participating aircraft to operate in Class D/waivered airspace without departing via established procedures.

Section 91.129(h), ***Operations in Class D Airspace***, *Noise Abatement*, is waived to allow participating aircraft to operate in Class D/waivered airspace to allow large or turbine-powered aircraft operate below 1,500 feet without using established noise abatement runways.

Section 91.129(i), ***Operations in Class D Airspace***, *Takeoff, Landing, Taxi Clearance*, is waived to allow participating aircraft to operate in Class D/waivered airspace via appropriate communications with the official air show control point. Except when otherwise authorized by agreement between the ATCT and the waiver holder, the usual required communications for arrival and departure at a tower-controlled airport still apply.

Section 91.130(b), ***Operations in Class C Airspace***, *Traffic Patterns*, is waived to allow participating aircraft to operate in Class C/waivered airspace without adhering to FAA arrival and departure traffic patterns.

Section 91.130(c), ***Operations in Class C Airspace***, *Communications*, is waived to allow participating aircraft to operate in Class C/waivered airspace via appropriate communications with the official air show control point. Except when otherwise authorized by agreement between the ATCT and the waiver holder, the usual required communications for arrival and departure at a tower-controlled airport still apply.

Section 91.130(d), ***Operations in Class C Airspace***, *Equipment Requirements*, is waived to allow participating aircraft to operate in Class C/waivered airspace without adhering to the applicable equipment requirements specified in § 91.215.

Section 91.131(a)(1), ***Operations in Class B Airspace***, *Operating Rules*, is waived to permit operations in Class B/waivered airspace without obtaining specific ATC clearance to enter that airspace.

Section 91.131(c), ***Operations in Class B Airspace***, *Communication and Navigation Equipment Requirements*, is waived to permit operations in Class B/waivered airspace without adhering to certain equipment requirements.

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Section 91.151(a)(1), ***Fuel Requirements for Flight in VFR Conditions***, is waived to allow IAC members to participate in this IAC aerobatic competition without meeting the fuel requirements for VFR flight, in accordance with the Conditions and Limitations of FAA Exemption No. 10159B, dated March 11, 2014.

Section 91.303(c), ***Aerobatic Flight***, is waived to allow aerobatic flight within surface areas of Class B, C, D, or E Airspace.

Section 91.303(d), ***Aerobatic Flight***, is waived to allow aerobatic flight within 4 nautical miles of the centerline of any Federal airway.

Section 91.303(e), ***Aerobatic Flight***, is waived to allow aerobatic flight below 1,500 feet above ground level (AGL).

Section 91.515(a)(1), ***Flight Altitude Rules***, is waived to allow flight below 1,000 feet above the surface, in waivered airspace by large turbine-powered multiengine aircraft.

RESERVED. Paragraphs 3-248 through 3-260.

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VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 12 INTRODUCTION TO 14 CFR PART 91 RELATED TASKS

Section 5 TSA/FAA Airspace Waivers

3-12-5-1 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE. 1395.

3-12-5-3 OBJECTIVE. The objective of this task is to determine if an operator is in regulatory compliance while conducting a flyover. This section provides information and procedures pertaining to the acceptable methods for reviewing the joint Transportation Security Administration (TSA)/Federal Aviation Administration (FAA) airspace waivers that are distributed to the Flight Standards District Offices (FSDO) with jurisdictional responsibility for aircraft requesting relief using the Airspace Access Program.

NOTE: This task does not include guidance for events that require FAA Form 7711-1, Certificate of Waiver or Authorization.

3-12-5-5 BACKGROUND.

A. History. Following the events of September 11, 2001, Congress enacted legislation that restricted civilian aircraft operations over events such as NASCAR, Major League Baseball (MLB), National Football League (NFL), National Collegiate Athletic Association (NCAA) football, and other open-air events containing more than 30,000 people. These restrictions are commonly known as temporary flight restrictions (TFR).

1) In 2004, Public Law (PL) 108-199, Consolidated Appropriations Act, section 521, was modified to allow civil aircraft limited use of designated sporting event TFR airspace.

2) The U.S. Government sequestration in 2013 reduced, and in some cases eliminated, support for Department of Defense (DOD) operations of military aircraft flyovers of sporting events and other open-air events. As a result, a growing number of civil aircraft operators are requesting relief from these sporting event TFRs in order to conduct formation and single-aircraft flyovers of these events.

3) With the October 27, 2014, publication of Flight Data Center (FDC) Notice to Airmen (NOTAM) 4/3621, Special Security Notice Sporting Events, updates were added to further define the sporting event TFR (see Figure 3-12-5A, FDC NOTAM 7/4319, Special Security Notice Sporting Events).

B. Size and Scope. The FAA has seen a growing number of civil aircraft operators requesting relief from sporting event TFRs in order to conduct flyovers at these events. The size and scope of these flyovers vary and range from military aircraft and civilian jet teams to small piston-powered aircraft. In the past, these flights have ranged from a single aircraft to as many as 50 aircraft in formation over a sporting event venue. These flyovers are conducted during day and night, and may include single direction or opposing direction passes and circling skydiver operations. Policy in Volume 3, Chapter 6, Section 1 describes military flyovers. However,

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Order 8900.1 does not address a civilian flyover or how a civilian pilot would gain access to a sporting event TFR. PL 108-199 requires TSA/FAA airspace waivers only be issued for the main sanctioned sporting event meeting sporting event TFR issuance requirements. Some venues may offer these flyovers for other smaller events at the same location each day.

C. The General Aviation Operations Branch's (AFS-830) Role. AFS-830 requested copies of the approved TSA/FAA airspace waivers from the Air Traffic Organization's (ATO) Tactical Operations Security Group in order to collect data and information regarding civilian flyovers. Additionally, select TSA/FAA airspace waivers have been forwarded to the General Aviation Technical Operations Branch and the responsible FSDO of the event location when the waiver was issued for a flight demonstration. With the implementation of the new distribution process, responsible offices in the General Aviation Technical Operations Branch and the FSDO will receive notifications through the Emergency Operation Network (EON) system.

3-12-5-7 GENERAL.

A. Airspace Access Program. The TSA's Airspace Authorizations Office and the ATO's Office of System Operations Security manage the Airspace Access Program. There are different waiver types available through the Airspace Access Program covering authorizations for different types of restricted airspace. The waiver types are Disney Theme Parks; Major Sporting Events; Special Events; Washington, DC Special Flight Rules Area (SFRA) and Flight Restricted Zone (FRZ); and International Waivers.

1) The Airspace Access Program is used to verify the crew, passengers, and purpose of flight to identify persons traveling on General Aviation (GA) aircraft that could be security threats in an effort to enhance national security. This section focuses on major sporting event waiver types.

2) Major sporting event waivers permit flight operations within the TFR airspace established for NFL, MLB, NCAA Division I football, NASCAR Sprint Cup Series main events, Champ Car World Series races, and Indy Racing League main events occurring in stadiums with a seating capacity of 30,000 or more. Sporting event waivers are event-specific. Each approved waiver will specify the name, dates, purpose, and location of the specific sporting event over which the pilot will be authorized to fly. The purpose of the request is shown on the approved waiver and will be one of the following:

- Aerial demonstration flyover,
- Broadcast of the event,
- Parachute operations,
- Transportation of event personnel, or
- Venue operations survey.

B. Ronald Reagan Washington National Airport (DCA) Access Standard Security Program. All GA aircraft operators looking to conduct flights into and out of DCA are required to follow security measures set forth in the DCA Access Standard Security Program. Additionally, all unscheduled GA operations to and from DCA require an FAA slot reservation obtained through the Enhanced Computer Voice Reservation System (e-CVRS).

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C. Maryland Three (MD-3) Program. The MD-3 Program allows private pilots to fly to, from, and between the three GA airports closest to the National Capital Region: College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive Airport/Hyde Field (W32). These airports are within the Washington, DC SFRA and the FRZ. Pilots must request a personal identification number (PIN) to fly to, from, or between any of the MD-3 airports.

D. TSA/FAA Airspace Waiver. The TSA Airspace Authorizations Office and the FAA Office of System Operations Security have a joint website to administer the Airspace Access Program, https://waivers.faa.gov/aap/te_pages.p_login. An operator can register as a new user which will allow them to submit waiver applications, access historical data for previous waivers, and monitor the status of any requests. It is important to note that an operator will only be able to view waivers requested under their specific username. Because the request has to be processed by multiple agencies and offices, TSA requests that operators submit requests with 5 business-days' lead-time. For each waiver applicant, full name, Social Security Number, date of birth, place of birth, passport number, and passport country are collected.

E. Operator Authorization. An approved TSA/FAA airspace waiver will have a unique authorization number that should be added to the comment section of filed flight plans. Pilots are required to carry a hardcopy of the waiver approval letter on board the aircraft. This two-page document not only gives ATO approval to enter the sporting event TFR detailed in NOTAM 7/4319, it also reminds the holder that this security airspace waiver does not relieve the operator from obtaining all necessary authorizations and complying with all applicable Federal aviation regulations (see Figure 3-12-5B, Sample TSA/FAA Airspace Waiver).

F. TSA/FAA Waiver Distribution. Through the use of the operations service centers, the FSDO responsible for the sporting event TFR will receive a copy of the approved TSA/FAA airspace waiver. Specifically, the appropriate operations service center will send an email notification with the attached waiver to the respective office mailbox, the FSDO manager, and other recipients as customized.

3-12-5-9 FSDO TOPICS FOR SPECIAL CONSIDERATION.

A. TFRs. Various Title 14 of the Code of Federal Regulations (14 CFR) rules impose additional TFRs. The most notable is 14 CFR part 91, § 91.145, which states in part that no person may operate an aircraft or device, or engage in any activity within the designated airspace area, except in accordance with the authorizations, terms, and conditions of the TFR published in the NOTAM, unless otherwise authorized by air traffic control (ATC) or a Flight Standards Certificate of Waiver or Authorization (CoW/A) issued for the demonstration or event.
For clarification, a TSA/FAA airspace waiver only applies as a security authorization to enter the sporting event TFR airspace, and as such does not constitute relief from any other regulation. An operator must request any additional regulatory relief separately, and such relief must be granted before operating in the sporting event TFR airspace.

B. Flyover Definition. Volume 3, Chapter 6, Section 1 defines "flyover" as a nonmaneuvering pass or a series of nonmaneuvering passes, performed by one or more aircraft, before an invited open-air assembly of persons temporarily gathered at an event (e.g., stadiums,

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civic events, or funerals). A Flight Standards Certificate of Waiver (CoW) is not required for a flyover.

1) However, there are situations when an application for a Flight Standards CoW (FAA Form 7711-2, Application for Certificate of Waiver or Authorization) should be submitted to the responsible FSDO for coordination at least 45 days prior:

a) When the operator requests a waiver from the maximum airspeed established for the given airspace (refer to § 91.117); and/or

b) When a sanctioned North American military jet demonstration team (e.g., United States Air Force (USAF) Thunderbirds, United States Navy (USN) Blue Angels, or Canadian Forces Snowbirds), a military single-ship demonstration team (USN, USAF, or Canadian Forces), or members of the USAF Heritage or USN Tailhook Legacy Flight Programs requests an altitude for flyover that is below that set forth in § 91.119(b). If a waiver of § 91.117 or 91.119 is required for a military flyover, certain conditions must be met, and a CoW must be issued. Volume 3, Chapter 6, Section 1, Subparagraph 3-148G, DD Form 2535 (Military Participation) lists those conditions.

2) Civilian flight less than 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft is not authorized when a flyover is conducted over an open-air assembly of persons. For civilian aircraft, the waiving of § 91.119(b) would only be relevant at an aviation event (such as an air show) where there is a sanitized flying display area and the aircraft is maneuvering to enter that flying display area/aerobatic box from over a congested area to complete a smooth transition to the performance altitude on the flight line (basically, repositioning turns).

3) A helicopter may be operated at less than the minimums prescribed in § 91.119(b) if the operation is conducted without hazard to persons or property on the surface and provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA.

C. Applicable 14 CFR Parts. Since the TSA/FAA airspace waivers offer no relief from 14 CFR part 61 or 91 rules, some common regulatory issues have been identified in past events. Review the following to ensure compliance with these rules for the flight(s).

1) Minimum Altitudes. Sections 91.119 and 91.515 are applicable to all operators of aircraft, helicopters, large and turbine-powered multiengine airplanes, and devices at all times.

2) Compensation. Refer to part 61, §§ 61.113 and 61.133. An airman must have a Commercial Pilot Certificate and second-class medical certificate, if a medical certificate is required for the aircraft operation. The aircraft must be certificated for operations that allow compensation or hire. Additionally, if an aircraft carries passengers or property for compensation or hire, it must be certificated to allow for those types of operations.

3) Experimental Aircraft. In accordance with § 91.319(a)(2), no person may operate an aircraft that has an experimental certificate carrying persons or property for compensation or hire.

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4) Flight Over Densely Populated Areas. Operators of experimental and restricted category aircraft must comply with §§ 91.319 and 91.313.

a) Section 91.319(c) states, "Unless otherwise authorized by the Administrator in special operating limitations, no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway. The Administrator may issue special operating limitations for particular aircraft to permit takeoffs and landings to be conducted over a densely populated area or in a congested airway, in accordance with terms and conditions specified in the authorization in the interest of safety in air commerce." Section 91.319 is not subject to waiver under § 91.905.

b) Section 91.313(e) states, "Except when operating in accordance with the terms and conditions of a certificate of waiver or special operating limitations issued by the Administrator, no person may operate a restricted category civil aircraft within the United States—(1) Over a densely populated area; (2) In a congested airway; or (3) Near a busy airport where passenger transport operations are conducted."

D. Congested Areas and Densely Populated Areas. The FAA considers stadiums, race tracks, and sporting events to be open-air assemblies of people, subject to regulation under § 91.119(b). However, many stadiums and sporting events will also be located near or surrounded by densely populated areas. Those civil aircraft that hold an experimental airworthiness certificate may not overfly densely populated areas. In such cases, ingress, egress, and holding paths for flyover events involving experimental aircraft would require an exemption from § 91.319(c) if flight over densely populated areas cannot be avoided.

E. Unmanned Aircraft Systems (UAS). Current FAA policy does not allow for UAS flyovers. Forward any questions to the offices of the General Aviation Technical Operations Branch.

3-12-5-11 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of regulatory requirements in part 91 and FAA policies, and qualification as an Operations aviation safety inspector (ASI).

B. Coordination. This task may require coordination with the airworthiness unit within Flight Standards, and may require coordination with the FAA Aircraft Certification Service (AIR), appropriate ATO facilities, and the General Aviation Technical Operations Branch. Any questions or comments concerning this information should be directed to the AFS-830 at 202-267-1100.

3-12-5-13 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 1, 61, and 91.
- PTRS Procedures Manual (PPM).
- Volume 3, Chapter 6, Section 1, Issue a Certificate of Waiver or Authorization for an Aviation Event.

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- Volume 6, Chapter 1, Section 4, Conduct a Part 91 Ramp Inspection.
- Volume 6, Chapter 1, Section 7, Evaluating and Inspecting Part 91 Aircraft.
- Volume 6, Chapter 11, Section 10, Surveillance of an Aviation Event.

B. Forms:

- FAA Form 7711-1, Certificate of Waiver or Authorization.
- FAA Form 7711-2, Application for Certificate of Waiver or Authorization.

C. Job Aids:

- Figure 3-12-5A, FDC NOTAM 7/4319, Special Security Notice Sporting Events.
- Figure 3-12-5B, Sample TSA/FAA Airspace Waiver.

3-12-5-15 PROCEDURES. When a FSDO receives a TSA/FAA airspace waiver, an evaluation should be conducted to ensure an equivalent level of safety (ELOS) exists for the operation to protect spectators in the event of an incident involving the aircraft. Due to the relatively low risk posed by these operations, especially when no operational regulations are being waived, it may not be necessary to conduct surveillance of the actual flyover. However, offices should, at a minimum, conduct a review by electronic means (Safety Performance Analysis System (SPAS) or appropriate databases) of regulatory requirements for the intended operation and record the results of that evaluation through the completion of a PTRS record.

A. Evaluate Airman Certificates. Conduct a review to ensure that the participating pilots possess:

- A valid pilot certificate with appropriate ratings;
- A valid letter of authorization (LOA) in lieu of type rating, including LOA/endorsement for pilots operating surplus military aircraft, if applicable;
- An experimental authorization on the pilot certificate for the aircraft, if required by the aircraft operating limitations; and
- A current medical certificate, if applicable.

B. Evaluate Participating Aircraft. Review the following:

- Aircraft inspection status;
- Airworthiness and registration certificates;
- Program letter, if applicable;
- Special Flight Authorization (SFA) for foreign-registered aircraft;
- Operating limitations associated with Special Airworthiness Certificates; and
- Operating Certificate or Letter of Deviation Authority (LODA).

C. Evaluate the Flightpath. The TSA/FAA airspace waiver shows the sporting event location. If the responsible FSDO determines that the area surrounding the flyover may not provide a safe flight routing in accordance with the aircraft type and applicable 14 CFR part, including ingress and egress flight routes, they should request further information from the applicant. Aeronautical charts alone often do not provide sufficient detail for depicting routes

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and altitudes over a congested area. City maps or even hand-drawn charts to approximate scale may be necessary. Topographical maps, charts, and aerial photographs should be as current as possible to ensure an accurate representation of the route of flight. At all times, if the aircraft experiences failure of a power unit or other mechanical malfunctions, it must accomplish an emergency landing without undue hazard to persons or property on the surface.

3-12-5-17 TASK OUTCOMES. Completion of this task results in one or more of the following:

- A review of an existing waiver or authorization.
- A PTRS record, documenting the outcome of the review.

3-12-5-19 FUTURE ACTIVITIES. Inspectors should coordinate their findings with the supervisor and/or office manager when they detect potential adverse safety data.

A. Modification of Intended Operation (e.g., route change, aircraft change, or pilot change) to Meet Applicable 14 CFR Sections. TSA/FAA airspace waivers may not be amended by a FSDO. The operator must resubmit any changes through the Airspace Access Program.

B. Surveillance of the Flyover. Offices should utilize existing policy to determine whether further action or, resources permitting, surveillance of the operation is necessary.

C. Investigations. Investigations may lead to possible compliance or enforcement action when evidence of regulatory noncompliance exists.

Figure 3-12-5A. FDC NOTAM 7/4319, Special Security Notice Sporting Events

FDC 7/4319 FDC PART 1 OF 3 SECURITY SPECIAL SECURITY INSTRUCTIONS FOR SELECT SPORTING EVENTS. THIS NOTAM REPLACES FDC NOTAM 4/3621 TO CLARIFY ATC AUTHORIZATION OF TRANSITING FLIGHTS. THIS NOTAM IMPLEMENTS SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199. PURSUANT TO 49 USC 40103(B)(3), THE FAA CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS ‘NATIONAL DEFENSE AIRSPACE’. ANY PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. PURSUANT TO TITLE 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, ALL AIRCRAFT OPERATIONS ARE PROHIBITED EXCEPT AS SPECIFIED BELOW WITHIN AN AREA DEFINED AS: 3 NMR OF A QUALIFYING STADIUM OR OTHER SPORTING VENUE HOSTING A QUALIFYING EVENT UP TO AND INCLUDING 3000FT AGL. QUALIFYING LOCATIONS AND EVENTS ARE DEFINED AS ANY STADIUM OR OTHER SPORTING VENUE HAVING A SEATING CAPACITY OF 30,000 OR MORE WHERE: 1) A REGULAR OR POST SEASON MAJOR LEAGUE BASEBALL, NATIONAL FOOTBALL 1707201400-PERM END PART 1 OF 3 FDC 7/4319 FDC PART 2 OF 3 SECURITY SPECIAL SECURITY INSTRUCTIONS FOR SELECT LEAGUE, OR NCAA DIVISION ONE FOOTBALL GAME IS OCCURRING; OR 2) A NASCAR CUP, INDY CAR,

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OR CHAMP SERIES RACE IS OCCURRING, EXCLUDING QUALIFYING AND PRE-RACE EVENTS. THIS FLIGHT PROHIBITION IS IN EFFECT ONE HOUR BEFORE THE SCHEDULED START UNTIL ONE HOUR AFTER THE END OF A QUALIFYING EVENT. THIS FLIGHT PROHIBITION APPLIES TO ALL AIRCRAFT OPERATIONS (INCLUDING TRAINING, PARACHUTE JUMPING, AND UNMANNED AIRCRAFT SYSTEMS - INCLUDING MODEL AIRCRAFT FLIGHTS) UNLESS THE AIRCRAFT OPERATOR MEETS AT LEAST ONE OF THE FOLLOWING REQUIREMENTS: A) THE AIRCRAFT OPERATION HAS BEEN AUTHORIZED BY ATC FOR OPERATIONAL OR SAFETY PURPOSES, INCLUDING AUTHORIZATION OF FLIGHTS SPECIFICALLY ARRIVING AT OR DEPARTING FROM AN AIRPORT DESIGNATED BY ATC USING STANDARD ATC PROCEDURES AND ROUTES; B) THE AIRCRAFT OPERATION IS BEING CONDUCTED FOR OPERATIONAL, SAFETY, OR SECURITY PURPOSES SUPPORTING THE QUALIFYING EVENT, AND IS AUTHORIZED BY AN AIRSPACE SECURITY WAIVER APPROVED BY THE FAA; C) THE AIRCRAFT OPERATION IS ENABLING BROADCAST COVERAGE FOR THE BROADCAST RIGHTS HOLDER FOR THE QUALIFYING EVENT, AND IS AUTHORIZED BY AN AIRSPACE SECURITY WAIVER APPROVED BY THE FAA; 1707201400-PERM END PART 2 OF 3 FDC 7/4319 FDC PART 3 OF 3 FDC 7/4319 FDC PART 3 OF 3 SECURITY SPECIAL SECURITY INSTRUCTIONS FOR SELECT D) THE AIRCRAFT OPERATION HAS BEEN AUTHORIZED BY ATC FOR NATIONAL SECURITY, HOMELAND SECURITY, LAW ENFORCEMENT, OR AIR AMBULANCE PURPOSES; PILOTS OPERATING IN THE DEFINED AIRSPACE ARE REMINDED THAT AN FAA AIRSPACE SECURITY WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS, INCLUDING THOSE SPECIFIC TO FLIGHTS OVER EVENTS HELD IN STADIUMS AND OTHER SPORTING VENUES, AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS. PILOTS MUST CONTINUOUSLY SQUAWK AN ATC-ASSIGNED BEACON CODE AND MAINTAIN 2-WAY RADIO CONTACT WITH ATC WHILE OPERATING IN THE DEFINED AIRSPACE.
ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 4/3621 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM. INFORMATION ABOUT AIRSPACE SECURITY WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0 OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT HTTPS://WAIVERS.FAA.GOV. 1707201400-PERM END PART 3 OF 3

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Figure 3-12-5B. Sample TSA/FAA Airspace Waiver

[FAA Letterhead]

June 27, 2018

Mr. John Jones
T6McGhee
43 Main St.
Hometown, OH 43311
United States

937-593-1234 (phone)
937-418-4321 (fax)

Dear Mr. Jones:

Authorization Number: 2018-SPT-123339

This is in response to your June 20, 2018 request for relief of the temporary flight restrictions (TFR) detailed in Flight Data Center (FDC) Notice to Airmen (NOTAM) number 7/4319 pertaining to major sporting events.

FDC NOTAM 7/4319, in part, prescribes specific security and flight restriction requirements for aircraft operating over specific MLB, NFL, NCAA Division I, NASCAR Sprint Cup, Indy Car, and Champ Series events.

We have reviewed your request and, based on the submitted information and statements, T6McGhee is hereby authorized to operate in the aircraft listed below within the below named sporting event TFR for the purpose of aerial demonstrations.

Event Information

Sporting Event	Pilot(s)/Skydiver(s)	Date(s)	Aircraft(s)	Call Sign(s)
MLB Game Comerica Park Detroit, MI	Jones, John Jones, James	July 4, 2018	N1234(NA T6G) N4321(NA T6G)	N1234 N4321

1. This waiver is effective on the above listed date(s) only.
2. This waiver is limited to the TFR detailed in NOTAM 4/3621 only.

Page 1 of 2 Signature Control Number: ONJ9J5-O8T9OX

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3. This security airspace waiver does not relieve the operator from obtaining all necessary authorizations and complying with all applicable Federal aviation regulations.
4. This waiver does not relieve the petitioner from complying with any governing security requirements.
5. The pilot(s) must verify all passengers' identities as named on the flight manifest by reviewing the passengers' government-issued identification.
6. The pilot(s) and, if applicable, the skydiver(s) named in this letter must present this waiver letter to any Federal Aviation Administration (FAA) inspector, or any other Federal or state official who seeks to review the issued document.
7. This waiver only applies as a security authorization to enter the temporary restricted or prohibited airspace. This waiver does not constitute authority to operate contrary to any other safety or operational Federal aviation regulation. A separate approval to waiver any additional Federal aviation regulation requirement must be requested from, and granted by, the appropriate FAA office.

A copy of this letter, and the submitted application, are on file in the Office of Law Enforcement/Federal Air Marshall Service (OLE/FAMS), Airspace Authorizations Office, Transportation Security Administration (TSA), Arlington, VA 22202. If you have any questions on this matter, please contact a TSA representative at 571-227-2071.

Sincerely,

F.D. Hatfield
Director, System Operations Security
Signature Control Number: ONJ9J5-O8T9OX

Authorized by Kevin George

3-12-5-21 hrough 3-12-5-35 RESERVED.

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VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 48 EVALUATE 14 CFR PART 135 (NINE OR LESS) WEIGHT AND BALANCE CONTROL PROCEDURES

Section 1 Safety Assurance System: Accepting or Approving Weight and Balance Control Procedures

3-4006 REPORTING SYSTEM(S).

A. Program Tracking and Reporting Subsystem (PTRS). None.

B. Safety Assurance System (SAS) Automation. This section is related to SAS Element 4.4.5 (AW) Weight and Balance Program.

3-4007 OBJECTIVE. This section provides guidance for accepting or approving Weight and Balance (W&B) control procedures.

3-4008 GENERAL. Title 14 of the Code of Federal Regulations (14 CFR) part 135, § 135.23(b) requires nine-or-less operator/applicants to develop their own W&B procedures. The operator/applicant has the option of using the procedures developed by the manufacturer, available in the approved Aircraft Flight Manual (AFM) or pilot's operating handbook (POH). Under these circumstances, the aviation safety inspector's (ASI) responsibilities are to ensure that the aircraft continue to be operated in accordance with these procedures. The operator/applicant may develop procedures tailored to the specific needs of the operation. Under these circumstances, it is the ASI's responsibility to evaluate the procedures to ensure regulatory compliance and suitability to the operation.

3-4009 MANUFACTURER-DEVELOPED PROGRAM. If an operator/applicant decides to use the manufacturer's W&B program, it is the operator/applicant's responsibility to ensure that the program will meet the needs of the proposed/current operation. To ensure an operator/applicant's compliance with a manufacturer's W&B program, an ASI will have to verify that the operation or proposed operation will not conflict with the program.

3-4010 OPERATOR/APPLICANT-DEVELOPED PROGRAM.

A. Authorized W&B Limitations. The operator/applicant can submit any method or procedure by which it can show that all aircraft are properly loaded and will not exceed authorized W&B limitations during all operations.

1) These procedures can be provided in the operator's manual or they may be an independently controlled document that includes all instructions and procedures for maintenance, operations, and baggage handling personnel.

2) The W&B document must include company procedures and instructions for completing forms used in aircraft weight control and aircraft loading. Mathematical justification for loading provisions or schedules should be included in the submitted information.

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B. Program Acceptance. The W&B procedures, including loading schedules and charts, are accepted by the principal operations inspector (POI).

C. Unusual or Complex Programs. If the operator/applicant proposes an unusual or complex W&B program, or that program is substantially different from the approved AFM or POH, assistance from regional specialists should be requested.

NOTE: The use of actual weights is mandatory for part 135 reciprocating powered aircraft of nine or less passenger seats.

D. Load Schedules. The load schedule must include a manageable system for aircraft loading under all loading situations, including alternate procedures for nonstandard weight persons or groups. The operator's procedures must provide all necessary information (charts, graphs, tables, etc.), with related instructions for the loading.

E. Approval Requirements. There may be instances when an operator/applicant requests approval to operate an aircraft with an increase in gross weight and/or change in center of gravity (CG) range. This constitutes a major design change, and requires the approval of Federal Aviation Administration (FAA) engineering, per 14 CFR part 21, § 21.113.

3-4011 COORDINATION REQUIREMENTS. This task requires close coordination between Maintenance and Operation ASIs.

3-4012 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 21, 23, 43, and 91;
- Civil Aviation Regulation (CAR) part 3;
- Advisory Circular (AC) 43.13-1, Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair;
- AC 120-27, Aircraft Weight and Balance Control;
- AC 120-85, Air Cargo Operations;
- FAA-H-8083-1, Aircraft Weight and Balance Handbook;
- Approved Flight Manuals;
- POH or W&B Manuals;
- Type Data Sheets and Aircraft Specifications;
- Supplemental Type Certificates (STC);
- Aircraft Equipment Lists; and
- Aircraft W&B Records.

B. Forms. None.

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3-4013 PROCEDURES.

A. Review Operator/Applicant's Data. Review the following:

1) Type of equipment.

2) Data to ensure that multiengine aircraft were weighed within the preceding 36 calendar-months (refer to § 135.185).

3) Operator/applicant's proposed/current method of recordkeeping.

4) Specific W&B information pertaining to operator's/applicant's aircraft to include:

a) Type Certificate Data Sheets (TCDS) for basic W&B data for individual aircraft.

b) Existing alteration records (FAA Form 337, Major Repair & Alteration (Airframe, Powerplant, Propeller, or Appliance)) that could affect the accuracy of approved W&B data.

c) An equipment list, to confirm that the list matches installed equipment. Verify that the list correlates with the actual location on the aircraft.

d) Past records in sufficient detail to determine the validity of current W&B information, if applicable.

NOTE: If aircraft W&B records are unavailable or inaccurate, the only acceptable method of determining the actual W&B is to weigh the aircraft.

5) Previous inspection reports, correspondence, and other documents in the office files to determine if there are any open items or if any areas were identified that require special attention.

B. Review Manufacturer's Program.

1) Verify that the W&B information in the AFM/Rotorcraft Flight Manual (RFM) includes current W&B information such as:

- Empty weight and CG,
- Loading graphs,
- CG envelopes,
- Loading schedules, and
- Index tables.

NOTE: The manual may refer to a W&B plotter. If so, ensure that this device is available.

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2) Ensure that the manufacturer's procedures cover all aspects of the operator/applicant's intended operation.

3) Review load manifest requirements for multiengine aircraft (refer to § 135.63(c)).

C. Review W&B Revisions.

1) Determine who is responsible for updating W&B information.

NOTE: The operator/applicant is ultimately responsible for the current status of W&B after any major repair or alteration, or equipment change.

2) Ensure that revised W&B information has been entered in the AFM/RFM or applicable aircraft W&B record, following any major change that may affect the W&B.

D. Inspect Equipment and Facilities.

1) If the operator/applicant has aircraft weighing equipment available, inspect calibration records to ensure that scale(s) calibration is traceable to the National Institute of Standards and Technology (NIST).

2) Ensure that the operator/applicant has a draft free area or hangar in which the aircraft can be weighed.

3) Ensure that the loaded aircraft are still within manufacturer specified CG limits.

E. Evaluate W&B Training. Ensure that operator/applicant's flight training curriculum reflects the basic W&B procedures. The curriculum must also include any special W&B considerations for special use aircraft, e.g., all cargo.

F. Analyze Results. Upon completion of the evaluation, analyze the results and determine whether the aircraft and/or program meet all requirements.

G. Meet With Operator/Applicant. Discuss discrepancies with the operator/applicant and advise what areas need corrective action.

3-4014 TASK OUTCOMES.

A. Follow SAS Guidance Using Module 4 and 5.

B. Accepting W&B. Successful completion of this task will result in accepting the W&B manual procedures or revision.

C. Document the Task. File all supporting paperwork in the operator/applicant's office file.

3-4015 FUTURE ACTIVITIES. Follow SAS guidance.

RESERVED. Paragraphs 3-4016 through 3-4030.

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VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 54 PART 142 TRAINING CENTERS

Section 1 Part 142 Training Centers: Training Center and Training Center Program Manager Overview

Source Basis:

- **Section 142.3, Definitions.**
- **Section 142.5, Certificate and Training Specifications Required.**
- **Section 142.9, Deviations or Waivers.**
- **Section 142.11, Application for Issuance or Amendment.**
- **Section 142.13, Management and Personnel Requirements.**
- **Section 142.14, Employment of Former FAA Employees.**
- **Section 142.15, Facilities.**
- **Section 142.17, Satellite Training Centers.**
- **Section 142.27, Display of Certificate.**
- **Section 142.29, Inspections.**
- **Section 142.31, Advertising Limitations.**
- **Section 142.33, Training Agreements.**
- **Section 142.37, Approval of Flight Aircrew Training Program.**
- **Section 142.39, Training Program Curriculum Requirements.**
- **Section 142.47, Training Center Instructor Eligibility Requirements.**
- **Section 142.49, Training Center Instructor and Evaluator Privileges and Limitations.**
- **Section 142.53, Training Center Instructor Training and Testing Requirements.**
- **Section 142.55, Training Center Evaluator Requirements.**
- **Section 142.57, Aircraft Requirements.**
- **Section 142.59, Flight Simulators and Flight Training Devices.**
- **Section 142.63, Privileges.**
- **Section 142.65, Limitations.**
- **Section 142.73, Recordkeeping Requirements.**
- **Section 142.81, Conduct of Other Approved Courses.**

3-4331 PURPOSE. This chapter incorporates the Title 14 of the Code of Federal Regulations (14 CFR) part 142 training center guidance previously located in Federal Aviation Administration (FAA) Order 8700.1, General Aviation Operations Inspector's Handbook, chapters 148 through 154. This chapter supersedes all previous guidance issued concerning FAA policy and procedures for the management of part 142 training centers.

3-4332 BACKGROUND. Prior to the implementation of part 142, regulations did not permit organizations other than certificated air carriers to use qualified full flight simulators (FFS) or flight training devices (FTD) to conduct the training, checking, or testing to qualify flightcrew members. To acknowledge the advantages of modern simulation technology, the FAA issued various regulatory exemptions to training organizations that enabled them to conduct required training, checking, or testing in flight simulation training devices (FSTD). In 1996, part 142 was

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implemented and provided the regulatory basis to enable certificated training centers to use approved curricula, qualified instructors, and authorized evaluators to conduct the training, testing, and checking of airmen in qualified FSTDs. In addition to adopting part 142, the FAA also revised applicable sections of 14 CFR parts 61, 63, part 91 subpart K (part 91K), 121, 125, 135, and 141 to afford a means for crediting the training, testing, and checking accomplished in FSTDs toward the flight training requirements of those parts. The certification of part 142 training centers also made additional resources available to air operators (parts 91K, 121, 125, and 135) to enable them to enter into agreements with a training center to conduct ground and simulator flight training and checking for their crewmembers. With approval of the operator's principal operations inspector (POI), an operator may use a training center to conduct portions of the operator's approved training program. This provision has enabled certificated part 142 training centers to provide a valuable service to operators who would otherwise not have the benefit of using FSTDs to use in their crewmember training curricula.

3-4333 GENERAL. Part 142 permits a certificated training center to use approved FSTDs and aircraft in conjunction with approved curricula, qualified instructors, and evaluators to accomplish airman training, testing, and checking to meet the requirements of parts 61 and 63. Title 14 CFR part 119 air operators conducting operations under parts 121, 125, and 135 as well as operators under parts 91K and 137 may, under certain conditions, permit training centers to conduct the required training and checking of their crewmembers. Conditions under which an air operator may permit a training center to conduct required training, testing, and checking are outlined in Volume 3, Chapter 54, Section 5.

3-4334 DEFINITIONS. The following definitions are provided to clarify their use as they pertain to this chapter and part 142 training centers. Other training and technical terms not specifically listed, but which appear in this section, carry the same definition and/or connotation used elsewhere within this order, 14 CFR part 1, and/or other appropriate FAA guidance.

A. Advanced Flight Training Device (AFTD). For the purpose of this chapter and the certification of part 142 training centers, the term AFTD means a Level 6 or 7 FTD as approved and described in 14 CFR part 60.

B. Air Carrier and Air Operator ("Carrier" or "Operator"). As used in this chapter, these terms are interchangeable and apply to each person operating or intending to operate civil aircraft, as an air carrier or commercial operator, in air commerce. These terms also refer to any operator who receives an air carrier or operator certificate authorizing operations under part 121, 125, or 135; and for the purpose of this chapter, they also apply to fractional ownership programs under part 91K.

C. Assistant Training Center Program Manager (ATCPM). A certificate-holding district office (CHDO) may, depending on staffing authorizations and standards, assign an ATCPM to assist the Training Center Program Manager (TCPM). As the TCPM's assistant, ATCPMs typically participate in the full range of TCPM duties. The TCPM maintains technical oversight for the center; however, based on a center's activity, the CHDO may or may not assign an ATCPM to a particular certificate.

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D. Checking and Training.

1) Checking. An operation associated with the initial, requalification, and recurring evaluation (e.g., flight review, proficiency check, etc.) of an airman's or other individual's qualifications. Checking is that time during which the applicant is evaluated to determine if he or she possesses the necessary skills to conduct flight operations in a safe manner. During the proficiency check, training cannot take place. There must be clear separation between training maneuvers and checking maneuvers. (See Training to Proficiency.)

2) Progressive Checking. Progressive checking is the practice whereby an applicant is trained on a task or a set of tasks, and then after having been trained, is subsequently checked on those tasks. After this checking phase, further training is conducted on additional task(s) and then those task(s) are checked. This process continues until all tasks have been trained and subsequently checked. Progressive checking is not permitted in cases where the check is intended to result in airman certification.

3) Training. Training is that time during which the applicant receives instruction or is allowed to practice tasks while not being evaluated or checked.

4) Training to Proficiency. Training to proficiency may be accomplished when an applicant is being checked but fails to perform to the required standards during a checking event. In such a case, the check may be suspended while the applicant is retrained, after which the proficiency check may be resumed and the task can then be reevaluated. Training to proficiency is not permitted in cases where the check is intended to result in airman certification.

NOTE: Training to proficiency is training—not checking. Training to proficiency must not be misconstrued to imply that an item may be performed and, if completed satisfactorily, that it can be counted as having been a check, but considered training if unsatisfactory.

E. Class I, II, III Airport Models. Refer to part 60.

F. Contract Check Airman. An individual that is not an employee of the operator who has been authorized in accordance with the operator's training program (and part 91, § 91.1075; part 121, § 121.402; or part 135, § 135.324, as appropriate) to conduct certain evaluations on behalf of the operator pursuant to a contractual or other arrangement. A contract check airman must remain fully qualified as a flight instructor for a training center or other air operator under the same part as the basis for qualification as a contract check airman. All contract check airmen must be authorized by the operator's POI in accordance with the procedures in this order.

NOTE: The term "contract check airman" has been developed by the FAA to describe individuals who are employees of a training center (or another certificate holder under the same CFR part) who have been authorized to provide check airman functions for the operator.

NOTE: Part 91K uses the term "check pilot" when referring to an individual who has been authorized by a POI to conduct certain tests and checks on behalf of the operator. Parts 121 and 135 use the terms "check airman" and "check pilot" when

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referring to individuals who have been authorized to conduct certain tests and checks on behalf of the operator. Part 125 uses the term “check airman” throughout. As a matter of Air Transportation Division policy, the terms “check airman” and “check pilot” are interchangeable and considered synonymous.

G. Contract Instructor. An employee of a part 142 training center who is properly nominated, trained, qualified, and authorized by the air operator. The FAA developed the term “contract instructor” to distinguish between an instructor employed by the operator (instructor) and one who is not an employee of the operator (contract instructor).

H. Core Curricula. A set of courses approved by the Administrator for use by a training center and its satellite training centers. A core curriculum consists of training which is required for certification. It does not include training for tasks and circumstances unique to a particular user. Each training center must have at least one approved core curriculum.

I. Course. This means (1) a program of instruction to obtain pilot certification, qualification, authorization, or currency; (2) a program of instruction to meet a specified number of requirements of a program for pilot training, certification, qualification, authorization, or currency; or (3) a curriculum, or curriculum segment, as defined in part 121 subpart Y.

J. Courseware. Instructional material developed for each curriculum. This includes, but is not limited to, information in lesson plans, instructor guides, computer software programs, audiovisual programs, workbooks, aircraft operating manuals, and handouts. Courseware must accurately reflect curriculum requirements, be effectively organized, and properly integrate with instructional delivery methods. Courseware is an integral portion of a curriculum or course, and is subject to approval in accordance with part 142, § 142.39.

K. Curriculum Segment. The largest subdivision of a curriculum containing broadly related training subjects and activities based on regulatory requirements. Curriculum segments are logical subdivisions of a curriculum which can be separately evaluated and individually approved. Examples are a “ground training” segment and a “flight training” segment. Each curriculum segment consists of one or more training modules.

L. Element. An integral part of a training, checking, or qualification module that is not task-oriented but subject-oriented. For example, an “electrical power” ground training module may include such elements as a direct current (DC) power system, an alternating current (AC) power system, and circuit protection.

M. Event. An integral part of a training, checking, or qualification module which is task-oriented and requires the use of a specific procedure or procedures. A training event provides a student an opportunity for instruction, demonstration, and/or practice using specific procedures. A checking or qualification event provides an evaluator the opportunity to evaluate a student’s ability to correctly accomplish a specific task without instruction or supervision.

N. Fleet Training Program Manager (FTPM). An FAA-qualified inspector assigned to support a part 142 principal training center’s curriculum for a specific fleet or aircraft type/group/category. FTPMs report to the principal center’s TCPM and may be remotely assigned inspectors.

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O. Flight Simulation Training Device (FSTD). An FFS or an FTD.

P. Flight Training Device (FTD). A replica of aircraft instruments, equipment, panels, and controls in an open flight deck area or an enclosed aircraft flight deck replica. It includes the equipment and computer programs necessary to represent aircraft (or set of aircraft) operations in ground and flight conditions having the full range of capabilities of the systems installed in the device as described in part 60 and the Qualification Performance Standard (QPS) for a specific FTD qualification level.

Q. Foreign Training Center. A training center or satellite training center that is located outside of the 50 United States.

R. Full Flight Simulator (FFS). A replica of a specific type or make, model, and series (M/M/S) aircraft flight deck. It includes the equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-flight-deck view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system. The FFS also has the full range of capabilities of the systems installed in the device as described in part 60 and the QPS for a specific FFS qualification level.

S. Module. A module is a subpart of a curriculum segment, which constitutes a logical, self-contained unit. A module contains elements or events, which relate to a specific subject. For example, a ground training curriculum segment could logically be divided into modules pertaining to aircraft systems (such as hydraulic, pneumatic, and electrical). As another example, a flight training curriculum segment is normally divided into flight periods, each of which is a separate module. A training module includes the outline, appropriate courseware, and instructional delivery methods. It is usually, but not necessarily, completed in a single training session.

T. Partial Program Manager (PPM). PPMs are assigned as aircraft subject matter experts (SME) to assist TCPMs when the number of aircraft at a particular training center requires such assistance.

U. Remote Training Site. A site that is temporary in nature and operated to accommodate a specific or limited training center need. Remote sites are distinguishable by the use of facilities, such as FSTDs or classrooms; these facilities may be dry leased and may or may not be under the direct operational control of the certificated training center (principal training center). Management, staffing, training curriculum, and courseware remain under the control of the principal training center. The TCPM may authorize remote training sites on a temporary basis through the issuance of an approval letter for periods not to exceed 120 days. Extensions may be granted for extenuating circumstances.

V. Satellite Training Center. Satellite training centers are permanent in nature and function under the operational and management control of the principal training center. Although physically separated from the principal training center, responsibility for regulatory compliance of the satellite rests with the principal training center. The principal center is also responsible for the successful maintenance and delivery of all assigned curricula and courseware used by the

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satellite. Approval of a satellite's flight training equipment (FTDs and FFSs) is also the responsibility of the principal center. Satellite training centers receive their authority to operate through the training specifications (TSpecs) issued to the principal training center.

W. Specialty Curriculum. A set of courses that is designed to satisfy a requirement of 14 CFR and is approved by the Administrator for use by a particular training center or satellite training center. The specialty curriculum includes training requirements unique to one or more training center clients.

X. Syllabus. A detailed summary or outline describing the main points of a course of study. A syllabus describes the course content in a sufficient level of detail to ensure that it covers all knowledge areas and required skills adequately. It includes those materials that are necessary to support the course (courseware). It includes details of course requirements, course content, and evaluation plans, including programmed hours, media, and all courseware. By regulation, each curriculum must include a syllabus.

Y. Testing. An operation associated with performing practical tests in accordance with the practical test standards (PTS) or Airman Certification Standards (ACS), as applicable, that apply towards airman certification.

Z. Training Center Program Manager (TCPM). TCPMs have regulatory oversight responsibility for training centers and are responsible for overall FAA technical administration, certification, surveillance, and investigation. TCPMs are the primary FAA focal point for relations with training centers and are responsible for coordinating FAA activity at training centers, satellites, and remote training sites. Their role is to verify that the training, testing, and checking conducted by the center continually meets regulatory standards and the terms and conditions of the center's TSpecs, and complies with established FAA policy and guidance.

AA. Training Program. The courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum.

BB. Training Specifications (TSpecs). A document, issued by the Administrator to a training center, which forms part of the center's certificate. This legally binding document prescribes the center's training, checking, and testing authorizations and limitations, and specifies training program requirements, such as approved flight training equipment.

3-4335 AUTHORIZED TRAINING FACILITIES—SATELLITES, FOREIGN CENTERS, AND REMOTE SITES.

A. Satellites. Part 142 provides that a training center certificate holder may establish one or more satellites to provide some or all the services authorized for the certificated "principal" center. (See Volume 2, Chapter 10, Section 1 for guidance when adding a satellite center.) The approval process for satellite centers is the same as that of the principal center, except for required management positions, which may be shared with the principal. Consequently, the responsibility for operational control of satellite centers remains with the principal center. Contractual agreements for the use of FSTDs and classroom/briefing facilities are an essential requirement for selected satellites.

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1) A satellite's authority to provide training services is provided through the principal center's TSpecs. Removal of the satellite from the principal's TSpecs does not normally affect the principal center's authority to operate. If the principal training center's certificate is surrendered, suspended, revoked, or expires, the satellite center's authority to operate is similarly affected.

2) Below are descriptions of the five basic combinations of training centers and associated satellites:

a) Certificate Management Office (CMO)- or Certificate Management Unit (CMU)-Managed Satellite. Satellites of principal centers whose certificate is managed by a CMU or CMO will normally have their surveillance activities carried out by the assigned CMU/CMO. In other words, the surveillance responsibilities for these satellites normally reside with the assigned CMU or CMO and not the Flight Standards District Office (FSDO) with geographic responsibility for the satellites' locations. Surveillance responsibilities for satellites attached to principal centers under the supervision of a CHDO are described in subparagraphs b) through e) below.

b) U.S. Satellite of a Domestic Training Center. The U.S.-based training center (principal center) holds the training center certificate, and its U.S.-based satellite is listed in paragraph A008 of the principal's TSpecs. Surveillance of the satellite will be coordinated between the TCPM and the FAA office holding geographic responsibilities for the area containing the satellite. Authority for the satellite to operate remains in effect as long as the principal center's certificate remains effective. Domestic training center certificates are issued without an expiration date.

c) U.S. Satellite of a Foreign-Based Training Center. The foreign-based training center (principal center) holds the training center certificate, and its U.S.-based satellite is listed in paragraph A008 of the principal's TSpecs. The surveillance responsibilities for the domestic-based satellite are the same as those for a satellite of a domestic-based principal. However, a foreign training center's certificate expires every 12 months from the date of issuance. Consequently, all U.S.-based satellite(s) of a foreign principal certificate holder will lose their authority to operate unless the foreign principal's certificate is renewed annually. If the foreign principal's certificate is not renewed for any reason, the domestic satellite's authority to provide training also expires.

d) Foreign Satellite of a U.S. Domestic Training Center. The U.S.-based principal holds a permanent training center certificate; however, the principal center's TCPM is responsible for coordinating required surveillance of the foreign satellite. Adverse action and/or suspension of the U.S.-based principal will affect the foreign satellite's ability to continue operations. An adverse action against the foreign satellite could result in removal of the satellite from the principal's TSpecs, and may lead to sanctions against the principal's operating certification depending on the type and severity of the infraction.

NOTE: Foreign satellites of principal centers are not issued operating certificates or TSpecs. However, the annual renewal requirements of § 142.7(b) are applicable. Section 142.17 requires satellite centers, foreign or domestic, to

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comply with applicable requirements of part 142. TCPMs must ensure that each foreign satellite is included in their surveillance plan and must remove any satellite from the principal's TSpecs should the satellite fail to receive, at a minimum, an annual renewal evaluation, or fail to maintain the requirements of part 142 or this order.

e) Foreign Satellite of a Foreign Training Center. The satellite's foreign training center authority to operate is based on the principal's operating authority and TSpecs. In this example, both the principal and satellite renewal dates will be the same. The foreign satellite's authority is typically renewed concurrently with the principal center's certificate renewal. The reissuance of the foreign satellite authority to operate is therefore dependent upon the outcome of the normal surveillance and oversight of both the satellite and the foreign principal center. The TCPM for the foreign principal training center is typically assigned from the International Field Office (IFO)/FSDO responsible for the geographic area containing the principal center.

NOTE: If the certificate of a foreign principal training center expires or is not renewed, all of the principal center's satellite(s), regardless of their location, also expire.

B. Foreign Training Centers. Part 142 permits the certification of training centers outside the United States. Other than the differences addressed below, training centers and/or satellites located outside the United States must meet the same regulatory requirements as those outlined for a domestic training center. The following identifies some of the operational and management differences between domestic and foreign training centers/satellites.

1) Operating Certificates. Foreign training centers are issued an operating certificate valid for 12 calendar-months, whereas a domestic training center's certificate is valid until surrendered, suspended, or revoked. Foreign centers and satellites must have their operating certificate/authority renewed annually.

2) Surveillance and Investigation. While the surveillance and oversight of domestic training centers and their associated satellites is typically conducted on a daily or weekly basis, the surveillance and oversight of foreign training centers and associated foreign satellites may be conducted on a less frequent basis. The reduced frequency is primarily associated with the difficulties associated with travel and, in some instances, country clearances. The reduced frequency, however, does not lessen the inspection detail; it merely changes the scheduling of required inspections to accommodate travel restrictions.

3) Limitations.

a) Part 142 certificated foreign training centers and associated foreign satellite/remote sites are prohibited from providing initial and transition training as defined below unless the provisions of subparagraph b) below are met. Additionally, the training and

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evaluations that may lead to the initial issuance of a pilot certificate at the private and commercial level are also restricted.

1. Initial Training. The training required for crewmembers that have not qualified and served in the same capacity on another airplane of the same group.

2. Transition Training. The training required for crewmembers and dispatchers who have qualified and served in the same capacity on another airplane of the same group.

b) Foreign training centers and their associated satellites/remote sites are required to comply with all Transportation Security Administration (TSA), FAA, and other applicable U.S. Government agency requirements concerning student enrollment and training.

4) Foreign Center/Satellite Renewal. The processes for renewal or recertification of a foreign training center include a review of all of the steps required for initial certification. However, a phased inspection process conducted throughout the year is considered more practical than one large annual inspection. While more frequent or day-to-day surveillance is preferred, a combination of inspections that will also meet renewal requirements may be used as a method of renewing the foreign-based training center's certificate. When warranted, a complete recertification evaluation should be conducted.

5) Coordination. Surveillance leading to investigation and/or enforcement action against a foreign training center certificated by the FAA will be handled through normal FAA enforcement processes. Inspectors are cautioned not to become involved with another country's pilot certification issues or the policies, procedures, and regulations of a foreign State. These events are to be coordinated with the host country's Civil Aviation Authority (CAA). A fraudulent foreign Airman Certificate and or fraudulent training record entries are representative situations that must be coordinated with the host government authorities.

6) Cost. All activities associated with the certification, approval and/or authorization of a foreign training center, satellite center, or remote site, and associated equipment and personnel are to be charged to the applicant. Inspections required for (or conducted as part of) the certification and/or recertification of the center, equipment, and personnel are also subject to these charges. The regulatory requirements for recovering costs of this type are provided in 14 CFR part 187. Fee structures for associated surveillance are outlined in the current edition of Advisory Circular (AC) 187-1, Flight Standards Service Schedule of Charges Outside the United States.

7) Surveillance Responsibilities. The Flight Standards IFO with geographical responsibility for the area containing the foreign center or satellite has surveillance responsibility for the foreign operation. The CHDO and TCPM of a domestic training center with a foreign satellite(s) will need to coordinate the surveillance responsibility for the subject satellite(s) with the appropriate IFO.

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C. Remote Training Sites. A remote training site is characterized by its temporary nature. It is distinguished by the fact that it uses facilities, such as FSTDs or classrooms, which are typically dry leased or not under the direct or full-time operational control of the certificated (principal) training center.

1) The management, staffing, instructors, Training Center Evaluators (TCE), training curricula, and courseware at the remote site are provided by the principal training center and remain under the control of the principal center. Instructors and TCEs that have authority to provide instruction or evaluations at the principal center or satellite may also provide instruction and evaluations at a remote site, providing they have been trained on the operation of associated flight training equipment.

NOTE: Before a TCE may conduct evaluations at a remote site that is outside of the TCPM's geographic area of responsibility, the TCPM must coordinate associated evaluations with the FAA office with geographical responsibility for the remote site. Because the TCEs activities are temporary, this coordination does not require additional enhanced Vital Information Database (eVID) entries by the FSDO that has geographic oversight responsibility for the remote site.

2) The TCPM must authorize remote training sites before the accomplishment of any training, testing, or checking authorized by the principal center's TSpecs. Remote site authorization must be granted by letter for periods not exceeding 120 days. Letters of authorization (LOA) may be renewed for extenuating circumstances for no more than 60 days at a time. If longer periods are required due to emergency situations, consideration should be given to upgrading and designating the facility as a satellite center.

3-4336 TRAINING CENTER PROGRAM MANAGERS (TCPM).

A. TCPM General. The FAA CHDO will assign a TCPM to each training center certificate holder. The TCPM will have oversight responsibility for the training center and is responsible for overall FAA technical administration, certification, surveillance, and investigations relating to the certificate holder. The CHDO may consider the assignment of an ATCPM when:

1) A TCPM's duties exceed 70 percent of the TCPM's available time; or

2) The complexity of the training center is such that the TCPM could not reasonably be expected to provide required surveillance of the activities of the center and associated satellite(s).

B. TCPM Duties. TCPMs serve as the primary operations coordinator between the FAA and the training center. They oversee TCEs, ground/flight instructors, facilities, equipment, and curriculum approvals. The TCPM's role is to ensure that the training conducted by the center, its personnel, and facilities meets the regulatory standards of part 142, and complies with

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established policy and procedures. TCPMs also coordinate with training center management regarding regulatory changes in FAA policy matters.

1) TCPM Approval Responsibilities. TCPMs are responsible for reviewing and granting approval of core and/or specialty curricula that are submitted by the center. Once initially approved, each curriculum will be entered into the center's TSpecs as either a core or a specialty curriculum. The TCPM must coordinate with the Air Carrier Training Systems and Voluntary Safety Programs Branch's part 142 program lead of each core curriculum that is initially approved for a center's use. The TCPM may notify by email and should provide the curriculum name and the training requirement that it is intended to satisfy.

2) Assisting POIs. TCPMs may be called upon to assist POIs of air carriers that are requesting to use the services of the TCPM's assigned training center. For those operators that may wish to use a training center's core or specialty curricula to accomplish a portion of their training requirements, the TCPM may assist the POI with his or her evaluation of the center's capabilities to meet the operator's training requirements. If approved by the POI, the center's curricula may become a part of that operator's training program.

3) Surveillance of Training Centers. TCPMs may function as a geographic resource for POIs whose operator(s) have been authorized to use the assigned training center or their satellites. Surveillance of this type is determined through mutual agreement between the POI and TCPM. The surveillance of foreign training centers or satellites that have been approved to conduct an air carrier's training will require POIs to coordinate required surveillance with both the TCPM and IFO.

4) TCPM Surveillance Responsibilities. See Volume 3, Chapter 54, Section 5 for a discussion of the coordination activities associated with an air operator outsourcing a portion of their crewmember training to an authorized training center.

a) The TCPM must develop and conduct a surveillance program of all training center curricula that are authorized in part B of the center's TSpecs.

b) Coordinate and conduct various surveillance and certification activities, as appropriate, with other FAA inspectors. This activity will primarily involve POIs for air carriers who have been approved to use the training center.

c) Determine through surveillance and investigation that the training center is adequately staffed with appropriately qualified instructors and TCEs.

d) Monitor TCEs to determine adequacy and quality of approved training programs, as well as the quality of checking and testing.

e) Monitor instructors to determine adequacy and quality of approved training programs.

f) Monitor flight training equipment status, including discrepancy logs as required by § 142.59, to ensure continued compliance with qualification standards and authorized maneuvers.

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g) Monitor training programs conducted in support of the center's TSpecs to ensure compliance with center procedures, FAA regulations, policies, and procedures.

5) TCPM Certification Responsibilities.

a) Conduct practical tests for the issuance of Airman Certificates and ratings.

b) Conduct or observe the reexamination of certificated airmen following failures to meet the minimum standards required for the certificate they hold.

c) Initiate and/or assist in the emergency suspension of Airman Certificates.

d) Conduct enforcement investigations and prepare final reports in those cases requiring legal disposition.

e) Provide technical assistance to legal counsel, give depositions, and testify at court trials and formal hearings.

f) Review, recommend necessary changes to, and approve TSpecs, training center curricula, courseware, and associated revisions.

g) Recommend amendments to previously approved programs to eliminate unsafe practices and/or improve the efficiency of the curricula.

h) Conduct formal inspections on a regular basis and evaluate methods and plans for any necessary corrective actions, including followup inspections to ensure that appropriate corrective action has been taken.

i) Approve individual maneuvers and functions in support of the center's curricula for FSTDs that have been appropriately qualified by the National Simulator Program Branch.

j) Conduct periodic record evaluations to determine the center's compliance with 14 CFR, center policies, and other regulatory requirements.

6) Approval and Oversight of TCEs.

a) Train and examine TCEs for initial designation, recertification, and standardization as an evaluator, as necessary.

b) Approve TCEs for specific types of aircraft and FSTDs operated by the training center and enter appropriate authorizations in the center's TSpec.

c) Monitor TCEs during the conduct of airman certification and recurring evaluations to ensure compliance with established standards and approved procedures and TCE authorization letters.

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d) Ensure compliance with the Memorandum of Understanding (MOU) between the center and the FAA National Simulator Program Branch.

7) TCPM FSTD Surveillance Responsibilities.

a) Review applications for initial or upgrade evaluation of FSTDs.

b) Assist the National Simulator Program Branch, as required, with the initial qualification and requalification of the center's FSTDs.

c) Periodically conduct practical evaluations of FSTDs to determine that they continue to meet the National Simulator Program Branch's initial QPS.

d) Review and approve simulator inoperative component guides.

e) Review FSTD discrepancy logs for deficiencies that have not been corrected within the time limitations imposed by part 60, the National Simulator Program Branch, the Training Program Approval Authority (TPAA), or the training center's internal processes, as appropriate, and that may affect the capabilities of the flight training equipment to meet training curriculum requirements.

f) Verify through actual flights or operation of FSTDs that each maneuver, procedure, crewmember function, circling approach, and runway scene required to support a proposed curriculum can be accomplished in accordance with the FSTD's qualification.

g) Monitor the center's notification of any discrepancies and/or modifications that may require reevaluation by the National Simulator Program Branch.

8) Technical Oversight. The TCPM must maintain technical oversight of each ATCPM, FTPM, and PPM assigned to the TCPM's training center whose duties include responsibility for one or more specific aircraft training programs conducted by a training center.

9) ATCPM Duties. ATCPM duties include the following:

a) Conduct surveillance and assist the TCPM with assigned responsibilities on an as-required basis.

b) Additional duties as assigned by the TCPM's supervisor.

10) PPM Duties. PPM duties include the following:

a) Conduct surveillance and assist the TCPM with assigned responsibilities on an as-required basis. Particular emphasis is placed on the types of aircraft for which the PPM is qualified and remains current on.

b) Coordinate with the TCPM regarding FAA policy, updated training requirements, and any necessary changes to regulatory requirements for the types of aircraft in which the PPM is rated.

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c) Review and submit to the TCPM training, courseware, associated revisions, and any recommendations for assigned aircraft.

d) Conduct surveillance programs for all training center activities within the assigned aircraft program.

RESERVED. Paragraphs 3-4337 through 3-4352.

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VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 54 PART 142 TRAINING CENTERS

Section 6 Part 142 Training Centers: Evaluate Training Programs, Curricula, Flight Training Equipment, and Recordkeeping Requirements

Source Basis:

- **Section 142.3, Definitions.**
- **Section 142.5, Certificate and Training Specifications Required.**
- **Section 142.9, Deviations or Waivers.**
- **Section 142.11, Application for Issuance or Amendment.**
- **Section 142.13, Management and Personnel Requirements.**
- **Section 142.15, Facilities.**
- **Section 142.17, Satellite Training Centers.**
- **Section 142.27, Display of Certificate.**
- **Section 142.29, Inspections.**
- **Section 142.31, Advertising Limitations.**
- **Section 142.33, Training Agreements.**
- **Section 142.37, Approval of Flight Aircrew Training Program.**
- **Section 142.39, Training Program Curriculum Requirements.**
- **Section 142.47, Training Center Instructor Eligibility Requirements.**
- **Section 142.49, Training Center Instructor and Evaluator Privileges and Limitations.**
- **Section 142.53, Training Center Instructor Training and Testing Requirements.**
- **Section 142.55, Training Center Evaluator Requirements.**
- **Section 142.57, Aircraft Requirements.**
- **Section 142.59, Flight Simulators and Flight Training Devices.**
- **Section 142.63, Privileges.**
- **Section 142.65, Limitations.**
- **Section 142.73, Recordkeeping Requirements.**
- **Section 142.81, Conduct of Other Approved Courses.**

3-4433 GENERAL. The information in this section provides guidance for the approval of a center's training program and associated curricula/courses. Regulatory requirements demand sufficient content and detail to enable a training center to meet the standards required to ensure the highest level of flight training is achieved. The successful development of program curricula and courses forms the basis of each center's certificate. The successful evaluation of the curricula, syllabi, courseware, and flight training equipment (FTE) is critical to the success of the program.

3-4434 COMPONENTS OF A TRAINING PROGRAM. A training program consists of all of the curricula, syllabi, supporting courseware and materials, facilities, FTE, recordkeeping, and personnel necessary to accomplish a specific training objective(s) (e.g., a Boeing B737-200 training program). A training program may include core curricula, specialty curricula, or both. Other curricula may be used to augment the training covered under a core or specialty

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curriculum. The technical evaluation of components of a training program must involve the assistance of a Federal Aviation Administration (FAA) inspector qualified in the particular aircraft. Should the Training Center Program Manager (TCPM) be unqualified in the aircraft or lack the expertise to conduct a review of this type, support should be requested from other national resource specialists.

Figure 3-147B. Components of a Training Program

C. Curricula Submitted for Approval. The Title 14 of the Code of Federal Regulations (14 CFR) part 142 training center should submit curricula for approval in a format that describes the content of the proposed training in sufficient detail to enable a clear understanding of subject matter and events to be accomplished. The content of each curriculum or course segment is outlined by listing the main subject areas. Each subject area contains individual training modules for each topic to be covered.

Figure 3-147C. Sample Curriculum Format

Curriculum/ Course ⇨	**Initial Pilot-in-Command (PIC)—Gulf Stream 550 Type Rating**				
Modules/ Elements ⇨	**G-550 Initial System Training**	**General Operational Subjects**	**FMS training**	**G-550 Differences**	**G-550 PIC Initial Full Flight Simulator Flight Training**

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NOTE: Appropriate guidelines for the format and content of a curriculum, segments, modules, events, and elements may be found in Volume 3, Chapter 19, Training Programs and Airman Qualifications.

D. Part 142 Approved Curricula. Training center curricula that are approved in accordance with part 142 are divided into two basic types: core (airman certification) or specialty (other regulatory training requirements).

1) A training center may also develop a third type of curriculum; that is, a curriculum that does not satisfy any specific requirement of 14 CFR parts 61 and 63. These curricula describe training that may be used to augment or supplement other required training (such as training in international flight procedures). Should a training center choose to seek approval for such a curriculum, it may do so under the provisions of part 142, § 142.81. As a prerequisite for approval, such a curriculum should include a statement saying that no requirements of part 61 are satisfied by its completion; however, it is acceptable to reference an advisory circular (AC) or other guidance around which the curriculum has been developed.

2) Curricula other than those listed above, which are not designed to satisfy any requirement of 14 CFR, and for which the training center has not chosen to seek approval pursuant to § 142.81 do not require approval under part 142 and do not generate a surveillance requirement for the FAA.

E. General Characteristics of a Curriculum.

1) Each approved curriculum must be supported by a revision system that includes:

- Sufficient detail to evaluate the proposed revision, including substantiation for the proposed revision and any associated instructor training and qualification requirements;
- Margin side-bars that mark changed areas; and
- The revision number and date on each revised page.

NOTE: Except when required for safety reasons, revisions should be submitted a minimum of 60 days before the expected implementation date.

2) The curricula must represent the FTE to be used by the training center. This must include training in systems (including installed equipment, modifications, and avionics), as well as maneuvers and procedures appropriate to the make, model, and series (M/M/S), and in some cases, serial number of the aircraft represented by the FTE. Training in other variations of the same make/model aircraft not represented by the FTE should not be approved as part of a core curriculum. These variations, if requested, should be treated as differences and become a specialty curriculum or differences module as appropriate.

3) Curriculum terminology should be consistent with that used in FAA guidance documents and materials (part 142, practical test standards (PTS) or Airman Certification Standards (ACS), etc.). Use of terminology such as “as required,” “as applicable,” and other

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terms that indicate training in that topic is a variable is not acceptable for inclusion in training modules or elements.

4) Curricula must include an introduction that provides a general overview of the training to be accomplished and state a specific training objective. The objective should support the expected outcomes. Course objectives must identify the certification expected, what FTE will be used, as well as the regulatory requirements that will be met. The objective should indicate the specific aircraft variation(s) that will be covered. Differences training for variations within types or groups may be treated under a separate specialty curriculum.

5) The curricula must state the specific student prerequisites for entry into the curriculum. This should include specific flight experience (including currency), previous training, minimum pilot certification, and qualifications. Common errors include allowing an applicant with an airplane multiengine class rating that is limited to center-line thrust to enroll in a 100-percent full flight simulator (FFS) course for a multiengine airplane type rating.

6) The curricula must specify in sufficient detail what ground training will be accomplished. The ground training segment of a curriculum that leads to airman certification or proficiency consists of training in general operational subjects, aircraft systems, and systems integration. Each module must list a sufficient number of elements to describe main topic areas to be covered within that module. Ground training must be predicated on the FTE to be used in the course. The curricula must indicate what criteria and standards will be used to determine satisfactory completion (e.g., completion of a written test on systems and procedures with a grade of 80 percent, which will be corrected to 100 percent).

NOTE: Ground training conducted under a curriculum leading to airman certification must be satisfactorily completed before the start of the associated flight training.

NOTE: The curriculum development guidelines in Volume 3, Chapter 19, Sections 1, 2, and 9 are the acceptable standards for training program development and should be followed to the maximum practical extent.

7) Part 142 does not specify programmed hours for flightcrew members; however, Table 3-52, Flightcrew Aircraft Ground Training Hours National Norms (Thresholds), in Volume 3, Chapter 19, Section 5 provides guidelines for training times that should be considered when evaluating a training center's curricula. When approving curriculum segments and their associated training hours as proposed by the training provider, TCPMs must consider the complexity of the operation and the specific aircraft M/M/S. For example, training hours for a complex operation may need to exceed national norms, while training hours below the national norms may be acceptable for a less complex type of operation. When granting approval of a core curriculum with training hours below the established threshold training hours, TCPMs must notify the Air Transportation Division, through the responsible Flight Standards office, that such

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initial approval has been granted. This notification is necessary for tracking and standardization purposes on a national basis. This notification may be sent by memo or email and should:

a) Describe the reasons resulting in the grant of the curriculum's initial approval with fewer hours than the national norms or threshold hours;

b) Include a copy of the initially approved aircraft ground training curriculum segment; and

c) Include any additional supporting information provided by the operator.

NOTE: Briefing and/or debriefing times for flight or simulated flight sessions must not be considered part of the programmed instruction time to meet recommended national norms or threshold hours.

8) The curriculum must provide an outline of the flight training (maneuvers and procedures) and practice that will be accomplished during each flight training period. Flight training sessions/periods are referred to as training modules. Each module must be appropriate to the FTE being used and reflect the specific maneuvers or procedures to be accomplished during that training session/period. The curriculum must allow sufficient time for practice and review as well as provide the instructor sufficient opportunity to demonstrate the use of all equipment identified in the training session.

9) It is common for a particular maneuver to appear in multiple training sessions depending on the maneuver's complexity. The curriculum must indicate what standards will be used to determine student progress. If an aircraft is used, indicate only those events accomplished in the aircraft. Training in specific types of instrument approach procedures (IAP) must be identified for each session to ensure adequate training in all equipment, procedures, and techniques.

10) A curriculum that provides training, testing, or checking to accomplish certification or proficiency requirements of part 61 must include all of the appropriate PTS or ACS-required maneuvers. If the flight simulation training device (FSTD) is not qualified and approved to accomplish a particular maneuver, for example a circling approach, the student training record must reflect that the maneuver was not accomplished.

NOTE: PTS (or ACS) maneuvers that are not appropriate for a particular aircraft M/M/S as determined by the Aircraft Evaluation Division need not be included in that aircraft's training/testing/checking modules.

11) Curricula may not include maneuvers or systems training in an area or event that the center does not have the courseware or FSTDs suitable for conducting the subject training. For example, Global Positioning System (GPS) approach training will not be approved if the center's FSTDs do not have an operable GPS installed.

12) The training, testing, and checking presented by the curricula must be specific to that M/M/S (serial number, if applicable) and variation of the aircraft represented by the FTE to be used by the center. Differences training between or among variations of the same type are not

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required of all students, but if a specialty curriculum is developed to satisfy training requirements for different variations, it must identify how differences training will be accomplished. A center may address differences training by:

- Creating a separate specialty curriculum; or
- Adding one or more modules to the core curricula, and allow for those modules in the programmed hours.

NOTE: In some cases, a separate core or specialty curriculum may be necessary to describe the training for a variation of an aircraft type when the differences have been determined to be so significant that ground training, flight training, and checking are required. Some series of aircraft can be operated under the same type rating, but require a dedicated FFS to provide the training for that particular variation (e.g., L-25 vs. L-35, B737-200 vs. B737-800, etc.).

13) Curricula will also include qualification module(s) that state the basis and standards for satisfactory course completion and evaluation (testing/checking accomplished to what standard).

14) A detailed curriculum evaluation checklist has been developed to provide assistance with the evaluation of curricula involving airman certification or proficiency (part 61, §§ 61.58 and 61.157). Refer to the Air Carrier Training Systems and Voluntary Safety Programs Branch website at http://www.faa.gov/pilots/training/part_142/.

3-4435 FLIGHT TRAINING EQUIPMENT (FTE). Training centers may use a variety of FTEs in their approved curricula, including FSTDs, aircraft, and mockups. However, each core curriculum must be supported by an advanced flight training device (FTD) (Level 6 or 7) or FFS (Levels A through D), which must be used to the maximum extent possible for all associated training and testing/checking. Approval of aircraft as FTE is discussed in subparagraph 3-4435H.

A. Qualifying FSTDs. The National Simulator Program Branch must qualify the FSTDs before the TCPM can approve them for training, checking, or testing in a training center's program. The National Simulator Program Branch will evaluate and assign the appropriate training device "level" to each FSTD. The training device level may be used to determine the training maneuvers that are permitted to be accomplished in the FSTD.

B. Evaluating and Approving FSTDs. Following the National Simulator Program Branch qualification of a specific FSTD, the TCPM must evaluate and approve the device for use in the center's approved training program. This approval will include the specific curricula, maneuvers, procedures, and/or crewmember functions permitted to be performed in the FSTD. Part 142 requires the training center's FSTDs to be appropriate for and adequate to support the curricula. When describing FSTDs, the curricula must use terminology consistent with the level of qualification authorized for the particular device.

NOTE: Each approved FSTD must be listed in the center's Training Specification (TSpec) A015, Flight Simulators Authorization or A016, Flight

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Training Device Authorization, as applicable, by the TCPM along with any restrictions or limitations for each specific FSTD.

C. Evaluating and Approving FFSs. FFSs are qualified by the National Simulator Program Branch as Level A, B, C, or D. FFSs are approved for use by the TCPM. FFSs approved for use in training, checking, and testing under approved curricula must represent the M/M/S, the variation, and in some cases the serial number range of the aircraft being trained/tested/checked. The FFS must be equipped/modified to include mandatory aircraft modifications. Each FFS must meet and maintain the standards established in 14 CFR part 60.

1) Some curriculum modules or elements require a specific visual scene to accomplish a particular training event. These events may require an accurate representation of the airport, its lighting, the surrounding environment, etc. For example:

- Special airports and approaches,
- Approach and landing using visual (ground or airport) references,
- Surface Movement Guidance and Control System (SMGCS) training,
- Line-Oriented Flight Training (LOFT),
- Circling approaches, or
- Other special circumstances (e.g., Head-Up Display (HUD) or enhanced flight vision system (EFVS)).

2) With respect to the circling approach, the National Simulator Program Branch evaluates and qualifies each FFS's ability to conduct a circling maneuver. However, the TCPM is responsible for evaluating and approving each proposed circling approach to be used for training, checking, or testing.

NOTE: Circling approaches approved for use in a part 142 training program must have a minimum of 90 degrees between the approach course and the landing runway heading.

a) Circling approach approval guidelines require:

1. The proposed airport scene must represent an accurate airport visual presentation of the airport layout and environment (a Class I or II visual model).

2. Only IAPs with a landing runway heading that is at least 90 degrees from the final approach course may be approved for use.

3. The approach must be flown at the appropriate approach speed by an airman qualified and current in the aircraft.

4. The aircraft should be at maximum landing weight and in the appropriate configuration.

5. Both night and day scenes (if day is available) must be evaluated with emphasis on airport and runway lighting.

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6. Ceiling and visibility should be set at the minimums for the aircraft's circling approach category.

7. The FFS should be frozen in a position that represents the minimum descent altitude (MDA) and visibility minimums for the approach. Observe the airport environment and lighting to determine the appropriateness of the FFS's visual cues.

8. Conduct a circling maneuver by constant visual reference to the airport environment and to the landing runway. Freeze the FFS periodically as the maneuver is being accomplished to observe whether the airport environment, ceiling, and visibility are maintained.

9. Conduct the approach and circling maneuver again in "real time" (without pause) to determine if the procedure requires any unusual maneuvering and if it is a viable approach and landing.

b) Provided the evaluation parameters are acceptable, the TCPM may approve the FFS for the specific runway and circling approach combinations that may be used in the center's training curricula via TSpec C075.

3) In order for a training center to conduct training, testing, and checking with inoperative components, the center must develop an approved missing, malfunctioning, or inoperative (MMI) equipment policy. This policy outlines the training, checking, or testing that will not be permitted when a component is inoperative. Although similar in effect, the training center must not use an aircraft minimum equipment list (MEL) to determine the operational status of FFSs. The training center must develop as a part of its MMI policy a program for managing the repair of items, the use of the FFS in the degraded condition, and notification of the appropriate personnel of training restrictions. MMI management policies require the TCPM's approval in order to be used in an approved training curriculum.

D. Evaluating and Approving FTDs.

1) Advanced FTDs. Advanced FTDs are those FTDs qualified as Level 6 or 7. These devices must meet and maintain the qualification standards set forth in part 60 or the original qualification basis under which the original evaluation took place. The National Simulator Program Branch is responsible for qualifying all advanced FTDs. Once the National Simulator Program Branch qualifies the FTD, the TCPM may approve the FTD for training, testing, and checking in the training center's curricula for those maneuvers and/or procedures which may be accomplished in that level of FTD. The qualification and approval of an advanced FTD utilizes the same process as that used to approve an FFS.

2) Approval of Level 6 or 7 FTDs. The process for granting approval to a Level 6 or 7 FTD for use in training, checking, and testing is a two-step process.

a) The first step requires the National Simulator Program Branch to evaluate and qualify the FTD. Upon completion of an evaluation, the National Simulator Program Branch reports its findings (qualifications and limitations) and recommendations to the TCPM. The National Simulator Program Branch report does not constitute approval of an FTD.

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b) The second step in the process requires the TCPM to evaluate the National Simulator Program Branch report and recommendations. Before approval, the TCPM must determine if the FTD is capable of performing each particular maneuver, procedure, or crewmember function required by the training center's curriculum and that the FTD represents the specific category and class of aircraft, type of aircraft, and particular variation within the type of aircraft addressed by the curriculum. Training, testing, and checking in aircraft not of the same model, series, and variation (including, in some cases, similar serial numbers), and not equipped the same as the FTD, must not be approved.

3) Levels 4 and 5 FTDs. These devices are qualified by the National Simulator Program Branch in accordance with the qualification test guide submitted by the training center and accepted by the National Simulator Program Branch. Each device must meet and maintain the qualification standards set forth in part 60 or the original qualification basis under which the original evaluation took place. These devices are limited in capability and may only be used to conduct those maneuvers identified in appendix 1 of the appropriate PTS (or ACS) or other FAA guidance.

4) Other Training Devices. Devices formerly approved as Level 1 through 3, basic aviation training devices (BATD) or advanced aviation training devices (AATD), do not have defined technical standards and may not be used for any flight training credit within part 142 training center curricula.

E. Daily Inspection Requirements. Each FSTD must be given a functional preflight inspection each day before use (within the previous 24 hours). As part of the approval process, the TCPM must determine if the training center has a procedure for accomplishing and documenting required preflight inspections. Preflight inspections will be conducted in accordance with a predetermined list of inspection items that are acceptable to the TCPM and must include a method of logging deficiencies.

F. Operating Deficiencies. Regulations require that each FSTD has a method to log discrepancies and to advise instructors and evaluators that training must not be conducted for events that rely on the inoperative equipment. TCPMs must determine how the training center will identify, record, and resolve discrepancies. The training center must have in place a quality control (QC) system for discrepancies that provides instructors and evaluators with information on equipment status prior to the conduct of training, checking, or testing. The training center must be authorized via TSpec D096 to use an FSTD with inoperative items.

G. Maintaining Qualifications. As part of the process for maintaining FSTD qualification, the National Simulator Program Branch conducts periodic evaluations to ensure that the standards and performance of the FSTD are being maintained.

1) National Simulator Program Branch evaluations may discover deficiencies that require a restriction to training, checking, or testing. The FSTD's sponsor and the TCPM will receive a list of all deficiencies. The TCPM will review all forwarded discrepancies and determine if the FSTD approval will need to be restricted until the training center resolves the discrepancies. TCPMs are responsible for the continued surveillance of the center's FSTDs and

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may place a limitation/restriction on training, checking, and testing at any time when deficiencies are noted.

2) The resolution of discrepancies is the responsibility of the sponsor. It is also the responsibility of the sponsor to advise the National Simulator Program Branch and the TCPM within the time limitations imposed by part 60, the National Simulator Program Branch, the Training Program Approval Authority (TPAA), or the training center's internal processes, as appropriate, that discrepancies, which led to any restrictions, have been repaired.

H. Aircraft Training.

1) Aircraft-only training programs or core curricula will not be authorized or approved for use by a training center certificated under part 142. It is Flight Standards policy that when approving pilot training, checking, and testing under part 142, the primary form of flight training and testing/checking will be based on advanced FTDs (Levels 6 and 7) or FFSs (Levels A through D). An aircraft may only be approved for use to supplement the training, testing, or checking that cannot be accomplished in an FSTD. Limited training and testing, as permitted by the regulations, may be accomplished in an aircraft to avoid issuing a pilot certificate with limitations (e.g., supervised operating experience). If an aircraft is approved for use, each training center must ensure that each aircraft is maintained and inspected in accordance with 14 CFR part 91 subpart E, an FAA-approved maintenance and inspection program, maintenance requirements approved by the country of registry, or an air carrier-approved maintenance program. Each training center certificate holder must ensure that each aircraft that it proposes to use is equipped and capable of conducting all maneuvers and procedures required by the approved training curriculum.

2) Training centers that employ the use of an aircraft in their curricula as a means of completing required certification tests/checks, due to the use of FSTDs that do not qualify for 100 percent training/checking, are not required to designate the aircraft as a training site. The aircraft and its location are considered a part of the principal or satellite center for the purposes of the regulation. The aircraft and/or the facility where the aircraft is located are not considered as an individual training site in the context of the rule, and are not required to be individually designated as a remote training site. The facility where an aircraft is located must, however, be suitable for pre- and post-briefings in the context of the regulation and must be appropriate for their intended purpose.

NOTE: The TCPM must approve use of aircraft for training, checking, or testing via TSpec A003.

I. Line-Operational Simulation (LOS). Refer to the current edition of AC 120-35, Flightcrew Member Line Operational Simulations: Line-Oriented Flight Training, Special Purpose Operational Training, Line Operational Evaluation.

1) LOS. LOS is a broad classification of activities that can be accomplished in an FFS to represent/duplicate/validate real-life flight situations. LOS is an integral and necessary part of any training curriculum that leads to issuance of an initial pilot certificate or the addition of the type rating to an existing certificate entirely in a Level C or D FFS. It is included in an

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airman certification curriculum as an alternative to flight time in the actual aircraft before qualification.

2) Purpose of LOFT. LOFT is a specific type of LOS. LOFT is designed to provide training and to transition the pilot from maneuver-oriented flight training (in which systems knowledge and operating skills are initially learned and practiced) to operational flying, which involves the application of skills and knowledge, crew coordination, and all other aspects of operating the aircraft in typical service. It provides the opportunity to observe crewmember actions, including areas such as Crew Resource Management (CRM), standard operating procedures (SOP), practical application of aircraft knowledge, and other training areas. LOFT provides a good opportunity to ensure training in the special-emphasis areas in the PTS (or ACS) and other FAA guidance is accomplished. It may also help determine if an airman requires additional training in a particular area.

a) A curriculum that is approved under part 142 and that accomplishes 100 percent of the required training and testing for initial airman certification or additional rating in a Level C or D FFS must contain LOFT. LOFT is not required if an actual aircraft is to be used for part of the practical test. LOFT is required on an annual basis for certain simulator instructors approved under part 142 and may be required to meet certain training and qualification requirements under 14 CFR part 121.

b) LOFT is *training*; it is a learning experience in which errors will be made. It is not a checking program in which errors are unacceptable. To ensure that maximum benefit from LOFT is obtained, the session must be scheduled after satisfactory completion of the maneuvers-based portion of the curriculum and prior to the certification test and constructed in accordance with the guidelines in AC 120-35.

3) Characteristics of LOFT.

a) Training Time. A LOFT session should use realistic routing between airports to encompass a normal FFS training period (e.g., if the normal period is 2 hours per crewmember, the LOFT in the simulator should be 2 hours for each crewmember exclusive of any breaks). Comprehensive briefing and debriefing are essential to effective LOFT exercises. However, the briefing and debriefing time is not part of the flight training time. The preflight briefing time should be used to brief the applicant and allow the crewmembers to perform preflight planning. The planned hours of instruction specified in a curriculum/syllabus must exclude LOFT, except for the time the applicant is participating in the flight portion of the LOFT. Because pilot-in-command (PIC) duties, functions, and capabilities are the emphasis during LOFT, only time spent at controls during LOFT is creditable toward programmed curriculum time. Any LOFT conducted after airman certification cannot be credited toward the curriculum times.

b) Crew Qualifications. Participating crewmembers must be fully qualified in accordance with the requirements of part 142 and the curriculum trained. They must be knowledgeable and proficient in all aspects of the training taught by the center as part of the curriculum, including checklists and SOP.

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c) Stated Objective. The LOFT must state training objectives. Objectives may be broad in scope, such as CRM, workload management, etc., and/or can have a specific objective, such as a specific area of operation that has been determined to require special emphasis. The problems presented during the LOFT scenario can be further categorized into two types:

1. A simple problem that has no further impact on the conduct of the flight once diagnosed and corrected.

2. A complex problem that is not correctable and continues for the duration of the flight. LOFT requires the flight to continue to the ultimate outcome without stopping unless a crew action corrects the abnormal or emergency situation.

d) Scenario Description. LOFT scenarios must be highly structured and simulate flight from startup to shutdown in real time without any freeze, slow motion, or other activity that might not be accomplished in an actual flight in an aircraft. LOFT should include the following:

1. The flight should represent the type of operations reflected in the training being conducted (e.g., applicants being trained under a part 61 curriculum would accomplish LOFT that represents part 91 operations, not air carrier).

2. LOFT should reflect training in knowledge and skills required by the training center's approved core curricula—not those unique to a particular operator.

3. A complete scripted scenario simulating a total line-operational environment must be developed by the training center. This would include a detailed script that includes all communications expected during the flight. Scenario communications should consider that the LOFT instructor is functionally not present in the FFS, but is available for communications as air traffic control (ATC), maintenance, flight service, ground operations, etc.

4. LOFT scenarios should be designed based on the stated objectives and desired outcomes and must include normal, abnormal, and emergency procedures. If two PIC students train together, LOFT may consist of two segments: one segment is conducted with normal procedures, and a separate segment incorporates abnormal and emergency procedures. Alternatively, different scenarios may be developed for each student to prevent repetition. If the curriculum permits a single PIC student to train, LOFT may consist of one flight segment that contains normal, abnormal, and emergency procedures.

4) Preflight Planning and Briefing. Comprehensive preflight planning appropriate to the type of operations conducted must be part of LOFT to enhance realism and represent actual aircraft operations. This will require a complete navigation and weather package, including Notices to Airmen (NOTAM) that may affect the flight. This should include en route, alternate, and departure airports as well as destination weather. Flight planning for the LOFT must consider fuel planning, Weight and Balance (W&B), and aircraft performance for a realistic route from departure to destination airport, and support the stated objective(s) of the LOFT.

5) FFS Capability. LOFT may be conducted in Levels C and D FFS only. Dedicated airport scenes revised to represent current airport facilities, including

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runways/taxiways and navigation facilities, must be used for realism. (Class I or II visual models may be used, but generic airports are not acceptable.) Both en route and terminal navigation facilities must agree with navigation charts. LOFT should be developed for the M/M/S and modification status of the aircraft represented by the FFS.

6) Instructor Training. For LOFT to be a valuable training experience, instructors must be given specialized, specific instruction on the scenarios, the techniques for conducting LOFT, and the postflight evaluation. The briefing/debriefing process is extremely important and requires special techniques and training for instructors. Instructor training programs must include documented training in these areas.

7) Approval. In accordance with FAA policy, all materials used to conduct LOFT as part of a part 142 curriculum will be evaluated and approved by the TCPM. Items such as instrument navigation charts (approach and en route) are not part of that approval since navigation procedures and airport facilities at an airport may change. Only current and accurate representation of airport and navigation facilities will be permitted during LOFT. The training center should periodically review and revise LOFT scenarios to prevent complacency or to accomplish a different objective.

3-4436 CREDITING DISTANCE LEARNING AS A COMPONENT OF GROUND TRAINING FOR FLIGHTCREW MEMBERS.

A. Background.

1) Advancements in electronic media have made the presentation of educational information secondhand to many of our educators. It has become the norm as opposed to the novelty it was just a few years ago. The aviation industry has been one of the largest benefactors of the revolution in digital presentations and interactive media. Systems now include modern training products, many of which are being effectively used in aviation courses conducted by accredited universities and in air carrier training programs approved by the FAA. Collectively, those products fall under a relatively new heading called “distance learning” or “distance education.” As the quality of those products continues to improve, the training/learning process stands to benefit even more.

2) Previous FAA guidance seemed to presume that traditional classroom training was inherently superior to other delivery methods. Besides the proven effectiveness of modern training products, distance learning affords a low-cost alternative to classroom ground training, an alternative that is timely and appropriate in today’s challenging economic environment. The use of new technology and alternative training methods can, and often does, improve the quality of training. However, alternative training must meet or exceed the training standards that it is intended to replace.

B. Applicability. A training center may apply for approval of distance learning methods for credit towards the completion of an approved core or specialty curriculum. This section applies only to flightcrew (pilots and flight engineers (FE)) training curricula/courses that have been approved by the center’s TCPM in accordance with the requirements of part 142 and/or

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Volume 3, Chapter 19, Section 2. Only cognitive or knowledge-based training is eligible for consideration under the provisions of this section.

C. Application.

1) Qualifications Requirements for Distance Learning Submissions. Training centers requesting the inclusion of distance learning must submit a curriculum module or element that qualifies for distance learning. All requests must include:

a) Specific detail outlining the curriculum module or element(s) proposed.

b) The center's implementation and evaluation plan.

c) All training and study materials, including clearly defined training objectives, phase test, final exams, and the validation testing and methodology proposed for verifying the knowledge gained through approved distance learning modules.

NOTE: Each student that participates in an approved curriculum/course of training that incorporates distance learning must complete a "validation exam," in person and under the supervision of a qualified instructor or the Administrator, prior to the commencement of any flight or skill-related training at the center. Validation exam(s) are used to verify the knowledge objectives of distance learning module(s) and are in addition to any testing that may have been a part of the distance learning module (see subparagraph 3-4436F2)c) for specific guidance on validation exam requirements).

2) Distance Learning Observation Prior to Approval. When a request is received from a center, the TCPM will observe the classroom module(s) for which the operator has requested a distance learning substitution. The purpose of this observation is to determine both the quality and quantity of the current training. Based on personal observations and review of the training materials, the TCPM will be better prepared to determine if the proposed distance learning will effectively duplicate the classroom training it has been designed to replace.

3) Accreditation. Distance learning will not be credited or considered for any required flight training modules/elements.

4) Scope of Creditability of Distance Learning. Distance learning credit is currently only available for knowledge and cognitive skill objectives. Distance learning creditability for psychomotor skills are not authorized by this section.

D. Limits on Creditability of Distance Learning. The FAA recognizes the great training potential of distance learning that is well planned and effectively validated. Ground training developed in accordance with an implementation plan (described in subparagraph 3-4436F) is subject to FAA approval. Distance learning may be as much 100-percent creditable toward the knowledge and cognitive skill training objectives defined in the ground training segment of a center's approved curriculum(s).

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NOTE: Initial implementation of distance learning by a training center should be approved cautiously. The substitution of ground training previously conducted in a classroom environment by the center in favor of distance learning modules should be integrated into the center's curriculum in steps that are based on the center's demonstrated ability to design and implement a distance learning system. It is recommended that distance learning modules be approved in phases or through an initial approval process followed by a trial period prior to issuing final approval. The initial versus final approval process for approving training programs is described in Volume 3, Chapter 19, Section 2.

E. Ground Training Media. The general nature and specific characteristics of training media used for distance learning vary widely. Examples include paper media, videotape, computer-based training (CBT), CDs, web-based training, and virtual classroom. The media used should meet the requirements of the respective training objective. Validation of training effectiveness is one of the most important components of the implementation plan described in subparagraph 3-4436F.

F. Implementation Plan. Any proposal for ground training accomplished by distance learning must include a plan for startup, validation, operation, and maintenance of that training. This plan must include at least the following elements:

1) Startup. The startup phase must identify the knowledge and cognitive training objectives of the distance learning curriculum/course. Ground training objectives can be reduced to simple terms such as being able to:

- Recall,
- Recognize,
- Comprehend,
- Apply, and
- Identify the media used for ground training and testing.

2) Validation Strategy. Centers must develop a distance learning validation strategy that addresses the effectiveness of the ground training itself, and the learning accomplished by each person trained. Key features of a satisfactory validation strategy include:

a) Measuring the effectiveness of the ground training being conducted.

1. One validation method is to establish a performance baseline as a reference from which to measure the effectiveness of the ground training proposed. Baselines exist in most ongoing training programs. Examples of performance baselines include average ground training hours a trainee spends in learning a certain subject, average pass/fail rates for tests of ground training content, median scores, average pass/fail rates for flight checks, and many others. A performance baseline may be set by using an existing baseline or by referring to some other existing standard.

2. Validation depends upon maintaining the currency of the ground training to be conducted. A reliable method to do so is an essential part of a ground training proposal.

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3. Tracking is a method for keeping test results and tracking overall student performance.

b) Learning accomplished by each person trained.

1. Testing should be designed to determine that training objectives are being met by each trainee.

2. A method should be developed to ensure integrity of tests, including integrity of test questions and test answers, and controlled access to tests and test results.

3. Tracking is a method for keeping test results and tracking each individual's performance.

c) Validation of the ground training objectives for distance learning will be accomplished through written exams. These exams must determine that the training proposed actually succeeds in meeting the performance objectives for the subject training.

NOTE: Validation exams should not be confused with the oral/written testing required by the appropriate PTS (or ACS). Validation exams are intended to authenticate the effectiveness of approved distance learning modules. They neither substitute for nor replace the required testing outlined in the appropriate PTS (or ACS).

1. The validation of a center's distance learning module(s) must be designed to evaluate the student's technical systems knowledge and cognitive skill (if appropriate). For example, a student's ability to list the items considered appropriate when accomplishing a takeoff and/or landing performance calculation is a measure of the student's technical knowledge. The appropriate use of those items in the calculation of a takeoff and/or landing performance problem is a measure of the student's cognitive skill.

2. Validation exam procedures must be submitted to the TCPM and designed to:

- Collect data related to the student's performance for the purposes of verifying the effectiveness of the training;
- Identify the specific questions taken and student responses to the validation exam; and
- Provide a basis for documenting that the distance learning module is as effective as the center's previously used classroom training module (if appropriate).

3. The minimum passing score for all distance learning validation exams is 80 percent on each training objective as outlined in subparagraph 3-4436F2)c)4b. It is important to note that the minimum passing score must be achieved on each element or objective within the validation exam. Distance learning validation exams must be conducted in a proctored environment and observed by a qualified instructor or the Administrator. All students that meet or exceed the minimum grade of 80 percent will have their test corrected to 100 percent

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immediately following the exam. A score of less than 80 percent will require the student to be retrained and tested in the substandard areas by a qualified instructor in a proctored environment. Distance learning techniques or procedures may not be used to accomplish any required retraining resulting from an unsatisfactory exam. Subsequent reexamination will be accomplished using a random test generator to ensure the individual is not subjected to the same test that was originally taken. All training and testing must be satisfactorily accomplished before the student may continue their training course.

4. Integrity of test questions:

a. A library of questions should be developed that thoroughly cover the training objectives.

b. Multiple questions must be developed for each training objective. A question bank that includes at least five questions at the element level for each subject within the training module should be developed whenever practical.

NOTE: An element is a subgroup of related content within a training module. It is the fourth level of curriculum detail: curriculum, curriculum segment, training module, and element. For example, “Hydraulic System” is one training module; the yellow system, the green system, and the standby system are elements. In this example, the center’s question bank would contain at least 15 questions relating to the hydraulic system (i.e., five for the yellow system, five for the green system, and five for the standby system).

c. Tests must be generated by random selection of questions from the library, so that no two tests are alike. This uniqueness does not refer to merely switching the order of the answers to a particular question without changing the question itself. Random answers to the same question do not qualify the question as being different for the purposes of this requirement.

d. Test questions must be reviewed as often as necessary to ensure their relevancy, and to incorporate new or changed material. The center must have a quality procedure in place to ensure currency of their question banks.

e. Trainers must develop measures by which the identity of a person taking the test and the integrity of test answers may be confirmed. Printed or electronic test answers must not be able to be reproduced and distributed among trainees so as to beat the test.

d) The operation and maintenance of the distance learning approval includes the QC procedures for the collection, protection, and analysis of data for tracking ground training effectiveness; also, a strategy for equipment upgrade, program update, and program adjustments driven by data and feedback from trainers and trainees.

G. Interactivity. Training centers must provide for interactivity between trainees and authorized ground instructors, and between the trainees themselves when practical.

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1) When In the Field. In particular, a trainee should have ready access to an authorized ground instructor during normal business hours to resolve questions encountered during distance learning and associated testing.

2) When At a Centralized Training Location. Before flight training, trainees should be convened in a proctored classroom setting with an authorized ground instructor to resolve any remaining issues arising during distance learning. This interactivity is particularly beneficial in respect to the standardization of trainees enrolled in the same curriculum/course.

3-4437 COURSEWARE.

A. Definition. Courseware is the instructional material developed for each curriculum. It consists of lesson plans, instructor guides, CBT, audiovisual materials, training manuals, workbooks, aircraft operating manual(s), checklists, handouts, and any other materials used to support the training curriculum. Courseware must accurately represent and support the proposed training curriculum.

B. Evaluation. All courseware used to accomplish training must be evaluated by the TCPM as an integral part of the overall training program. When reviewing courseware, the TCPM should not accept the use of computerized and tabulated performance figures, proprietary W&B data, MELs that require a call to a proprietary maintenance base, and use of a dispatch service that may not be available to the student upon completion of training at the training center.

C. Acceptable and Unacceptable Courseware. Courseware must be acceptable to the FAA prior to and during the time curriculum approval is in effect, and must be identified (revision status) in a manner that ensures that only current materials are used to accomplish training. The training center must present courseware (including revisions) to the TCPM before use for review and approval. The TCPM must notify the training center in writing of any courseware that is determined to be unacceptable. Courseware is subject to the revision provisions of § 142.37(e) and (f).

D. Pictorial Aircraft Preflight Inspection Courseware.

1) The preferred method to accomplish aircraft preflight inspection training, testing, and checking is to use an actual aircraft. In situations when an aircraft is not available, a training center must have approved pictorial courseware for each curriculum to conduct training, checking, or testing. In situations when an aircraft is used to complete any training, checking, or testing, the actual aircraft must be used.

2) The TCPM must approve pictorial courseware for preflight training, checking, and testing. A review of the content must be accomplished with the assistance of an FAA inspector qualified in the aircraft.

3) In addition to Exemption No. 4901, which is specific to FE certification requirements for pictorials, the following guidance for pictorial courseware will apply:

a) The strategies for training are different from the strategies for checking and testing when using pictorial courseware. The optimum training results may be achieved through

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the use of video, interactive computer-based instruction, and pictorial displays of the M/M/S of the aircraft represented by the FTE being used. To allow for positive learning transfer, the trainee should view preflight items in the same configurations as when using a static airplane. However, it is also beneficial to discuss abnormal conditions in training.

b) For checking and testing, slides are effective pictorial courseware. When used during checking and testing, pictorials should include abnormal conditions in a sufficient number to permit a reliable evaluation of the applicant's knowledge and ability to conduct a preflight inspection.

4) The following are required to be part of an approved pictorial preflight inspection courseware:

a) Detailed pictures of each interior and exterior aircraft preflight checklist item, which cannot be performed from the FSTD flight deck, including pictorials of the overall aircraft and major sections of the aircraft, showing the location and relationship of specific inspection items.

b) Capability for random, rapid access to any picture.

c) The opening, closing, and securing of entrance and baggage/cargo doors. Video may be used to train in these or any areas that require an understanding of how a component operates.

d) Internal and external items and any preparatory or safety-related items, such as positioning or securing landing gear doors or landing gear locks before or after the inspection, or flight deck safety check.

e) Depiction of normal and abnormal conditions.

f) The aircraft should be shown in a typical prior-to-flight condition, which may include the support people and equipment (e.g., fueling, cleaning, and catering) normally associated with flight preparation.

g) The sequence of pictures should match the sequence of the preflight inspection. The preflight procedures contained in the FAA-approved Airplane Flight Manual (AFM) or Rotorcraft Flight Manual (RFM) is the standard reference for the preflight visual inspection. They are primarily for determining essential preflight items and the sequence in which those items should be inspected.

h) Nothing should obstruct the view of the preflight item (jetways, fuel trucks, workstands, etc.).

i) Use of models, mockups, components, cutaways, and expanded views to depict details or function of inspection items.

j) The pictorial series should feature the same or identical aircraft as represented by the FTE being used for training. In some cases, use of a dissimilar aircraft may be justified to

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depict differences. Pictures should be representative of the specific aircraft in which the pilot certification will be conducted. For example, pictures of an LR-55 are not representative and should not be used for training or testing based on the LR-25 aircraft.

k) Unless an abnormal condition is intentionally depicted, pictorials illustrate as follows:

1. All permanent parts should be in place and in normal condition, such as windows and doors, windshield wipers, antennas, panels, etc.

2. All removable parts, such as engine cowls and access panels, should be in place and in normal condition (engine inlets should be shown with covers removed).

3. Aerodynamic surfaces, wheel-well doors, flaps, slats, and other devices should be in the configuration that they are normally before flight.

NOTE: People and equipment associated with assembly or maintenance work should not be in the illustration.

l) Text or voice manuscript should be available to match each picture used for training when an instructor is not presenting the training.

m) The courseware should be high quality, and projection equipment should have random and rapid access capability. Examples of unacceptable quality include low-resolution copies of photographs, videotape systems without random and rapid access capability, or any other pictorial system that is markedly inferior to use of a static airplane.

5) The following are additional specific requirements for use of pictorial preflight courseware during checking or testing:

a) For optimum effective training and evaluation, the pictorial preflight courseware used in training should be different from that used during evaluation. Some of the pictures used for testing or checking should be different from those used for training.

b) The entire preflight check must be completed just as it would be if an actual aircraft were being used for the check or test.

c) The preflight inspection must be completed individually by each student. Students may not complete the preflight inspection in any sort of a group environment.

d) Preflight items from the manufacturer's preflight checklist cannot be skipped in order to shorten the time required to perform the check or test.

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e) The pilot must describe what indications they are looking for to determine if each item on the checklist is acceptable or not.

1. An example of a correct pilot description when looking at the landing gear picture might be, "I am looking for proper strut extension, leaks, flat spots on the tire, and chaffing of the hydraulic lines," or something to that effect.

2. When describing what they are inspecting, the pilot must also state whether or not the picture indicates an acceptable condition.

3. It is not acceptable for the pilot to simply say, "That's okay."

f) Abnormal conditions of preflight items must be introduced during evaluations and in sufficient number to permit a reliable evaluation of the pilot's preflight ability. In particular, pictures should include those abnormal conditions that are likely to be encountered during preflight inspection and those which are potentially unsafe.

g) The Training Center Evaluator (TCE) may ask additional questions, as necessary, during the preflight to ensure the pilot's knowledge.

6) The TCPM grants approval in writing. To ensure continuity, the TCPM must require pictorial courseware to be identified with a title and control number or revision to which an approval is tied. Pictorial preflight courseware is subject to the revision requirements of § 142.37(e) and (f).

E. Lesson Plans.

1) A lesson plan is a written, organized outline that provides detailed content of a single instructional period. It provides the instructor with a guide as to what specific knowledge or skills are to be taught as well as completion standards. It includes planned instruction time and sequence to ensure effective use of time.

NOTE: Some centers may develop and use other materials such as "Expanded Instructor Actions" to support the lesson plans. These materials typically provide additional support for the instructor and are courseware, similar to lessons plans.

2) Each training center must have lesson plans to implement each curriculum and syllabus and must be developed by the training center to support the curriculum with appropriate content and programmed training times. Lesson plans must contain detailed information concerning the conduct of each flight or ground training session to ensure consistency of training throughout the training center and standardization among instructors. The lesson plans should provide detailed information on all elements and events specified in the curriculum and indicate training times that equal or exceed the times specified for the curriculum.

3) Lesson plans are courseware and are the indicators that the instruction will flow in a logical sequence and in concert with the other training aids and the approved curriculum. They must cover the same information as required by the curriculum and syllabus. Lesson plans must be reviewed as part of the courseware and must be acceptable to the FAA prior to issuing TSpecs

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that authorize the curriculum to be taught. Deficient lesson plans are subject to the revision provisions of § 142.37(e) and (f).

NOTE: Job aids that may be used to evaluate curriculum content are located on the Air Carrier Training Systems and Voluntary Safety Programs Branch website.

F. Aircraft Operating Manuals, Checklists, and Quick Reference Handbooks (QRH).

1) Basic References for System Information. The training center must use the FAA-approved AFM or RFM as the basic training reference for systems information, description, operation, performance planning, checklists, and W&B procedures.

2) Manuals, Handbooks, and Checklist Courseware. As part of the curriculum courseware, the training center must provide any aircraft operating manuals, checklists, and QRHs that will be used for training, testing, and checking under a part 142 approved curriculum. As with any courseware, the checklist/QRH used for training, testing, or checking under an approved curriculum must be reviewed and accepted. The evaluation of a checklist or QRH proposed by the training center must be conducted by the TCPM using the AFM/RFM. A checklist or QRH that differs from the center's accepted version may only be used in accordance with subparagraph 3-4437F3) through 5). Checklists authorized for use in part 142 curricula must:

a) Be the checklist approved by the TCPM as a part of the training center's approved curriculum for the specific aircraft M/M/S;

b) Accurately reflect the configuration and systems of the FTE; and

c) Must not deviate from the aircraft manufacturer's current checklist or a checklist that is in compliance with requirements in subparagraph 3-4437F5).

3) Certificated Air Operators. Training centers that are conducting training for certificated air operators are required to comply with that operator's approved training program, SOPs, and courseware during all training and checking on behalf of that operator. Certificated operators are required to use their approved/accepted checklist for all training and checking, and as a result, their checklist policies and procedures are governed by their respective principal operations inspector (POI) and are not subject to revision by the training center or TCPM.

4) Government Operators. Military flightcrew members and crewmembers of public-use aircraft may use their organization's checklist when attending a part 142 training center without any further approval by the TCPM.

5) Other Operators. Exceptions to the checklist requirements specified above may be made for training and evaluation of flightcrew members of noncertificated operators conducted in an FSTD. Pilots operating for noncertificated operators may obtain training and/or checking using checklists that differ from the training center's approved checklist under the following conditions:

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NOTE: The operator must determine before submission that the checklist matches the center's equipment and is capable of meeting the center's approved curriculum and training, testing, and checking requirements.

a) The operator must provide the training center with a copy of the checklist and a written statement indicating that the operator has determined that the submitted checklist meets all the following performance standards:

1. The checklist satisfies the requirements of part 91, § 91.503;

2. The checklist is appropriate to the equipment in which the operator's pilots are being trained and/or checked;

3. The checklist meets the applicable AFM or RFM requirements for the specific equipment;

4. Areas of differences between the center's approved version of the checklist and the operator's checklist are documented; and

5. The checklist must be accompanied by a letter stating that there are no technical objections to the use of the operator's checklist. This letter must be from one of the following entities only (not the TCPM or Flight Standards District Office (FSDO)):

a. The aircraft manufacturer,

b. The FAA Aircraft Evaluation Division, or

c. The FAA Aircraft Certification Office (ACO).

b) The operator's certification and proposed checklist normally must be presented to the center 15 days before any scheduled training, checking, or testing. A shorter time may be acceptable under certain conditions. However, the operator's submission must be made in sufficient time to permit the training center to conduct appropriate training and permit their instructor(s) and TCEs to become operationally familiar with the procedures contained in the checklist. All such training will be documented and become a part of the instructor and/or TCE training records. The center's documentation must include at least the following information:

1. Date of the training or familiarization;

2. Name of the instructor who conducted the training/familiarization;

3. Checklist revision status used for the training/familiarization;

4. Name of the operator; and

5. Aircraft M/M/S.

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c) Seven days before the subject training/evaluation, the training center must provide notification to the TCPM when an operator's checklist has been received and the dates of intended use.

NOTE: Only one version of an approved checklist will be used by the crewmembers paired during training, testing, or checking in part 142 approved training courses. Crewmembers from different operators that utilize different checklists must not be paired together. This is in addition to the air carrier pairing requirement discussed in Volume 3, Chapter 54, Section 5.

G. Audiovisual Programs, Computer Software Programs, Training Manuals, Workbooks, Handouts, and Other Courseware. These training materials are approved as an integral part of the overall training program subject to the revision provisions of § 142.37(e) and (f). They should be identified with a control date or other form of revision control.

H. Maneuvers and Procedures Descriptions (Including SOP).

1) To facilitate learning, the training center must develop and provide to students descriptions (written and/or visual) of how to perform each maneuver or procedure to be accomplished during training. This should include SOPs that state the briefing procedures, crew callouts, etc., to be used in training, testing, and checking for each course involving flight training events.

2) Descriptions of the maneuvers and procedures (also referred to as profiles or flight maneuvers and procedures documents) explain how these events will be performed. Descriptions must be provided for each training program. They should follow the guidelines in Volume 3, Chapter 19, Section 2. The descriptions must comply with all limitations of the AFM or RFM and be consistent with requirements and conditions of the PTS (or ACS) and the regulations.

3) SOPs should be developed and evaluated using the current edition of AC 120-71, Standard Operating Procedures and Pilot Monitoring Duties for Flight Deck Crewmembers, as guidance.

4) The maneuvers/procedures descriptions and SOPs are courseware and must be developed and evaluated as part of the approval process for any new or revised curriculum.

3-4438 TRAINING, TESTING, AND CHECKING.

A. Categories. Under part 142, training, testing, and checking can be accomplished in four categories:

1) Initial Training. This category includes initial training for an Airline Transport Pilot (ATP) Certificate, a type rating, or initial training as second in command (SIC).

2) Upgrade Training. This category of training applies to an airman who is currently serving as an SIC who wishes to become PIC-qualified on the same aircraft. This

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category of training may include foreign pilots with a foreign type rating applying for a U.S. certificate with an appropriate type rating.

3) Requalification Training. This category of training is for those airmen that are PIC- or SIC-qualified, but who are not currently operating the aircraft, or whose PIC proficiency check has expired. Guidelines for the training times that should be used for a requalification curriculum can be found in Volume 3, Chapter 19, Section 11. Tables 3-75 through 3-77 in Volume 3, Chapter 19, Section 11 should be used to determine the minimum ground and flight training time for the appropriate aircraft.

4) Recurrent Training. This category of training is for PICs (or SICs) who are currently operating the aircraft or have a valid PIC proficiency check.

B. Hours of Training. Ground training time for airman certification may not include training in ground training subject areas that occur after the ground training course or segment has been completed and completion/qualification standards have been accomplished. Specifically, using briefing time preceding or following an FSTD training session as programmed ground instruction time is not acceptable.

1) For any curriculum involving airman certification, the appropriate ground training modules or segment must be satisfactorily completed before the start of the associated flight training lesson(s).

2) A legal interpretation of § 142.49(c)(1), dated August 27, 1999, ruled in part that restricting instructors to “no more than 8 hours of instruction in any 24-consecutive hour period” applies only to flight instructors and FSTD instructors while they are providing instruction in an aircraft, an FSTD, or any combination thereof. Consequently, instruction time has an impact on the maximum duty time per day for an instructor, except for time spent conducting briefing and debriefing associated with flight training.

3) Time spent completing or attempting to complete a practical test does not count toward the minimum programmed time.

4) Training completed after the qualification segment of a curriculum has been completed may not be credited toward the curriculum programmed hours.

5) The time spent by the airman actually manipulating the controls from the PIC seat during LOFT may be a part of the minimum programmed hours.

C. Permissible Crew Pairing During Training, Testing, or Checking.

NOTE: Crew pairing procedures relating to air carriers and part 91 subpart K (part 91K) operators are located in Volume 3, Chapter 54, Section 5, subparagraph 3-4414F, Crew Pairing.

1) Training centers are required to comply with § 142.65(b) crew pairing requirements while conducting training/checking/testing in accordance with part 142. Section 142.65(b) specifies that when flight testing, flight checking, or LOS is conducted, each

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required crewmember position must be occupied by either a crewmember qualified in the aircraft category, class, and type, or a student enrolled in the same specific course.

2) During testing, checking, or LOS conducted under a part 142 approved curriculum, each crewmember seat will be occupied by:

a) An airman who is FAA-qualified in the same aircraft category, class, and type. This could be a training center instructor who is not providing instruction, or another airman who is qualified in the particular curriculum/course requirements and procedures; or

b) A student enrolled in the same specific course.

3) The intent of this requirement is to ensure that the pilot being tested or checked is assisted by a pilot who is competent and proficient at performing the duties of the pilot monitoring (PM). When students are enrolled in courses with different identifiers or names, they may, therefore, still be paired together in an FFS for testing, checking, or LOS activities, provided the courses are essentially similar.

4) The same crewmember pairing requirements should be used during training in view of the requirement that all training in the FSTD or aircraft will be accomplished using the curriculum's approved checklist/QRH. For standardization and effective training, all crewmembers should be using the same maneuvers/procedures and operating procedures (including CRM) during a training session.

NOTE: Training programs may be viewed as essentially similar when they include the same curriculum, checklists, callouts, flight deck configurations, operational procedures, and flight manuals.

NOTE: In crew pairings involving pilots operating under different operating rules (e.g., part 142 and a foreign Civil Aviation Authority (CAA)), TCPMs must be especially vigilant. The part 142 approved training program must not be distorted or diminished in order to accommodate dissimilar training needs. If the integrity of the part 142 training program cannot be maintained, the crew pairing must not be permitted.

5) Training centers must develop a written crew pairing policy for part 142 training and adhere to this policy. Besides defining how the training center will comply with the intent of § 142.65(b), this policy should include a requirement for English language proficiency (in accordance with the current edition of AC 60-28, FAA English Language Standard for an FAA Certificate Issued Under 14 CFR Parts 61, 63, 65, and 107) and a mechanism for a trainee to elevate a concern regarding an unsatisfactory pilot pairing to center management.

D. Evaluating the Pilot Flying (PF).

1) It is important to understand that the underlying premise for this guidance is applicable to all testing and evaluations within the context of an operator's training program. FAA-S-8081-5F, Airline Transport Pilot and Aircraft Type Rating Practical Test Standards for Airplane, clearly explains an examiner's responsibility when conducting a practical test.

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The underlying premise, simply stated, requires the evaluator to be able to make an informed evaluation of a pilot's performance concerning their decisionmaking/judgment as well as their ability to satisfactorily accomplish the appropriate testing/checking requirements. The evaluator also has the difficult task of determining when the action of the PM either contributes to the failure or success of the PF's ability to satisfactorily demonstrate his or her judgment/decisionmaking. In the extreme, continued prompting or leading by the PM will eliminate or comprise the evaluator's ability to determine the PF's decisionmaking/judgment concerning a particular maneuver.

2) During the accomplishment of required approaches, an occasional airspeed or altitude reminder may be acceptable. However, when these reminders become so frequent as to interfere with the evaluator's ability to determine the PF's command of the situation, corrective action must be initiated. It is the responsibility of the evaluator to ensure the PM does not interject his or her decisions into the evaluation process, making it impossible to determine the PF's judgment and abilities. The evaluator must be diligent and ensure the PM does not assume the role of an instructor during the learning and/or evaluating processes. In this context, it is important that the objective of each maneuver be clearly understood.

3) A high degree of technical proficiency is essential for safe and efficient airplane operations, and by regulation and policy, pilots are required to demonstrate their mastery of the situation. As an evaluator, one can only determine the PF's knowledge and judgment if that individual is in command of the situation, without excessive prompting, throughout the assigned task. Those elements that require good command presence from the PF cannot be properly evaluated if he or she is being continually prompted by the PM. Historically, CRM concepts address problems associated with poor group decisionmaking, ineffective communication, inadequate leadership, and poor task or resource management. While demonstrating the mastery of CRM concepts is currently required during parts 91K, 121, and 135 evaluations, it should be remembered that sound CRM principles are equally important in all flight operations. However, they remain largely subjective, and the job of an evaluator is to ensure these concepts are not used to mask a lack of proficiency of the PF in the maneuvers being evaluated.

E. Steep Turns and Approach to Stalls.

1) Steep turns are performed for the purpose of evaluating the PF's crosscheck and their mastery of the airplane in accordance with the applicable AFM and PTS (or ACS). It is incumbent on the evaluator to provide a clear briefing prior to the maneuver specifying, at a minimum, the altitude, airspeed, bank angle, direction, and degree of turn and rollout heading to the PF. Additionally, if the maneuver is being accomplished in an airplane, the minimum safe altitudes listed in the appropriate PTS (or ACS) and/or AFM must be observed. Steep turns in a qualified FSTD may be accomplished at an altitude consistent with the objective of the maneuver. The PM provides standard company deviation calls throughout the maneuver.

a) Prior to commencing the maneuver, it is permissible for someone other than the PF to set the power required to establish steady-state flight. However, once the maneuver begins, the power required to maintain the briefed airspeed is the responsibility of the PF. Throughout the maneuver, the PF may request the PM to make power adjustments if specific instructions are provided (e.g., "increase fuel flow 300 pounds," "set 94 percent," "increase

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Engine Pressure Ratio (EPR) to 1.3," etc.). It is not permissible for the PF to brief the PM to maintain a given airspeed during the maneuver.

b) During the steep turn maneuver, the PM follows and provides standard company callouts. Excessive deviations from assigned altitude, airspeed, bank angle, and/or headings may be an indication of poor performance by the PF.

2) The objective of an approach to stall as outlined in the PTS (or ACS) is the PF's recovery procedure, not a memorized set of entry requirements. If the maneuver is being accomplished in an FSTD, minimum safe altitudes listed in the PTS (or ACS) or AFM are not required to be observed; therefore, it is recommended that the procedure be scenario-based. For example, the landing configuration approach to stall should be accomplished at a critical altitude consistent with the airplane's performance. Simulating an intermediate level off during a nonprecision approach without autothrottles and the autopilot (AP) engaged may be one example. The clean configuration stall might be accomplished at normal cruise altitudes simulating an entry into a holding pattern or by following ATC instructions to reduce airspeed. The important issue is to accomplish these maneuvers in a realistic setting that is unhampered by the safety requirements that must be observed when an actual airplane is used for the training and checking.

a) During evaluation/training, it is expected that the pilot normally assigned the responsibility for making required configuration changes will make those changes during the accomplishment of a stall recovery. For example, if a flap configuration change is part of the required recovery procedure and the PM is normally assigned that responsibility, it is expected that he or she will make the required change as commanded by the PF. If the recovery procedure for the landing configuration is to raise the gear and select a different flap setting, it is expected that the PF will make the required calls and the PM will accomplish the requested configuration change. The PM should not change the airplane's configuration without being commanded by the PF.

NOTE: If this maneuver is being accomplished in the airplane, the PM must not permit the airplane to be placed in jeopardy due to the PF's lack of command or incorrect command during the recovery procedure.

b) During the stall recovery procedure, after the PF initiates a power increase, the PM may adjust the power to the directed setting.

NOTE: If this maneuver is accomplished in the airplane, the PM must ensure appropriate engine limitations are not exceeded.

3) TCPMs must ensure that part 142 subpart C training curricula reflect steep turn and approach to stall recovery policy, and advise their respective training center's instructors and evaluators of this policy. It is recommended that this item be made an item of interest during routine surveillance of training centers.

F. Acceptable Policy on the Use of FSTD Freeze, Slow Motion, and Repositioning Features. Compliance with § 142.65 requires that FSTD freeze and slow motion functions not be used during testing or checking. If operationally necessary and advantageous to a particular

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scenario, however, it is permissible to briefly suspend a testing or checking event long enough to accomplish a reposition from one point on the ground to another point on the ground (including a different airport), at which the next phase of the test or check will begin. The use of reposition is never required, but if it is used, it should be used to the minimum extent necessary to accomplish the required testing or checking scenarios. The following guidelines must be complied with:

1) The evaluator must include, as part of the FSTD period briefing, the information that at one or more points the test or check will be temporarily suspended while the device is repositioned.

2) Each time it is necessary to reposition the FSTD, an announcement must be made that testing or checking is suspended.

3) Once reposition is complete, a clear announcement must be made that the test or check has resumed.

4) Repositioning of the FSTD must take place only from one ground point to another, and only after the FSTD has been brought to a complete stop.

G. Progressive Checking for PIC Proficiency Checks Under § 61.58.

1) Definitions. Definitions applicable to this paragraph are found in Volume 3, Chapter 54, Section 1.

2) Policy and Limitations. The following guidance must be observed if progressive checking is used during a § 61.58 pilot proficiency check at a part 142 training center:

a) All checking must be conducted by a TCE. Checking is not authorized to be conducted by instructors.

b) Unsatisfactory performance during the evaluation requires training before being checked again. The airman's training record must be documented accordingly to reflect the training and subsequent checking.

c) The TCE must make a clear distinction to the applicant between training segments and checking segments.

d) Checking may only be halted twice to provide additional training during the entire training program. An individual task which is failed can only be retrained one time. After either of these thresholds has been reached, the check is considered unsatisfactory and the applicant must complete all training and complete a new, standalone proficiency check.

e) The entire training and checking process must be completed within the time specified in the approved training program. This provision must not be construed to allow training and checking to be extended over multiple training iterations or to in any way extend the duration of the normal approved training and/or checking curriculum footprint.

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NOTE: The purpose of the above time limitation is to prevent any person from creatively developing some sort of program where an individual only completes part of the proficiency check during one training iteration and then completing another portion 6 months later. This does not mean that an applicant cannot be given additional training beyond the planned hours of the training program if required in order to perform to acceptable standards.

3) Recordkeeping.

a) The training and checking of each task must be documented in the applicant's training records.

b) The applicant's training records must provide a clear history of what was accomplished, when it was accomplished (including dates), and the level of proficiency to which it was accomplished. Records must contain sufficient detail to enable the FAA or a subsequent evaluator to clearly ascertain exactly what has occurred during the applicant's entire training and checking enrollment.

c) The time spent in training tasks and the time spent in checking tasks must both be documented in the applicant's training records.

d) If a task is checked and found to be unsatisfactory, the applicant must be advised of the unsatisfactory task(s) and the unsatisfactory task(s) must be documented in the applicant's training record. This is required even though the applicant may be subsequently trained to proficiency and successfully completes the proficiency check.

e) Any training to proficiency conducted during the checking sequence must be noted on the applicant's training record.

f) The training records must include the name and designation number of each TCE conducting any portion of the check, which items each specific TCE evaluated, and when each checking event occurred.

3-4439 TRAINING FACILITIES. The training center must have adequate facilities to ensure that each training room or other space used for instructional purposes is heated, lighted, and ventilated to conform to local building, sanitation, and health codes. The training facility must also provide students with a learning environment free of distractions, such as instruction conducted in other rooms, or flight and maintenance operations on an airport.

3-4440 PART 142 RECORDKEEPING.

A. Defining Records. A record is information preserved in a predetermined format as an account of the occurrence of an event. In general, a record must show what event occurred, when it occurred, who was involved, and proof of the event's occurrence, such as certification by individual signature.

1) Records of airman, instructor, and evaluator training and qualification are an integral part of any training program. A training center certificated under part 142 is required by

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regulation to produce and maintain certain records and to have an approved recordkeeping system. Each student, instructor, or evaluator record consists of all documentation that is required to be maintained on a specific individual. Those documents must be maintained in the same approved location.

2) The recordkeeping system must identify what records are used to meet each FAA and Transportation Security Administration (TSA) regulatory requirement. The system must describe in detail the procedures and forms used by the training center for the generation and maintenance of required records. TSpec A025 must include a detailed description of the records, including specific forms, or reference to an approved manual that contains the system description. Each form on which a training or qualification record is kept must be identified by a control or revision number to identify that the current recordkeeping system is in use. Revisions to the recordkeeping system, including individual forms, must be approved by the TCPM.

3) A training center may elect to develop and use an electronic recordkeeping system. The system must be capable of generating and maintaining the required records.

B. Student Records. Recordkeeping requirements for students are stated in § 142.73 and must contain the following information:

1) Whether prerequisites were met prior to enrollment, including Airman Certificates and previous experience.

2) The curriculum in which the student is enrolled.

3) Results of each test or check.

4) Documentation of the student's progress, daily flight training status, and curriculum/course completion.

5) A record of each student's performance on each lesson (ground and flight) by the instructor who provided the ground or flight instruction. The record must also identify the name of the instructor as well as the training time accomplished.

6) Proof that the student is eligible to accomplish 100 percent training and testing in an FFS or a statement with the appropriate limiting language for the certificate being sought.

7) Recommended additional training in the event of an unsatisfactory test or check.

8) Record of additional training received and the satisfactory accomplishment of the training before retesting following an unsatisfactory test or check.

C. Instructor/Evaluator Records.

1) Recordkeeping requirements for instructors and evaluators are stated in § 142.73. These records must document the qualification, training, and checking requirements of

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§§ 142.13, 142.45, 142.47, 142.49, and 142.53. The system must contain the following information:

a) Eligibility requirements and prerequisites for the position (§ 142.47). This includes pilot certificates and detailed flight experience.

b) Completion of instructor/evaluator training (§§ 142.49 and 142.53), including documentation that reflects curriculum content. Instructor and evaluator training are subject to the requirement that each instructor who provides ground or flight instruction under an approved curriculum must record each student's performance on each lesson (ground and flight).
The record must also indicate the name of the instructor as well as the training time.
The program must include the initial and recurrent training and testing requirements of part 142 subpart C. Training time must be identified.

c) Completion of the appropriate training curriculum or course in which that individual will instruct.

d) Satisfactory completion of written testing requirements.

e) Designation as an instructor to instruct in each approved course. The records must identify every course or curriculum assignment and document the duties of each instructor (e.g., ground instructor: Learjet initial and recurrent; differences; simulator instructor: PIC/SIC initial and recurrent, etc.). The designation must specifically identify the aircraft by M/M/S.

f) Annual flight experience or line/flight observation, including verification by flightcrew of participation and time, and LOFT.

2) The center's recordkeeping system must include a method to ensure instructors and/or TCEs are not scheduled to exceed 8 hours of instruction and/or evaluation duties in any continuous 24-hour period, excluding briefings and debriefings. This system must also identify the method the training center will use to prevent an instructor or TCE from being scheduled or accepting duty periods that will exceed the maximum allowed instruction and evaluation time in any continuous 24-hour period (refer to §§ 142.49 and 142.55).

NOTE: For example, a TCE assigned to instruct 4 hours of flight training followed by a 3-hour FFS evaluation will be considered to have accumulated 7 hours of time toward the 8-hour maximum permitted by the applicable regulation.

3) The records must show the initial and annual evaluation of instructional ability. An instructor authorized to instruct in multiple curricula must be evaluated and checked annually in each of those curricula for which he or she is authorized to provide instruction. Each curriculum may be evaluated separately or concurrently with another curriculum if the TCPM determines that there is sufficient commonality between the curricula to warrant crediting instruction in one as equivalent to the other. The records must document that the instructor has been evaluated for each of the assigned curricula.

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NOTE: Regulations require that air carriers keep adequate training records for instructors and check pilots and check FEs at their principal place of business or other locations as approved by their POIs. Training centers that are providing training on behalf of an operator are part of the operator's program and therefore are reasonable locations for an operator to maintain applicable training records. The records, however, must be maintained in compliance with the operator's approved program and must be made available to the operator and/or the Administrator upon request.

4) If the training center provides air carrier training and checking and has agreed to maintain the contract check pilot/check FE and/or contract instructor training records for the customer, the center's recordkeeping system will need to accommodate the requirements of the customer's operating rules which will vary from the center's requirements. The training center is only required to maintain records in support of its (the training center's) approved programs. Part 142 subpart E requires training centers to maintain records for trainees, instructors, and evaluators for courses "…approved in accordance with subpart B of this part." An air carrier may contract with the center and may have included a provision wherein the center will maintain certain portions of the operator's training records. If the center has been approved to maintain the operator's training records, it is being done under an agreement with the operator and the operator remains responsible for the accuracy and quality of the subject records. The fact that the center has agreed to maintain the subject records will require the center to keep an additional set of records to comply with the operator's requirements. This becomes especially important when the operator is requesting the center to provide contract instructors and check pilots/check FEs who are also employed by the center as instructors and/or TCEs.

5) If the center will be providing contract instructors or contract check pilots/check FEs to the operator, required instructor and TCE records will form the basis for qualifying those individuals as contract instructors and check pilots/check FEs for the operator and will need to be available for review by the air carrier and its POI.

6) Prior to approving the center's recordkeeping system, the TCPM must review part 142 regulatory requirements for qualification, training, testing, and checking and ensure the proposed method(s) of recordkeeping meets applicable regulatory requirements. The location of required records, as well as the person responsible for their management, must also be identified.

7) A job aid titled "Instructor and Evaluator Eligibility, Required Training, and Records Review" has been developed to assist the TCPM in determining if an instructor/evaluator training and recordkeeping system meets regulatory requirements. This job aid is available on the Air Carrier Training Systems and Voluntary Safety Programs Branch website.

3-4441 CURRICULUM APPROVAL.

A. Requirements. Part 142 requires training centers to obtain approval of a new curriculum or a revision to a currently approved curriculum before the subject curriculum may be conducted. Inherent in the approval process is the FAA's responsibility to deny approval of any training that does not meet regulatory requirements or has been found deficient. Training

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curricula that have been granted approval and later found to be in conflict with regulatory requirements or to be ineffective must be appropriately modified by the center, or FAA approval must be withdrawn.

B. Obtaining Approval. The TCPM should discuss with the training center the sequence and timing of events that occur in the development and the granting of initial and final approval of a training curriculum. If the center's proposal involves complex operations, the TCPM should consult the appropriate sections of this order and other relevant documents and also determine whether assistance from an FAA specialist will be necessary.

C. Approval Process. Training center curricula are granted initial and final approval through the issuance of TSpec B001, B002, or B003, as applicable. TCPMs must not issue separate curriculum approval letters. The approval process follows a two-step process: initial and final.

1) Initial Approval. Initial approval is granted by listing the curriculum in TSpec B001, B002, or B003, as applicable, and selecting the words, "Initial Expires On" in the row associated with the curriculum entry. An expiration date (in format MM/YYYY), which must not be more than 24 calendar-months from the date of initial approval, must also be entered. A copy of the curriculum, with a copy of the center's submission letter, must be maintained on file, either electronically or in hard copy, in the certificate-holding district office (CHDO) by the TCPM during the period that the curriculum is approved for use by the training center. This file may include any additional supporting information the TCPM feels appropriate. However, it is important to understand that entry of the curriculum in the center's TSpecs represents the FAA's approval for the center to conduct the subject curriculum.

2) Final Approval. Final approval is granted by changing the words, "Initial Expires On" to "Final Issued On" in TSpec B001, B002, or B003, as applicable, now associated with the curriculum. Enter the "Issued On" date (in format MM/YYYY).
If a curriculum is granted final approval without first being initially approved, follow the procedures outlined in step 1 above, except enter the words, "Final Issued On" in the curriculum row. At the discretion of the TCPM, a curriculum's "Final" approval status may be changed to "Initial," along with the issuance of an appropriate expiration date.

a) Based on the results of evaluations conducted during the curriculum's initial approval phase, the TCPM must determine whether to grant or deny final approval of a training curriculum. This determination must be made before the expiration date of the initial approval. If the TCPM decides not to grant final approval, he or she must make reasonable efforts to convince the center to make the necessary revisions. If the center fails to comply within a reasonable time, the TCPM must withdraw the center's initial approval for the subject curriculum. (See Volume 3, Chapter 19, Section 2 for guidance on terminating or failing to issue final approval for a curriculum.)

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b) If the training center applies for a curriculum with fewer than the required hours of training specified in part 61, the TCPM must carefully evaluate their request and ensure the center has:

- Included a statement concerning the basis for reduction;
- Provided a description of how they plan to accomplish such training in the reduced number of hours;
- Included a description of the center's method to track student performance both during training and qualification, and after curriculum completion to validate training program effectiveness; and
- Provided historical data covering at least 1 year. This is the minimum period of time considered necessary to properly evaluate student performance. Data to be tracked might include incidents, accidents, hours flown, and type of flying.

NOTE: The TCPM may require the historical data of more than 1 year if 1 year of data is insufficient to evaluate student performance, such as due to low enrollment in a particular course.

NOTE: No curricula can be approved that permit an applicant to be certificated with less than the minimum experience requirements for a particular certificate or rating. The reduction in hours described above is only applicable to training hours, not flight hour experience requirements.

c) If the TCPM believes the center's request is viable and wishes to proceed with the approval process, the TCPM must forward the request with his or her recommendation to the Air Transportation Division through the appropriate part 142 coordinator for review and action.

RESERVED. Paragraphs 3-4442 through 3-4460.

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VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 63 FAA-APPROVED AIRCRAFT DISPATCHER CERTIFICATION COURSES

Section 3 Course Approval and Management

3-5024 GENERAL. This section provides policy regarding approval and management of Federal Aviation Administration (FAA)-approved Aircraft Dispatcher Certification Courses, approved in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 65. This policy has been established in coordination with the standards set forth in the current edition of Advisory Circular (AC) 65-34, FAA-Approved Aircraft Dispatcher Certification Courses, which was originally published on October 11, 2017.

3-5025 EFFECTIVE DATE OF NEW STANDARDS FOR AIRCRAFT DISPATCHER CERTIFICATION COURSES AND COURSE OPERATORS. The effective date of the standards as set forth in the current edition of AC 65-34, which are also described in this section, depend on the status of a course.

A. New Course Applicants. For applicants seeking original FAA approval of a new Aircraft Dispatcher Certification Course, the standards set forth in the current edition of AC 65-34 are effective immediately.

B. Existing Courses. FAA-approved Aircraft Dispatcher Certification Courses that are currently in existence and operating are being provided with a transition period during which a course operator can make the changes necessary to meet the standards of the current edition of AC 65-34.

1) Course as Currently Approved. For existing Aircraft Dispatcher Certification Courses that have already received FAA approval as of the publication of the current edition of AC 65-34, the standards contained therein are effective on the date of the next renewal of FAA approval or on October 31, 2019, whichever is later, provided there are no changes made to the training course outline (TCO), equipment, or facilities during this transition period.

2) Revisions or Changes to an Approved Course. A revision to an existing course approval in accordance with part 65, § 65.63(d) (e.g., revising the TCO, adding or changing equipment, adding or changing a training facility, etc.) is subject to the standards contained in the current edition of AC 65-34, effective immediately. In addition, changes that are included as part of a course renewal that occurs any time after the publication of the AC are immediately subject to the standards contained therein.

3-5026 ADDITIONAL POLICY. Dispatch Course Program Managers (DCPM) and approving office managers must familiarize themselves with the following additional policy:

A. General Regulatory Requirements. The general regulatory requirements for Aircraft Dispatcher Certification Courses is contained in Volume 3, Chapter 63, Section 1.

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B. FAA Resources. Policy on the assignment of the appropriate FAA technical resources to approve and manage an Aircraft Dispatcher Certification Course is contained in Volume 3, Chapter 63, Section 2.

C. Certification of Aircraft Dispatchers. Policy specific to the certification of aircraft dispatchers and the Aircraft Dispatcher Practical Test is contained in Volume 5, Chapter 5, Section 10.

D. Designated Aircraft Dispatcher Examiners (DADE). Policy specific to managing DADEs and the duties and responsibilities of DADEs is contained in Volume 13, Chapter 3.

E. English Language Requirements. The current edition of AC 60-28, FAA English Language Standard for an FAA Certificate Issued Under 14 CFR Parts 61, 63, 65, and 107, contains requirements and guidelines related to English language skills for aircraft dispatchers certificated under part 65.

F. Information for Course Operators. The current edition of AC 65-34 contains information for potential and existing Aircraft Dispatcher Certification Course operators.

3-5027 PROGRAM TRACKING AND RECORDING SUBSYSTEM (PTRS) ACTIVITY CODES.

A. Activity Codes Specific to Approval, Renewal, and Oversight.

1) Evaluate Initial Application for Approval—1377. Use PTRS activity code 1377 (TECH/ADMN/EVAL TNG COURSE INIT (63, 65)) when conducting an initial evaluation of an Aircraft Dispatcher Certification Course application. Enter the name of the proposed course operator in the “Non-Cert:” field in the “Transmittal” portion of the PTRS. ASIs should open the PTRS activity at the beginning of the evaluation process and list information chronologically as appropriate until the evaluation is complete. This should be the rule of thumb unless otherwise determined by the aviation safety inspector’s (ASI) supervisor or office manager. Indicate in the comments section whether or not the initial application was approved.

2) Evaluate a Course Revision—1378. Use PTRS activity code 1378 (TECH/ADMN/EVAL TNG COURSE REVS (63, 65)) when conducting an evaluation of an Aircraft Dispatcher Certification Course revision. Enter the name of the course operator in the “Non-Cert:” field in the “Transmittal” portion of the PTRS. ASIs should open the PTRS at the beginning of the evaluation, list appropriate information chronologically, and close the activity when the evaluation is complete. This should be the rule of thumb unless otherwise determined by the ASI’s supervisor or office manager.

3) Evaluate a Course Renewal—1379. Use PTRS activity code 1379 (TECH/ADMIN/EVAL/TNG COURSE RENEWAL (65)) when renewing an Aircraft Dispatcher Certification Course approval in accordance with § 65.63(c). Enter the name of the course operator in the “Non-Cert:” field in the “Transmittal” portion of the PTRS. ASIs should open the PTRS at the beginning of the evaluation, list appropriate information chronologically, and close the activity when the evaluation is complete. This should be the rule of thumb unless otherwise determined by the ASI’s supervisor or office manager.

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4) Conduct Onsite Surveillance—1667. Use PTRS activity code 1667 (SURVL/AIRM/TRNG (61, 63, 65)) when conducting onsite surveillance of an Aircraft Dispatcher Certification Course operator actually conducting the course. In accordance with the National Work Program Guidelines (NPG) beginning in fiscal year (FY) 2014, this PTRS activity is required at least once annually. Enter the name of the course operator in the "Non-Cert:" field in the "Transmittal" portion of the PTRS. ASIs should open and close the PTRS activity on the date the surveillance is conducted, unless conducting onsite surveillance over the course of two or more days. When an ASI has negative findings through surveillance, the ASI should close the initial PTRS activity and use a follow-up activity to record corrections made by the course operator.

5) Conducting Other Surveillance Activities—1692. Use PTRS activity code 1692 (SURVL/MISC/APRVD TRNG COURSE (63, 65)) when performing any other surveillance/oversight activities such as the ones listed below. Enter the name of the course operator in the "Non-Cert:" field in the "Transmittal" portion of the PTRS. ASIs should open and close these PTRS activities at their discretion or as otherwise determined by their supervisor or office manager:

- Training facility inspections.
- General courseware/content/curriculum review.
- Review of student records and reports required by § 65.70.
- The withdrawal or cancellation of approval of a course.

B. PTRS Comments. The purpose of PTRS comments is to relay safety information and data pertinent to the task being performed, evaluated, or investigated. Comments including ASIs' opinions may be included when they are relevant and add value. When commenting in the PTRS, ASIs must be clear, concise, and factual. Do not exaggerate or overemphasize facts and avoid dramatic statements. Use words such as "acceptable" and "adequate" to describe positive inspection outcomes. Avoid adjectives such as "great" or "excellent." When describing negative outcomes, use words like "unsatisfactory" or "unacceptable." Avoid words such as "terrible" or "awful." Inspectors should also avoid the use of adverbs like "very," "really," or "extremely" and limit expressions of personal opinion to only what is absolutely necessary to convey the situation. Remember that PTRS comments are a matter of record and can be viewed by a multitude of FAA personnel. PTRS comments may also be subject to the Freedom of Information Act (FOIA). Refer to the current edition of the PTRS Procedures Manual-Reissue, Chapter 1, Section 3.

1) Primary Area. When commenting, ASIs must select a primary area in the comment section of the PTRS. Unfortunately, Enhanced Flight Standards Automation System (eFSAS) does not currently contain a primary area specific to an FAA-approved Aircraft Dispatcher Certification Course, which falls under the category of a noncertificated entity. ASIs will select primary area "E" (Air Agency), which is the selectable entity that most resembles an Aircraft Dispatcher Certification Course. In order to address the discrepancy, make at least one comment selecting the keyword "719 Other/Remarks – Operations" and then state that the course operator is a noncertificated FAA-approved training course, not an Air Agency.

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2) Key Words and Opinion Codes. ASIs will use their discretion when selecting keywords and opinion codes, unless otherwise directed in this section.

3-5028 ENHANCED VITAL INFORMATION DATABASE (eVID). ASIs, with approval and oversight responsibility of an Aircraft Dispatcher Certification Course, will enter the appropriate information into the eVID by accessing the "Non-Certificated" link under "eVID" on the left hand side of the eFSAS home page. Follow the steps below.

A. Add a New Course Operator:

1) Enter the FAA approving office code.

2) Enter the airport code of the airport closest to the course operator. For airports located within the 48 contiguous United States, enter the three-letter airport identifier (e.g., JFK). For airports located outside of the 48 contiguous states, use the four-letter International Civil Aviation Organization (ICAO) airport identifier (e.g., PANC).

3) Enter the activity code "FADT," which corresponds to "FAR 65 Aircraft Dispatcher Training."

4) Enter the name of the course operator.

5) Click on the "Add New" button.

6) Enter the information as required on the general information page.

B. Update an Existing Course Operator:

1) Enter the FAA approving office information.

2) Enter the activity code "FADT."

3) Select the desired course from the display.

4) Update the desired information.

5) Update the validation date based on the date the new information was entered into the eVID.

C. The eVID User Manual and Vital Information Subsystem Procedures Manual (VPM). User manuals are available on the eFSAS home page. The eVID user manual and the VPM are the primary information sources for populating eVID. In both manuals, information related to Aircraft Dispatcher Certification Courses is available in the "Non-Certificated" section/chapter of each manual. Information contained in this chapter is based on the eVID user manual and the VPM. When in doubt, ASIs must refer to the eVID user manual and/or the VPM for information on populating eVID.

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3-5029 TECHNICAL RESOURCES REQUIRED FOR APPLICATION REVIEW, APPROVAL, AND MANAGEMENT. The FAA technical resource required for review and evaluation of an application for approval of an Aircraft Dispatcher Certification Course, and for ultimately managing the course once approved, is an ASI—Aircraft Dispatch (ASI-AD). (There is some limited temporary exception to this requirement where existing courses are concerned). It's important to note that the primary policy applicable to the assignment of the appropriate technical resources for approval, management, and oversight of an Aircraft Dispatcher Certification Course is located in Volume 3, Chapter 63, Section 2. Flight Standards office managers and Front Line Managers (FLM) must review the requirements outlined in Volume 3, Chapter 63, Section 2 prior to accepting any application for approval of such a course.

3-5030 APPLICATION REQUIREMENTS. Application requirements for original approval, renewal, or revision of an Aircraft Dispatcher Certification Course are contained in §§ 65.61 and 65.63. These requirements are further outlined in Volume 3, Chapter 63, Section 1 and this section. Additionally, information on the application process for course operators and course applicants is available in the current edition of AC 65-34. A potential or existing course operator should submit the application package, including all course documents to the FAA in hard copy format. The submission of electronic documents may also be acceptable, provided it is mutually agreed upon by the FAA approving office and the course applicant/operator. Electronic course manuals and recordkeeping systems are subject to the standards of the current edition of AC 120-78, Electronic Signatures, Electronic Recordkeeping, and Electronic Manuals.

A. Contents of an Application Package for Original Approval and Renewal. Section 65.63 requires a new or existing course operator to submit its application for original approval or renewal of approval in writing to the potential or actual approving office (depending on whether the application is for original or renewed approval). An application package for original approval or renewal of an FAA-approved Aircraft Dispatcher Certification Course must contain:

1) Letter of Intent.

a) Original Approval. For original approval, the Letter of Intent must include at least the following information:

- The proposed name of the course operator;
- The proposed location of the course training facility;
- The name(s), address, telephone number, and email address of the owner(s) of the course; and
- The proposed date the applicant desires to begin conducting the course.

b) Renewal of Approval. For renewal of course approval, the letter requesting renewal of the course approval must contain:

- The name of the course operator;
- The location of the course training facility;

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- The name(s), address, telephone number, and email address of the owner(s) of the course; and
- If the renewal contains any revised material, the revision number and the date on which the revision becomes effective.

2) Items Required by § 65.63. In accordance with § 65.63, all application packages for original approval and renewal must contain:

- Two copies of the certification course outline (referred to as the TCO in this section) required under § 65.61(b);
- A description of the training facility and equipment; and
- A list of instructors, along with the résumé of each instructor.

3) Instructional Materials (Courseware). The application package should include the courseware and instructional material developed by the course operator for each subject, topic, and subtopic.

4) Sample Written Statement of Graduation.

a) The application package should include a sample of the written statement of graduation (graduation certificate) the course operator will use, in accordance with the requirements of § 65.70(b).

1. The graduation certificate should include a place for an authorized representative of the course operator to attest to (i.e., via signature) the successful completion of the course by the student to whom the graduation certificate is issued.

2. The graduation certificate is valid for 90 days (it can be revalidated for an additional 90 days in accordance with § 65.70(b). Therefore, the statement of graduation must include the date on which it was issued to the student.

b) Revalidation Criteria. Section 65.70(b) allows an Aircraft Dispatcher Certification Course operator to revalidate a graduation certificate after 90 days, for an additional 90 days, if the course operator determines that the student remains proficient in the subject areas listed in part 65 appendix A. The application package should include the revalidation methods the course operator will use, such as a test. The methods utilized by the course operator should be comprehensive enough to allow the course operator to reasonably establish that the student has in fact remained proficient in all subject areas listed in part 65 appendix A.

5) Evaluation Methods and Criteria for Providing Student Credit for Previous Experience or Training. If a new course applicant or current course operator intends to provide its students with credit for previous experience or training as allowed by § 65.61(d), the application package should also include the proposed criteria for granting credit, along with method(s) of evaluating a student to determine if credit is warranted. The preferred way of including this information is to have it be part of the TCO along with the evaluating methods and criteria based on the full application of the course. However, a course operator listing the criteria

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and evaluating methods for determining student credit as a separate item within the application package is also acceptable.

6) Recordkeeping and Reporting Methods.

a) The application package should contain a description of the recordkeeping system used to maintain student records in accordance with § 65.70. If a new course applicant or current course operator elects to use an electronic method of recordkeeping, the standards set forth in the current edition of AC 120-78 are applicable.

b) The application package should contain a description of the method the new course applicant or current course operator intends to use to transmit the annual report required by § 65.70(a)(1), to the approving office, no later than January 31 of each year.

B. Contents of an Application Package for a Course Revision. Requests for approval of a revision of the course outline, facilities, or equipment must be made in accordance with § 65.63(a) and (d). Proposed revisions of the course outline or the description of facilities and equipment must be submitted in a format that will allow an entire page or pages of the approved outline or description to be removed and replaced by any approved revision. The list of instructors may be revised at any time without request for approval, provided the minimum requirements of § 65.67 maintained and the course operator notifies the approving office in writing. The application package for approval of a course revision must include the following:

1) A letter requesting approval of the course revision must include the following:

- The name of the course operator;
- The name(s), address, telephone number, and email address of the owner(s) of the course; and
- The revision number and the date on which the revision becomes effective.

2) For a revision to the TCO, two copies of the revised TCO.

3) For a revision that applies to the approved facility, a description of the changes in the facility, or if adding a facility, the location of the new facility.

4) For a revision that applies to the course equipment, a description of the changes to that equipment.

3-5031 THE TCO. Section 65.61(b) requires an FAA-approved TCO to describe the major topics and subtopics of the course and provide the number of proposed hours for each topic and subtopic. In addition to these requirements, each TCO should include the following elements:

A. List of Effective Pages (LEP). Each TCO should include an LEP that reflects the current date and revision number of each page contained in the TCO.

B. Methods of Instruction. A TCO should include a description of the methods of instruction the course operator will use. Instructional methods include, but are not limited to:

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- Lecture,
- Computer-based training,
- Discussion,
- Scenario-based, and
- Demonstration performance.

C. Evaluating Criteria and Methods. The TCO should include a description of the course operator's student evaluating criteria and methods. The course operator's evaluating methods must provide an adequate means of assessing an individual's cognitive skills and overall comprehension of the instruction provided. The desired outcome is that each student will have a solid foundation of knowledge and understanding of the topic and subtopics required by part 65 appendix A. Examples of evaluation methods include, but are not limited to:

- Oral examination,
- Written examination,
- Airplane performance calculations,
- Manual flight planning scenarios, and
- Simulated briefing to the pilot in command (PIC).

D. Successful Completion Standards. The TCO should include minimum test score requirements and standards for overall course completion as well as standards for completion of individual assignments and scenarios.

E. Maximum Number of Credit Hours. Section 65.51(b) requires the TCO to describe the major topics and subtopics to be covered and the number of hours proposed for each. Where providing course credit is concerned, a course operator's TCO should specify the maximum number of credit hours proposed for each topic and subtopic. This practice effectively identifies the minimum hours of instruction the course operator intends to provide on any given topic/subtopic, including any credit. It also helps to ensure continued compliance with § 65.51(b).

3-5032 INSTRUCTORS. Section 65.67 requires Aircraft Dispatcher Certification Course operators to have adequate qualified personnel. Well-qualified instructors and quality instruction are critical components of any course. During surveillance, DCPMs will monitor instructors to determine the adequacy and quality of instruction.

A. List of Qualified Instructors. In accordance with § 65.63(a)(4), a course operator must maintain a current list of qualified instructors, including résumés for each instructor. In accordance with the requirements of § 65.63(d), a course operator must notify the approving office in writing of any revision to the list of qualified instructors. DCPMs may establish minimum notification time standards. However, the maximum notification time should not exceed 14 calendar-days.

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B. Regulatory Requirements for Instructors.

1) At Least One Instructor Must Hold an Aircraft Dispatcher Certificate. In accordance with § 65.67(a)(1), each Aircraft Dispatcher Certification Course operator must have at least one instructor who holds an Aircraft Dispatcher Certificate and is available to coordinate all training course instruction.

2) Student-to-Instructor Ratio. The ratio of students to instructors may not exceed 25 to 1.

3) Practical Dispatch Applications. The instructor who teaches the Practical Dispatch Applications area of part 65 appendix A must hold an Aircraft Dispatcher Certificate.

C. Knowledge of Training Policies. Instructors must know the course operator's training policies and procedures and how to complete required training forms.

D. Knowledge of Topics and Subtopics. Instructors must be knowledgeable in the specific topics and subtopics of instruction and must be able to present the material in a logical, clear, and organized manner.

E. Use of Courseware and Lesson Plans. In order to maintain consistency and standardization of instruction, instructors must use the course operator's courseware and follow the applicable lesson plans, guides, or other training aids. This will ensure that the material is properly presented as designed.

F. Instructors Who are Also DADEs. FAA policy related to DADEs generally prohibits a DADE who trains an applicant for an Aircraft Dispatcher Certificate from examining that applicant for the purposes of certification. However, this practice is permissible when specifically authorized by the DADE's managing specialist. The FAA will only authorize a DADE to test applicants instructed by the DADE if another instructor who holds an Aircraft Dispatcher Certificate administers the Practical Dispatch Applications area of knowledge training required by part 65 appendix A, section VIII (including all of the topics and subtopics contained therein) and is the recommending instructor (signs the Instructor's Recommendation block on FAA Form 8400-3, Application for Airman Certificate and/or Rating.

1) A course operator that uses a DADE as an instructor will be required to have at least one additional instructor who holds an Aircraft Dispatcher Certificate any time the DADE instructs and examines the same applicant.

2) An instructor who is also a DADE may not be the recommending instructor of an applicant to whom the DADE is administering the Aircraft Dispatcher Practical Test.

3) An applicant seeking original FAA approval of a new Aircraft Dispatcher Certification Course may use a DADE as an instructor. However, a DADE who will also be in a position to administer the Aircraft Dispatcher Practical Test to graduates of the course will be required to wait at least 12 calendar-months after original approval of the course prior to the FAA authorizing that DADE to test the course graduates. Practical testing of applicants for FAA certification is the responsibility of the FAA; therefore, the FAA will determine whether or not

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there is a need to authorize a DADE in accordance with 14 CFR part 183 (as a representative of the Administrator) to test the graduates of the course. The 12-month waiting period will also serve as a demonstration phase for the course operator to show that it has the ability to administer the course in accordance with the requirements of part 65 subpart C. During this time period, successful graduates of the course will be tested by an ASI-AD, or by a DADE that is not an instructor for or is otherwise affiliated with the course. After this initial operating period, the DCPM will review the observation data (PTRS records) along with the first annual report submitted by the course operator in accordance with § 65.70. If the data shows that authorizing the course operator's instructor as a DADE who tests the graduates of the course is warranted, the FAA will grant the authorization via the DADE's letter of authority (LOA).

3-5033 TRAINING FACILITIES. Each FAA-approved Aircraft Dispatcher Certification Course operator or new course applicant must have facilities, equipment, and materials adequate to provide each student the theoretical and practical aspects of aircraft dispatching. In accordance with § 65.65, each training facility, including all rooms and spaces, must meet the following minimum requirements:

- Be temperature controlled;
- Be lighted;
- Be ventilated;
- Be free from distraction; and
- Conform to all local building, sanitation, and health codes.

A. Adequate Facilities. Training facilities should provide a safe and clean environment that is conducive to learning. Student access to emergency exits and adequate facilities for physiological needs is required at all times. If there is no cell phone access, the facility must have means to contact the appropriate personnel by telephone in case of an emergency. When determining the adequacy of a training facility, DCPMs and ASIs should use common sense.

1) Temperature Controlled. Each training facility, room, and/or space must be maintained at a comfortable temperature. This is typically within the range of 68 to 76 degrees Fahrenheit. This range comes from the Occupational Safety and Health Act of 1970 (OSH Act) recommended temperatures for the workplace. Temperature controls must not present a hazard and must control the temperature in the entire room or training space (e.g., an old, small space heater in the corner of a large training room would not constitute adequate temperature control).

2) Lighted. Each training facility, room, and/or space must have adequate lighting to provide each student with the proper lighting for viewing any written material and/or other training courseware.

3) Ventilated. Each training facility, room, and/or space must have adequate ventilation that provides air circulation.

4) Free from Distraction. Each training facility, room, and/or space should provide a clean and quiet environment that allows each student an unobstructed view of training presentations. Training facilities, rooms, and/or spaces should be conducive to a student's overall

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ability to concentrate. Each training facility, room, and/or space must be located so that the students in that facility are not distracted by the instruction conducted in other rooms.

5) Conformance with Local Building, Sanitation, and Health Codes. It is the course operator's responsibility to ensure that the training facility conforms to all local building, sanitation, and health codes. A course operator should be able to show proof of conformance with these codes when requested by the Administrator.

B. Adequate Workspace. Students must be provided with adequate workspace, equipment, and materials to complete intricate calculations related to aircraft performance and flight planning. The work space must provide each student with enough room to properly use all necessary aeronautical charts and reference materials.

C. Location of Approved Facility. An FAA-approved Aircraft Dispatcher Certification Course is subject to continual oversight by the FAA. Therefore, a course facility should normally be located within the area of responsibility of the approving office. However, it is acceptable for a facility to be located outside of the area provided the ability to manage the course and conduct surveillance is not impeded due to constraints, such as travel and budget.

D. Approval to Conduct the Course at an Additional Facility. All facilities used by an Aircraft Dispatcher Certification Course operator are subject to the requirements of § 65.65 and the standards set forth in the current edition of AC 65-34, which are outlined in this section. If a course operator desires to administer its approved course at a location other than its currently approved facility, the approving office may consider approving an additional facility on a case-by-case basis. The approval of an additional facility must not negatively affect the DCPM's ability to manage the course, including onsite surveillance whenever necessary.

1) Facilities Located Outside of the Approving Office's Area of Responsibility. An approving office may approve a course operator to conduct the course at a facility located outside of the office's area of responsibility provided the DCPM can continue to manage the course effectively. If the location of the new facility and its geographical proximity from the approving office will impede the DCPM's ability to do this, the approving office has the right to deny approval of the additional facility. In this case the course operator does have the option to seek a new course approval (original approval) to operate the course at the desired facility, from a Flight Standards office in whose area of responsibility the facility is located.

a) Continuing Ability to Maintain Oversight. The manager of the approving office will ensure that the DCPM is able to effectively manage the course, including onsite surveillance, while the course operator administers it at the additional facility located outside of the approving office's area of responsibility.

b) Surveillance Assistance. For a limited time, the approving office manager may request surveillance assistance from an ASI-AD located at the Flight Standards office in whose area of responsibility the additional facility is located. In this case, the office manager will request the ASI-AD's assistance through that individual's office manager.

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1. ASI-ADs who provide surveillance assistance are conducting surveillance on behalf of the DCPM. For the purposes of this chapter, any policy and guidance that applies to a DCPM applies to an ASI-AD acting on behalf of the DCPM.

2. ASI-ADs conducting surveillance on behalf of a DCPM will document the surveillance as a Planned Inspection Item (P-Item) utilizing PTRS activity code 1667. After completing surveillance on behalf of the DCPM, the ASI-AD will provide the DCPM with the appropriate PTRS information.

c) Adequate Time for Coordination. Coordinating oversight and surveillance of a course as it is conducted outside of the approving office's area of responsibility requires time. When surveillance assistance is necessary, coordination requires communication between Flight Standards offices. Requests for surveillance assistance also involve coordinating work schedules. When the DCPM is able to conduct surveillance of the course at a location outside of the approving office's area, time is also needed to authorize and coordinate travel. DCPMs will inform the course operator of all coordination requirements.

d) Responsibility for Coordination. The manager of the approving office is ultimately responsible for communication and coordination of resources associated with the conduct of the approved course. Interoffice communication should be accomplished in writing. When requesting surveillance assistance from another office, the approving office manager will make the request by memo to the office manager from whom the surveillance assistance is being requested. Office managers accepting or denying requests for surveillance assistance will respond by return memo.

e) Requests for Assistance Should Not be Ongoing. Requesting surveillance assistance from another office should not occur on an ongoing basis. If there is a repeated need to request such assistance, it could be an indication that the approving office is unable to manage the course when it's being administered at a facility located outside of the office's area of responsibility. Under these circumstances, the approving office should notify the course operator of the following two options:

1. Seek a new course approval (original approval) from a Flight Standards office whose area of responsibility includes the desired facility location, or

2. Discontinue administering the course at that facility.

2) Course Revision to Add Facility. Approval of a new course facility is accomplished through a course revision. In accordance with § 65.63(d), the course operator will need to submit an application for approval of the new facility. When the conduct of the course at a new facility is temporary in nature, the course operator will need to submit another revision removing the course facility after administering the course.

3-5034 EQUIPMENT AND MATERIALS. The requirements for training facilities, as set forth in § 65.65, also require an FAA-approved Aircraft Dispatcher Certification Course to have equipment and materials that adequately provide each student the theoretical and practical aspects of aircraft dispatching.

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A. Equipment. Any equipment used to deliver instruction must be kept in adequate working condition. Examples of instructional equipment include, but are not limited to:

- Audiovisual equipment, such as projectors, microphones, video screens;
- Computers used for computer-based training, including those used in Distance-Computer-Based Training (D-CBT);
- Manual air navigation or flight computers; or
- Protractors and course plotters.

B. Materials (Courseware). Each course operator must maintain its courseware and keep it current. Courseware revisions should be appropriately identified by revision number. Courseware itself is not FAA approved; however, courseware must be generally acceptable to the FAA and must not be contrary to Federal regulations. Courseware must be in the English language and primarily use the U.S. system of weights and measurements. All applicants for an Aircraft Dispatcher Certificate must be able to read, speak, write, and understand the English language in accordance with § 65.53(b)(2). DCPMs should periodically review and evaluate courseware to verify continued adequacy. At any time a DCPM determines courseware to be unacceptable, the DCPM will notify the course operator in writing, provide an explanation of deficiencies, and provide the operator with a reasonable amount of time to make corrections. This time period should be set at 30 calendar-days from the time the course operator is notified of the deficiencies. However, if the courseware presents information that is contrary to Federal regulations, it is appropriate to inform the course operator of the need to cease using the courseware immediately and make the necessary corrections prior to reuse. Courseware for an Aircraft Dispatcher Certification Course should contain the following:

- Lesson plans that flow in a logical sequence;
- Instructor guides;
- Audiovisual materials;
- Training manuals;
- Workbooks;
- Aeronautical charts;
- Airplane Flight Manuals (AFM);
- Operations specifications (OpSpec);
- General Operations Manual (GOM);
- Current FAA-S-8081-10, Aircraft Dispatcher Practical Test Standards;
- Handouts; and
- Any other materials used to support the training curriculum.

3-5035 GUIDELINES FOR GRANTING CREDIT FOR PREVIOUS EXPERIENCE OR TRAINING. For the purpose of completing an FAA-approved Aircraft Dispatcher Certification Course, § 65.61(d) allows a student to substitute previous experience or training for a portion of the minimum 200 hours of training required by § 65.61(a)(2). The regulation states that the course operator determines the number of hours of credit based on an evaluation of the experience or training to determine if it is comparable to portions of the approved course curriculum. The credit allowed, including the total hours and the basis for it, must be placed in the student's record. The number of hours of instruction should not be reduced through credit as a

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matter of convenience for the student or the course operator. Quality instruction that is comprehensive in nature ensures a solid foundation of knowledge and helps prepare a student for certification. Solid foundational knowledge is also critical to the performance of duties as an aircraft dispatcher. One of the most significant duties of an aircraft dispatcher is exercising responsibility for operational control, together with the PIC, of air carrier flights operated in accordance with 14 CFR part 121 domestic and flag rules. Although the amount of allowable credit is ultimately determined by the course operator, the following requirements and guidelines apply:

A. Evaluation Criteria for Credit.

1) Previous Experience. Criteria for credit based on previous experience must include documentary evidence of experience gained. Evaluation methods regarding credit based on previous experience should be designed to determine if the experience is actually comparable to portions of the approved curriculum.

2) Previous Training. Criteria for credit for previous training should be based on training satisfactorily completed at an accredited university or college or at another FAA-approved Aircraft Dispatcher Certification Course. The FAA strongly recommends, and the DCPM should encourage, a course operator to require student transcripts from previous learning institutions as documentary evidence of previous training.

B. Providing Full Credit for a Particular Area or Topic is Not Recommended. It is not recommended that a course operator provide full credit for a particular topic or subtopic, even if a student provides a valid transcript indicating successful completion of that topic from an accredited university or college or another FAA-approved Aircraft Dispatcher Certification Course, or can show substantial previous experience. Where previous experience is concerned, the amount of knowledge obtained this way is subjective in nature and could be difficult to measure for its comparability to portions of the approved TCO. Where previous training is concerned, the intent of part 65 appendix A is to allow flexibility for course operators to develop their own sequence of instruction and provide a certain number of hours for each area of instruction. While all of the material listed in the appendix must be taught, the appendix states that “order of coverage” of the course material “is at the discretion of the approved school.” This means that the order in which a course operator delivers course material is flexible and the operator may use an integrated training approach. (Also refer to the regulatory preamble to the 1999 final rule for part 65 subpart C, which is published in Public Docket Number FAA-1998-4553). The byproduct of the flexibility provided in part 65 appendix A is that Aircraft Dispatcher Certification Courses vary in methodology, sequence, and the number of instructional hours provided for each area and topic. Therefore, a student transferring from one course to another, or seeking credit based on previous instruction in particular areas or topics, could have gaps in instruction resulting in critical portions of training being missed by the student. This could ultimately result in a less-knowledgeable aircraft dispatcher.

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C. Credit Hours Should Not Exceed One Half of the Hours of Instruction Required by § 65.61(a)(2). As a baseline standard, the total number of instruction hours credited to a student should not exceed one half of those set forth in § 65.61(a)(2), which requires a minimum of 200 hours of instruction. This baseline takes into account any gaps in knowledge areas a student may have.

D. Credit Should Not be Given for Part 65 Appendix A, Section VIII or Any of the Topics Contained Therein. The Practical Dispatch Applications area of knowledge is critical and contains topics that are based on decision making skills, technique, and human factors. Instruction in this area could vary widely from course to course and previous experience in this area is subjective by nature. Therefore, no credit should be given to any student in this particular area of knowledge. This is also stated in the current edition of AC 65-34. DCPMs should direct potential and existing course operators to the contents of the AC.

3-5036 DISTANCE LEARNING. Distance learning is a non-regulatory term used by the FAA and the aviation industry. It has various meanings depending on context. Distance learning has been known by other terms such as e-learning, home study, self-guided training, virtual classroom, distributed training, computer-based training, web-based training, etc. As a matter of policy, the FAA has allowed distance learning to be used as an alternative method to classroom training, when appropriate. Any alternative method of training must provide the student with an equivalent or better level of knowledge than what would be gained through traditional classroom training administered by an appropriately qualified instructor.

A. The FAA's Description of Distance Learning. The FAA typically describes distance learning as learning that is accomplished by any training method not including an instructor and a gathering of trainees collocated in a traditional classroom.

B. Drawing a Distinction Within the Context of Aircraft Dispatcher Certification Courses. For the purposes of Aircraft Dispatcher Certification Courses, the FAA is drawing the following distinction:

1) Self-Guided Distance Learning. Distance learning in the form of self-guided learning and/or home study completed by the student and accomplished through correspondence; versus

2) Computer-Based Training. Instruction provided by the course operator as computer-based training delivered through an electronic Learning Management System (eLMS), outside of the classroom environment.

C. What Qualifies as an Alternative to Classroom Instruction for the Purposes of Compliance with the Requirements of Part 65 Subpart C.

1) Computer-Based Training Qualifies. Instruction provided by the course operator as computer-based training delivered through an eLMS, outside of the classroom environment, qualifies as instruction for the purposes of satisfying the requirements of part 65 subpart C.

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2) Self-Guided Distance Learning Does Not Qualify. Distance learning completed by the student in the form of self-guided and/or home study that is accomplished through correspondence does not qualify as instruction in accordance with the requirements of part 65 subpart C. The FAA does not believe that this type of self-guided learning provides an equivalent or appropriate alternative to classroom instruction that is provided in person by an appropriately qualified instructor; particularly as a means to prepare a student for initial certification as an aircraft dispatcher. A course operator may only use this type of self-guided learning as a means to provide information that is outside of the requirements of part 65 subpart C. Additionally, a course operator should not provide a student with course credit, in accordance with § 65.61(d), for any previous training in Aircraft Dispatcher Certification Course subject matter, unless the training was provided by an instructor in a traditional classroom, or via computer-based training provided through an eLMS.

3-5037 REGULATORY FOUNDATION FOR COMPUTER BASED TRAINING. Part 65 subpart C requires a course operator to provide at least 200 hours of instruction in accordance with § 65.61(a)(2), have qualified instructors in accordance with § 65.67, and have training facilities that meet the requirements of § 65.65. The part 65 subpart C regulatory requirements assume that the 200 hours of instruction is administered by a qualified instructor in a classroom. However, the preamble to the part 65 final rule contained in Public Docket Number FAA-1998-4553, dated December 8, 1999, states that the FAA used the words “a minimum of 200 hours of instruction” in the rule language to “clarify that a portion of those hours could include hours from computer-based training”. (In this context, the authors of the final rule used the word “instruction” and “training” synonymously.) The portion of instruction that may be administered via computer-based training is described in subparagraph 3-5038G.

3-5038 STANDARDS FOR COMPUTER-BASED TRAINING PROVIDED OUTSIDE OF THE CLASSROOM ENVIRONMENT. For the purposes of this chapter, the FAA is establishing the term “Distance-Computer-Based Training (D-CBT)” to describe instruction that is provided by the course operator as computer-based training delivered through an eLMS, outside of a classroom environment.

A. Requires Specific Approval. A course operator who desires to use D-CBT as an alternative to classroom instruction must submit a request for approval that includes each intended curriculum topic, subtopic, and the associated training modules.

B. Should Not be Approved During the Original Application or Initial Operation Phase. The approving office should not approve the course operator to use D-CBT as an alternative to classroom instruction until after the course has been in operation for at least 12 calendar-months. During this time period, the DCPM will need to observe, document, and evaluate the course as it’s conducted in a classroom environment to determine its adequacy and effectivity. After this initial operating period, the DCPM will review the observation data (PTRS records) along with the first annual report submitted by the course operator in accordance with § 65.70. If the DCPM determines that the course operator has successfully demonstrated the ability to conduct the course in accordance with part 65 subpart C, the approving office may approve the use of D-CBT, provided the course operator follows the standards (or their equivalent) for D-CBT as set forth in the current edition of AC 65-34.

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C. Provide Training Equivalent to What is Provided in the Classroom.

1) D-CBT should contain identical or similar course material to what is presented in the classroom for the corresponding subject matter;

2) D-CBT should include lessons on topics and subtopics that are of equal length to what is provided in the classroom, in accordance with the approved TCO; or

3) D-CBT, when combined with classroom training on a particular topic or subtopic, must provide the total amount of instruction specified in the approved TCO.

D. Training Objectives and Performance Criteria. The D-CBT portion of the approved course should contain clearly defined training objectives and performance criteria.

1) Objectives should include at least the following:

- Students are able to recall and recognize topics administered via D-CBT;
- Students are able to comprehend topics administered via D-CBT; and
- Students are able to apply the knowledge gained via D-CBT.

2) Performance criteria should ensure students are able to demonstrate their ability to apply the knowledge gained via D-CBT.

E. Standards for an eLMS. For the purposes of this chapter, an eLMS is a system that uses computer-based (e.g., web-based) technology for administering instruction, tracking student progress, and conducting student assessments. A course operator who desires to use D-CBT must have an eLMS along with sufficient procedures and technology to accomplish those tasks effectively and securely.

1) Identity Verification. The eLMS must include controls that ensure that the student of record is the one completing the lessons. The system should have the ability to identify course participants at logon, during navigation of the lessons, and during course assessments (testing). An example of this kind of control would be software that requires a student to have a unique user name and password that is known only to the student.

2) Ensure Student Confidentiality. There should be controls in place to ensure student confidentially, including the protection of personally identifiable information (PII).

3) Knowledge Assessment. The eLMS should include software that periodically assesses a student's knowledge. Knowledge assessments should include testing following the conclusion of a particular course topic, subtopic, or module. The testing should be designed to validate that training objectives have been met and that student has gained the required level of knowledge as outlined in the D-CBT and the course operator's performance criteria.

4) Student Tracking and Recordkeeping.

a) The eLMS must include a method of tracking and recording student participation and completion of the required number of hours for each topic or module.

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b) The eLMS must have a method of tracking and recording student scores on the tests administered within the D-CBT.

5) FAA Access. A course operator must provide the DCPM with access to the eLMS. The course operator may provide this access on a read-only basis. The level of access provided to the DCPM must be sufficient to allow that individual to evaluate the eLMS and the D-CBT content for course management purposes.

F. Course Operator Procedures for D-CBT.

1) Prequalifying Students. Prior to allowing a student to complete a portion of the FAA-approved course via D-CBT, the course operator should have a method of verifying that the student has an adequate environment (quiet, free from distractions, and with enough space for the student to work with materials, such as aeronautical charts, needed to support the training) and the necessary computer equipment and skills to complete the D-CBT portion of the course.

2) Student Access to Instructors. A course operator must provide the student with ready access to the appropriate instructor during normal business hours. The instructor must be available to respond to questions the student may have and to help resolve issues encountered during any portion of the D-CBT.

3) Post D-CBT Knowledge Assessment. Following a student's completion of the portion of the Aircraft Dispatcher Certification Course delivered via D-CBT, the course operator should assess the student's knowledge through comprehensive testing designed to validate the knowledge the student has gained through D-CBT. The assessment should be conducted in person at the course operator's approved facility by an appropriately qualified instructor.

4) Analysis of Assessments and Test Scores. The course operator should have a method of comparing test scores of students who received D-CBT for a particular topic, with the scores of students who received classroom training on the same topic. The method should include analysis to determine if either method of instruction contains shortcomings when compared to the other.

G. The Portion of Instruction That May be Administered via D-CBT.

1) Should Not Exceed 50 Percent of the Total FAA-Approved Hours of Instruction. As a baseline standard, a course operator should not use D-CBT to administer more than 50 percent of the 200 hours instruction required by 14 CFR part 61, § 61.61(a). However, depending on the sophistication of the D-CBT, the eLMS, and the course operator's procedures, the DCPM may determine whether this baseline could be increased or whether it needs to be decreased. At no time may D-CBT be used to deliver all of the course material. The intent of part 65, stated in the 1999 preamble discussed in paragraph 3-5037, is that D-CBT can be used to deliver a portion of the required instruction.

2) Should Not be Used as the Sole Method of Instruction for a Particular Area of Knowledge. The approving office should not approve a course operator to use D-CBT, as opposed to instructor-led classroom training, as the sole method to deliver instruction for a particular area of knowledge required by part 65 appendix A. The areas of knowledge in part 65

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appendix A are represented by sections numbered I-VIII. Each area of knowledge contains numerous topics (also referred to as subjects in § 65.61(c)). A course operator may administer the majority of a particular topic (except those contained in part 65 appendix A, section VIII) via D-CBT, provided the course operator's eLMS and D-CBT procedures have significant evaluation criteria to ensure the student has a good understanding and can demonstrate having adequate knowledge of each topic.

3) May Not be Used to Administer Instruction in the Area of Practical Dispatch Applications. The Practical Dispatch Applications area of knowledge contained in part 65 appendix A, section VIII, is perhaps the most critical for aircraft dispatcher certification. It contains topics and subtopics that are based on decision making skills, technique, and human factors. Section 65.65(b) requires that this entire area of instruction be administered by an instructor who holds an Aircraft Dispatcher Certificate. Therefore, the approving office may not approve a course operator to use D-CBT to deliver any instruction in this area of knowledge. The Practical Dispatch Applications area of knowledge, including all topics and subtopics contained therein, must be administered by an instructor who holds an Aircraft Dispatcher Certificate and in a traditional classroom located at the course operator's FAA-approved training facility.

H. Documentation in Student Record. Section 65.70 requires an Aircraft Dispatcher Certification Course operator to maintain a record for each student that includes a chronological log of instructors and subjects (areas and topics) covered. In order to maintain compliance with § 65.70(a), course operators must list a responsible instructor for each subject administered via D-CBT. Course operators should also clearly document the subjects that were administered via D-CBT. A course operator's eLMS should have a method of student record keeping. However, it is also acceptable for a course operator to retain student records in traditional paper format, provided all of the required information from the D-CBT can be extracted. If student records are to be retained electronically through an eLMS or other electronic system, the electronic records are subject to the standards for electronic records set forth in the current edition of AC 120-78.

I. D-CBT Application Requirements. A course operator who desires to use D-CBT as a method of instruction must submit the following information as part of the application package.

1) A TCO Depicting Each Topic and Subtopic to be Administered via D-CBT. The course operator must specify in the TCO which topics and subtopics will be delivered via D-CBT, along with the maximum number of instruction hours proposed for each.

2) Training Objectives and Performance Criteria. The course operator must include the training objectives and performance criteria associated with D-CBT.

3) Evaluation Methods. A course operator must include a description of its methods for evaluating students and validating that each student has met the training and performance objectives for each topic and subtopic administered via D-CBT.

4) A Detailed Description of eLMS. The course operator must include a detailed description of the eLMS it intends to use. The description should address the standards described in subparagraph 3-5038E. (The standards are also described in the current edition of AC 65-34, subparagraph 21e.)

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5) The Procedures Associated with D-CBT. The course operator must include, in the application, the procedures to be used in association with D-CBT. The procedures must address the items described in subparagraph 3-5038F. (The procedures are also described in the current edition of AC 65-34, subparagraph 21f.)

3-5039 AIRCRAFT DISPATCHER CERTIFICATION COURSES EMBEDDED IN COLLEGIATE PROGRAMS. Colleges and universities that desire to include an FAA-approved Aircraft Dispatcher Certification Course as part of an academic program must comply with all of the requirements of part 65 subpart C and appendix A, and are expected to conform to the standards contained in the current edition of AC 65-34. As far as FAA approval is concerned, each Aircraft Dispatcher Certification Course is treated as a separate entity, regardless of whether it is embedded in a collegiate program or is operated as a stand-alone course.

A. DCPM Attention Items. DCPMs must pay particular attention to a collegiate program's ability to adhere to the requirements for facilities (§ 65.65), appropriately certificated instructors (§ 65.67), and student-to-instructor ratio (§ 65.67(a)(2)). Challenges to these requirements could occur when part 65 appendix A subjects (e.g., meteorology, aircraft performance, air traffic control, etc.) are also part of other aviation-related curricula that are not subject to the requirements of part 65.

B. Instruction Requirements. All instruction that is part of an Aircraft Dispatcher Certification Course, including one embedded in a collegiate program, must be administered in accordance with part 65 subpart C and appendix A. Any instruction administered contrary to these requirements does not qualify towards the minimum hours of instruction required by § 65.61(a)(2).

1) Collegiate Instruction That May be Included in the Minimum Hours Required by § 65.61(a)(2). Any instruction in the areas, topics, and subtopics required by part 65 appendix A that is administered in accordance with the requirements of part 65 subpart C, including the student-to-instructor ratio of no more than 25 to 1, may be included in the minimum hours of instruction required by § 65.61(a)(2).

2) Collegiate Instruction That May Not be Included in the Minimum Hours, but May be Considered for Credit as Previous Training in Accordance with § 65.61(d). Instruction provided in a collegiate program that contains some or all of the required topics and subtopics of part 65 appendix A, but does not meet all of the requirements of part 65 subpart C, may not be included in or counted toward the 200 minimum hours of instruction required by § 65.61(a)(2). However, an Aircraft Dispatcher Certification Course operator may grant a student some credit for successfully completed aviation collegiate program courses that include the topics and subtopics required by part 65 appendix A.

3-5040 COURSE OPERATOR RECORDKEEPING REQUIREMENTS. Each Aircraft Dispatcher Certification Course operator is required to maintain compliance with the recordkeeping requirements of § 65.70. If a course operator elects to maintain student records in an electronic format, the standards for electronic recordkeeping as set forth in the current edition of AC 120-78 are directly applicable.

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A. Student Record. An Aircraft Dispatcher Certification Course operator must maintain a record for each student.

1) Chronological Log. Each student record must contain a chronological log of all instructors, subjects covered, course examinations, and results. The chronological log applies to subjects covered through D-CBT, and should specify which subjects (e.g., topics, subtopics, modules) were administered via D-CBT.

2) Documentation of Student Credit. Course operators who provide student credit for previous experience or training in accordance with § 65.61(d) must clearly and thoroughly document the following:

a) The total number of hours of credit provided to the student.

b) The number of hours credited for each comparable portion of the approved course (area, topic, and/or subtopic).

c) The basis for the credit provided. This should include any results of evaluations used to determine the amount of credit.

3) Record Retention. The course operator must retain each student record for at least 3 years after the student's graduation from the course.

B. Annual Report. The course operator must prepare an annual report for its records and for transmission to the approving office. The course operator must transmit the annual report no later than January 31 of each year. Each annual report must contain the following information from the previous year:

- The names of all students who graduated, along with the results of their Aircraft Dispatcher Certification Courses; and
- The names of all of the students who failed or withdrew, along with the results of their Aircraft Dispatcher Certification Courses or the reasons for their withdrawal.

3-5041 GRANT APPROVAL TO CONDUCT AN FAA-APPROVED AIRCRAFT DISPATCHER CERTIFICATION COURSE. The approving office may grant approval to conduct an Aircraft Dispatcher Certification Course to a course operator or applicant who meets the requirements of part 65 subpart C and appendix A, in accordance with the standards set forth in this section and the current edition of AC 65-34.

A. Original Approval. When an applicant for original approval of an Aircraft Dispatcher Certification Course successfully completes the application process, the approving office will grant approval to conduct the course by issuing a letter of approval. The DCPM will stamp (or otherwise notate) approval on the TCO LEP and then sign the LEP. The DCPM will prepare the letter of approval and attach the signed LEP to the letter. The approving office manager or his/her delegate will sign the letter of approval and send it via certified mail. See Figure 3-259, Sample Original Approval Letter.

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1) Document the Evaluation of the Application and Course Approval in PTRS. The ASI-AD who evaluates the application and is assigned the duties of DCPM once the course is approved will document the application evaluation and course approval in PTRS using activity code 1377, in accordance with paragraph 3-5027.

2) Course Information for eVID. The DCPM will enter the appropriate course information into the eVID in accordance with subparagraph 3-5028A.

3) Observation (Onsite Surveillance) During the First Administration of the Course. The DCPM must observe the majority of the course the first time it is administered by the course operator. If possible the DCPM should observe the course in its entirety. The DCPM must observe all of the instruction administered in the Practical Dispatch Applications area of knowledge required by part 65 appendix A, section VIII.

B. Renew an Aircraft Dispatcher Certification Course Approval. In accordance with § 65.63(c), an Aircraft Dispatcher Certification Course operator must submit an application for course renewal within 30 days preceding the month the approval expires. The application for renewal must meet all of the requirements of original approval in accordance with § 65.63(a). The approving office, through the DCPM, will renew a course approval by signing and dating the TCO LEP and attaching the signed LEP to a letter renewing the approval. The approving office manager will determine who signs the renewal letter. See Figure 3-260, Sample Course Approval Renewal Letter. Before renewing a course approval, DCPMs will ensure:

- There is documentary evidence indicating that at least 80 percent of the graduates of the course who applied for and took the practical test required by § 65.59 passed the test on their first attempt.
- The course continues to meet the requirements for course approval.

1) Document the Application Evaluation and Course Renewal in PTRS. The DCPM will document the application evaluation and course renewal in PTRS using activity code 1379 in accordance with paragraph 3-5027.

2) Update eVID. The DCPM will verify that all of the course operator's information is up to date in the eVID and make any necessary adjustments to the information. Annotate the course renewal information (e.g., the date the course has been renewed and the effective period of the renewal) via comments into the eVID and adjust the validation date accordingly. Information on how to update an existing course operator is located in subparagraph 3-5028B.

3) Failure by the Course Operator to Apply for Renewal. Failure by the course operator to submit an application for renewal in accordance with the requirements of § 65.63 will result in expiration of the course approval on the last day of the 24th month from the month the approval was issued.

C. Approve a Course Revision. In accordance with § 65.63(d), a course operator who desires to revise an Aircraft Dispatcher Certification Course must submit a request for approval in the same manner as a request for original approval or renewal of the course. Section 65.63(a) contains the requirements for application. All course revisions must continue to meet the

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requirements of part 65 subpart C and appendix A. The FAA approving office, through the DCPM, will grant approval of a course revision by signing and dating the LEP and attaching the signed LEP to an approval letter. See Figure 3-261, Sample Course Revision Approval Letter. The approval of a course revision is effective until the date on which the course renewal is originally due. Continuing approval of the course revision is carried out when the DCPM approves the course renewal.

1) Document the Course Revision Evaluation in PTRS. The DCPM will document the course revision evaluation and approval in PTRS using activity code 1378 in accordance with paragraph 3-5027.

2) Update eVID. The DCPM will annotate course revision information (e.g., the revision number and effective date) via comments into the eVID and adjust the validation date accordingly. (See also subparagraph 3-5028B.)

3-5042 DENY APPROVAL.

A. Deny Original Approval. The FAA will deny original approval of an Aircraft Dispatcher Certification Course upon determination that the application for approval is incomplete, insufficient, and/or fails to meet the requirements of part 65 subpart C and/or appendix A. When it becomes evident that denying approval is the appropriate course of action, the Flight Standards office evaluating the application will take the following steps.

1) Reject Incomplete or Unacceptable Application. If an application for original approval is incomplete or obviously unacceptable, the office manager will notify the applicant in writing of the unacceptable submission, and reject it by returning it to the applicant immediately with a written explanation of the deficiencies before conducting any further review or evaluation.

2) Provide an Opportunity to Correct a Deficient Application. If an application is somewhat deficient, but is not incomplete or obviously unacceptable, the reviewing office should provide the applicant with an opportunity to correct deficiencies. If an applicant makes the necessary corrections the office may continue its review and evaluation of the application. If the applicant is unable or unwilling to make the necessary corrections, the reviewing office will deny approval. When the FAA denies approval, the applicant is free to reapply in the future. Once approval is denied, however, an applicant who desires to reply must repeat the application process in its entirety.

3) Notify the Applicant in Writing that Approval is Being Denied. The office manager of the Flight Standards office to whom the application for approval was made will deny approval in writing and provide the reason(s) for the denial. See Figure 3-262, Sample Letter Denying Original Approval.

4) Document in PTRS. The ASI-AD who evaluates the application will document the application deficiencies in PTRS using activity code 1377 in accordance with paragraph 3-5027, and indicate that approval was denied through comments in the PTRS.

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B. Deny Renewal of Course Approval. In accordance with § 65.63(c), a course operator must submit an application for renewal of an approved Aircraft Dispatcher Certification Course within 30 days preceding the month the approval expires. For the purposes of this chapter, the 30-day time interval will be referred to as the renewal window.

1) Deny Renewal Due to Documented Failure by the Course Operator to Continue to Meet the Requirements of Part 65. The FAA approving office will deny renewal of a course approval if the office determines, through documented evidence, that the course fails to adhere to the prohibitions of part 65 subpart A, or fails to continue to meet the requirements of part 65 subpart C and appendix A. When denying renewal, the approving office must first notify the course operator and provide an opportunity for the operator to take corrective action.

a) Notify the Course Operator in Writing. Upon receipt of the course operator's request and application for renewal, the office manager will respond by notifying the course operator in writing that the FAA is denying the request for renewal based on the documentary evidence showing that the course fails to meet the requirements of part 65 subpart C. The letter notifying the course operator must provide the details of the noncompliance such as specific issues and actions that were contrary to regulatory requirements. The letter must also provide the course operator with an opportunity to respond and take corrective action. In this case, any required corrective action by the course operator must be completed and found to be acceptable by the approving office before the course expires. Based on the 30-day renewal window, the time afforded to the course operator to take corrective action should be 10 calendar-days. The intent of the 10 calendar-day corrective action period is to provide the course operator with adequate time for correction, while providing the DCPM with sufficient time to follow up and verify that the course operator completed the required corrective action before approval expires. See Figure 3-263, Example Letter Denying Renewal.

b) Corrections Made Within Renewal Window. If the course operator makes the necessary corrections to the satisfaction of the approving office within the renewal window, and the office manager determines it's warranted, the office manager will renew the course approval prior to its expiration.

c) Failure to Make Corrections. If the course operator fails to make the necessary corrections to the satisfaction of the approving office, the office manager will allow the approval to expire. It's important to note that once FAA approval expires, it cannot be renewed. A course operator whose FAA approval to conduct a course has expired must cease conducting the course and reapply for approval in accordance with § 65.63(a). This includes submitting an entirely new application.

2) Reject Incomplete or Unacceptable Application for Renewal. If an application for renewal is incomplete or obviously unacceptable, the approving office manager will immediately notify the course operator in writing of the unacceptable submission, and reject it by returning it to the applicant with a written explanation of the deficiencies before conducting any further review or evaluation. The letter rejecting the application should include an invitation to resubmit a corrected application. Based on the 30-day renewal window, the time afforded to the course operator to make the necessary corrections should be 10 calendar-days. This time period should be sufficient to enable the course operator to make the necessary corrections to the

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application while providing the DCPM with enough time to thoroughly review the corrected application and determine whether or not it is acceptable, before approval expires.

a) If the course operator makes the necessary corrections within the renewal window and the DCPM is able to determine that the application is acceptable, the office may renew FAA approval to conduct the course.

b) If the course operator fails to make the necessary corrections to the satisfaction of the DCPM, prior to last day of the 24th month from the month the approval was issued, FAA approval of the course will expire in accordance with § 65.63(b)(1). Once FAA approval expires, it cannot be renewed. A course operator whose FAA approval to conduct a course has expired must cease conducting the course and reapply for approval in accordance with § 65.63(a). This includes submitting an entirely new application.

3) PTRS and eVID. When denying renewal of a course approval, complete a PTRS and update eVID as follows:

a) Complete a PTRS. The DCPM will complete PTRS activity code 1379 and provide the reason for not renewing the course in the comment section of the PTRS.

b) Update eVID. The DCPM updates eVID in accordance with subparagraph 3-5028B, annotates the reason why the course is not being renewed, changes the status of the course from active (A) to inactive (I), and adjusts the validation date accordingly.

3-5043 REQUEST FOR CANCELLATION BY THE COURSE OPERATOR. A course operator may request cancellation of course approval by letter to the approving office manager. Upon receipt of the request by the course operator, the approving office will immediately cancel approval. Once FAA approval has been cancelled, the course operator must cease all course activity. The operator must also forward any records to the FAA as requested by the Administrator.

NOTE: There are no PTRS activities required when an operator requests cancellation; however, the DCPM must update the course status in the eVID and reflect it as being inactive.

3-5044 WITHDRAW FAA APPROVAL. In accordance with § 65.63(c), failure by a course operator to continue to meet the requirements of part 65 subpart C for the approval or operation of an FAA-approved Aircraft Dispatcher Certification Course is grounds for withdrawal of approval of the course. In addition, actions by a course operator that are contrary to § 65.18 or § 65.20 are also grounds to withdraw approval. Withdrawing FAA approval is a serious matter and should not be taken lightly. The approving office must act in accordance with the Flight Standard Service's Compliance Philosophy (see Volume 14, Chapter 1). Do not take actions to withdraw approval unless:

- There is sufficient documentary evidence of failure by the course operator to meet regulatory requirements;
- Attempts are made to resolve the issues; and
- The course operator is given notice and an opportunity to take corrective action.

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A. Document Negative Findings. When inspections reveal negative findings and/or noncompliance with Federal regulations, the DCPM must clearly document this in PTRS. The PTRS entries should be clear, concise, and factual. PTRS entries should provide as much detail as possible without conveying emotion or prejudice. Where regulatory noncompliance is concerned, the PTRS entries must include references to the appropriate regulation.

B. Notify the Course Operator in Writing of Grounds for Withdrawal of FAA Approval. Inform the operator in writing of that grounds have been established for withdrawing FAA approval, and provide a detailed explanation of the negative findings and regulatory noncompliance. List any corrective actions that need to be taken.

C. Provide an Opportunity for Correction. Provide the operator with an adequate amount of time to make the necessary corrections. The time allowed should be no less than 30 and no more than 45 calendar-days, depending upon severity.

D. Conduct Follow-Up Inspections. The DCPM will conduct follow-up inspections to determine if corrections have been made within the time specified and if they are satisfactory. If the course operator makes the appropriate corrections to the satisfaction of the DCPM, actions to withdraw approval should not be taken.

E. Failure by the Operator to Correct and Return to Compliance. If the course operator fails to take the necessary corrective action to return to compliance with part 65, the approving office will begin the process of withdrawing FAA approval of the course. The process should typically include providing written notice of the FAA's intent to withdraw approval and warning the operator that the course is under review for the purposes of making a final determination that approval is in fact warranted

1) Send Written Notice to the Operator. The approving office will send a letter notifying the operator of the FAA's intent to withdraw approval. The letter must include detailed information outlining the discrepancies leading to the determination that withdrawal is indicated. The letter must provide the operator with 30 calendar-days to complete all corrective action necessary to return to compliance. The letter must also provide the operator with an opportunity to discuss the matter in person or submit a written statement within 10 calendar-days following receipt of the letter. An operator's statement should contain all pertinent facts and any mitigating circumstances that the operator believes have a bearing on the matter. An example letter is depicted in Figure 3-264, Example Notice of Intent to Withdraw FAA Approval. The example is designed to represent the level of detail that should be included in a notice of this nature.

2) Conduct Follow-Up Inspections. Unless the course operator has provided written information mitigating the issue, at the conclusion of the 30 calendar-days specified in the Notice of Intent to Withdraw FAA Approval conduct at least one follow-up inspection to verify all of the necessary corrective action has been satisfactorily completed by the operator.

3) Make a Final Determination. After conducting follow-up inspections as necessary, the office will make a final determination on whether or not to withdraw approval of the course.

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a) Issues are Resolved. If the course operator satisfactorily completes corrective action to resolve discrepancies and prevent further occurrence, then the approving office may consider the issue to be resolved. However, the office should let the operator know that the course will continue to be under review. In this case, the office manager will send a letter conveying the decision to suspend proceedings to withdraw course approval and warn the operator that further occurrence of noncompliance could result in future withdrawal of FAA approval or the decision to not renew course approval. An example letter is depicted in Figure 3-265, Example Decision to Suspend Withdrawal Process.

b) Issues are Not Resolved. If the course operator is unable, unwilling, or otherwise fails to take the required corrective action after being giving the opportunity to do so, the approving office will withdraw FAA approval of the course. In this case the office manager will send a letter informing the operator of the FAA's final determination to withdraw approval. An example letter is depicted in Figure 3-266, Example Final Determination to Withdraw FAA Approval.

4) PTRS Activity. There is no PTRS activity specific to FAA withdrawal of approval of an Aircraft Dispatcher Certification Course. Failure by the course operator to continue to meet the requirements of part 65 subpart C should have otherwise been documented by the DCPM in PTRS during oversight and surveillance activities, or in extreme cases, in PTRS activities associated with investigations.

5) Update eVID. The DCPM will update the course status in the eVID and reflect it as being inactive. The DCPM will annotate that the course approval has been withdrawn in the comments/remarks section of the eVID.

3-5045 CHANGE OF OWNERSHIP, NAME, OR LOCATION.

A. Change of Ownership. In accordance with § 65.63(f), if any change in ownership of an Aircraft Dispatcher Certification Course occurs, continued approval of the course is contingent upon the following:

1) Within 10 days after the date that any change in ownership occurs, the course operator applies for an appropriate amendment to the original approval or renewal that was based on the previous owner; and

2) There is no change in facilities, personnel, or content of the approved Aircraft Dispatcher Certification Course that is involved.

3) A course operator seeking an amendment to the original approval or renewal of a course due to a change in ownership will make an application in writing to the approving office and provide the name, address, telephone number, and email address of the new owner of the course. The FAA will not grant an amendment to an existing course approval based on a change in ownership unless the course operator meets the requirements of subparagraphs 1) and 2) above and continues to meet all of the requirements of part 65 subpart C and appendix A.

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B. Change in Name or Location. In accordance with § 65.63(g), if an Aircraft Dispatcher Certification Course operator changes its name or location, continued FAA approval is contingent upon the course operator notifying the approving office in writing within 10 days after the date of the change. If the course operator moves the course to a location outside of the approving office's area of responsibility, the approving office manager must consider whether the new location, and its geographic proximity to the approving office, would continue to allow the DCPM to manage the course and maintain adequate oversight through surveillance. If the office manager determines that the change in the location of the course could have a negative impact on the DCPM's ability to manage the course, the manager has the option of transferring the course approval and all oversight responsibility for the course to another Flight Standards office that has an ASI-AD who is able to take over the duties as DCPM. The office managers from the transferring office (the losing office) and the receiving office (gaining office) should work directly to coordinate and complete the transfer. (See Volume 3, Chapter 63, Section 2 for more information on transferring a course approval.)

3-5046 CONDUCT SURVEILLANCE OF AN AIRCRAFT DISPATCHER CERTIFICATION COURSE.

A. Required Onsite Surveillance of a Course—PTRS Activity Code 1667 Required Inspection Item (R-item). In accordance with the current edition of FAA Order 1800.56, National Flight Standards Work Program Guidelines, the approving office manager will ensure the DCPM conducts at least one onsite inspection annually of an Aircraft Dispatcher Certification Course as it is being administered to actual students.

B. Planned Onsite Surveillance of a Course—PTRS Activity Code 1667 Planned Inspection Item (P-item). A planned onsite inspection of an Aircraft Dispatcher Certification Course as it's being administered may be done in addition to the required inspection at any time the DCPM determines it is appropriate and in accordance with the guidance related to special emphasis items, which is located in subparagraph 3-5046F. DCPMs and ASI-ADs who are conducting surveillance on behalf of a DCPM will use PTRS activity code 1667 for all onsite surveillance, whether it is a required or planned inspection.

C. Conduct an Onsite Inspection While the Course is Being Administered.

1) Preparation for the Inspection. Prior to conducting an onsite inspection of an Aircraft Dispatcher Certification Course as it's being administered live to students, review the FAA-approved TCO, and verify that it meets the requirements of § 65.61 and contains all of the areas of knowledge items listed in part 65 appendix A.

2) Onsite Protocol. When observing an Aircraft Dispatcher Certification Course in progress, ASIs should act in a professional manner at all times, and avoid making interruptions during the conduct of the course. ASIs should hold off making comments until the end of the class or during a planned break. If an ASI observes an egregious error by an instructor, the ASI will request the instructor take a break and discuss the error outside of the classroom. ASI activities and actions should not disrupt or negatively impact the classroom environment.

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3) Evaluate the Courseware. Evaluate the overall quality of the courseware, such as presentations and handouts. Focus on the following:

- The courseware is consistent with the FAA-approved TCO and the course operator's courseware manual.
- The courseware has sufficient detail to ensure that students comprehend the subject areas.

4) Verify the Number of Instruction Hours. Compare the number of hours of instruction provided on each subject, topic, or subtopic observed to what has been approved in the TCO. Verify that the course operator provides the minimum amount of instruction required by § 65.61 and the course operator's FAA-approved TCO. At any time an ASI discovers a discrepancy where the number of course hours administered is less than the number of hours approved in the TCO for the corresponding subject, topic, or subtopic, the DCPM must inform the course operator of the error and require the operator to take corrective action by providing the amount of instruction necessary to equal the number of hours approved in the TCO, for each affected student. In addition, the DCPM will inform the operator that student records must not reflect the applicable subject, topic, or subtopic as being completed until the approved amount of instruction has been administered.

5) Evaluate the Training Facilities. When conducting onsite surveillance of an Aircraft Dispatcher Certification Course in progress, evaluate the training facility to determine if it meets the requirements of § 65.65 and the standards set forth in this section and the current edition of AC 65-34. The training facility must be available for inspection by the Administrator. Whenever possible, conduct training facility inspections during normal operating hours. If conducting an inspection outside of operating hours, the DCPM must provide the course operator with prior notification to ensure somebody is available on the premises to provide access.

6) Verify Instructor Requirements. Verify the following with respect to instructors:

a) The student-to-instructor ratio does not exceed 25 to 1.

b) At least one instructor holds an Aircraft Dispatcher Certificate and is available to coordinate all training course instruction.

c) The instructor who teaches the Practical Dispatch Applications area of part 65 appendix A holds an Aircraft Dispatcher Certificate.

7) Instructional Methods. Use the following guidelines to help determine if instructors are providing effective instruction.

- The instructor is familiar with the course operator's policies and procedures and knows how to complete training forms.
- The instructor is knowledgeable in the specific area of instruction and is able to present the material in a factual, clear, logical, and organized manner.

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- The instructor follows the applicable lesson plans, guides, or other training aids.
- The students in the class appear engaged and able to comprehend the lesson(s).

8) Student Records. Whenever possible during an onsite inspection, review student records for compliance with § 65.70. Focus on the following when reviewing the records:

a) Thoroughly review the records of those students to whom the course operator has provided credit based on previous experience or training. Verify that each of these records meets the documentation requirements set forth in § 65.61(d) and outlined in this section under subparagraph 3-5040A.

b) When a course operator is approved to use D-CBT as a method of instruction, DCPMs will verify that there is an instructor documented for each topic administered via D-CBT.

c) DCPMs who are also responsible for managing DADEs who test the course operator's students should compare the DADE's testing records with those of the course operator to verify accuracy.

D. Separate Inspection Items and Additional PTRS Activity Numbers. In addition to the PTRS activity code 1667, the DCPM may conduct separate inspections of the items below at any time utilizing PTRS activity code 1692 (SURVL/MISC/APRVD TRNG COURSE (63, 65)).

1) Training Facility Inspections. Use PTRS activity code 1692 to conduct additional surveillance of a course operator's training facility.

2) General Courseware Review. Use PTRS activity code 1692 to conduct surveillance of courseware review not associated with a course, revision, or renewal.

3) Student Record Review. Use PTRS activity code 1692 to conduct additional surveillance of student records.

4) Annual Report Review. Use PTRS activity code 1692 when reviewing the annual report submitted by the course operator in accordance with § 65.70.

E. Inactive Course Operators. If a course operator remains inactive (has no students and conducts no classes) throughout a particular approval cycle, which is 24 months, the DCPM should conduct whatever inspections are necessary to ensure the course is maintaining compliance with the requirements of part 65 subpart C. DCPMs should pay particular attention to whether or not the course operator is continuing to maintain the approved training facilities, equipment, and course outline, as well as the personnel requirements of § 65.67. If a course operator fails to meet and maintain these requirements, it may be grounds to deny renewal of the course approval (see subparagraph 3-5042B).

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F. Special Emphasis—Increased Surveillance. As stated earlier in this section, the NPG mandates at least one direct observation of an Aircraft Dispatcher Certification Course as the course operator is administering it to students. However, increased surveillance may be required and/or recommended under any of the following conditions:

1) Increased surveillance is required:

a) During the first course administration following original approval, and

b) When previous surveillance reveals negative findings.

2) Increased surveillance is recommended:

a) During the first year following original approval,

b) After a significant revision of the TCO,

c) After a revision to the list of qualified instructors, and

d) When a course operator utilizes an instructor who is also a DADE that examines course graduates.

3-5047 FAA RECORDKEEPING.

A. Case File.

1) Content. Each case file for an FAA-approved Aircraft Dispatcher Certification Course must contain at least:

- A copy of the letter of original course approval,
- A copy of each letter renewing the course approval,
- A copy of each letter approving a course revision,
- Copies of all official correspondence with the course operator, and
- Copies of each annual report required by § 65.70(a).

2) Retention and Disposition. The approving office of an Aircraft Dispatcher Certification Course will maintain a case file for each approved course. A case file for an approved Aircraft Dispatcher Certification Course must be retained while the course is active. The approving office may only destroy a case file 5 years after the course approval is withdrawn, expired, or cancelled. This time interval is in accordance the FAA's Records Disposition Reference Table, section 8400, item number 2, Approved Schools. The table can be accessed at http://www.faa.gov/about/initiatives/records/policy/media/retention_schedule.pdf.

B. TCO and Courseware. The approving office must retain a copy of the TCO and course manual, including the most current approved LEP. The FAA approving office will keep course operator proprietary information in a secure location that is only accessible by limited and appropriate FAA personnel. Both the TCO and course manual should be retained in hard copy format. However, it's also acceptable for the course operator to provide electronic copies of the

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TCO and course manual. These electronic documents are subject to the standards for electronic manuals as outlined in the current edition of AC 120-78. In addition, the provision of electronic documents by the course operator must be mutually agreed upon by the approving office and the course operator. Any electronic document, such as the TCO LEP, that contains an indication of FAA approval must include that approval information when retained or provided in an electronic format.

C. Inspection Activities. DCPMs and ASI-ADs acting on behalf of the DCPM will maintain records of inspection activities through PTRS entries into eFSAS. However, retention of PTRS activities that result in a DCPM or ASI-AD using a comment/opinion code such as "Information (I)," "Potential Problem (P)," or "Unacceptable (U)" should be retained in the course operator case file until such time as the file is destroyed.

3-5048 SAMPLE AND EXAMPLE LETTERS. The following figures contain example letters which are designed to provide a guideline for DCPMs and approving office managers.

A. Figures 3-259 through 3-262. These figures contain generic sample letters which can be used as boilers plates to grant original approval, renew approval, approve a revision, or deny original approval.

B. Figures 3-263 through 3-266. These figures contain examples that are designed to illustrate actions such as withdrawing approval or denying renewal. The figures are presented as fictitious letters which describe a set of circumstances that could lead to withdrawal of FAA approval, or denying renewal of FAA approval. The intent of these figures is to show the level of detail and documentation that would be necessary before an approving office determines that withdrawing approval or denying renewal is the appropriate course of action.

Figure 3-259. Sample Original Approval Letter

[Date]

Certified-Return Receipt

[Name of Course Operator or Owner]
[Company]
[Address]
[City, State Zip]

Dear [Name of Course Operator or Owner]:

This letter and the attached approved List of Effective Pages constitute original Federal Aviation Administration (FAA) approval of the [insert name of course/company] Aircraft Dispatcher Certification Course, in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart C. This approval applies to the course being administered at the training facility located at [facility address, city, state zip]. [More than one training facility can be listed when appropriate.]

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This approval is effective for 24 months and expires on [provide actual expiration date, based on the last day of the month in which the approval letter is dated], which is the last day of the 24th calendar-month following the date of this letter. Failure to continue to meet the requirements of part 65 subpart C for the approval or operation of an FAA-approved Aircraft Dispatcher Certification Course is grounds for withdrawal of FAA approval of this course.

In accordance with part 65, § 65.63(d), any requests for revision to the approved course outline, training facilities, and/or equipment must be made in writing to the manager of the XYZ Flight Standards Office. You may revise the list of instructors at any time without request for approval, provided the minimum requirements of § 65.67 are maintained and you notify the XYZ Flight Standards Office in writing.

In accordance with § 65.63(f), if a change of ownership occurs, within 10 days after the date of the change, you must apply for an amendment to this approval to reflect the change in ownership. If the change in ownership results in any change to facilities, personnel, or the course itself, you must apply for a new approval. Failure to act in accordance with these requirements will invalidate this approval.

In accordance with § 65.63(g), if you change the name or location of the course you must notify the XYZ Flight Standards Office in writing within 10 days after the date the change occurs, otherwise this approval will be terminated.

Should you desire to renew this course approval, you must make your request for renewal in writing to the XYZ Flight Standards Office within 30 days preceding the month this approval expires. Renewal of FAA approval of this course will be predicated on its continued compliance with part 65 subpart C and the continued ability to meet the requirement that at least 80 percent of the graduates from [name of course/company] who applied for the Aircraft Dispatcher Practical Test passed that test on their first attempt.

You must retain this approval letter until it expires, is withdrawn, or is otherwise cancelled or superseded. You must make this letter available to the Administrator upon request.

Please contact Inspector [inspector's name], the Dispatch Course Program Manager, at [provide inspector's telephone number and email address], if you have any questions or concerns.

Sincerely,

[Manager's name]
Manager, XYZ Flight Standards Office

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Figure 3-260. Sample Course Approval Renewal Letter

[Date]

Certified-Return Receipt

[Name of Course Operator or Owner]
[Company]
[Address]
[City, State Zip]

Dear [Name of Course Operator or Owner]:

This letter and the attached approved List of Effective Pages constitute renewal of Federal Aviation Administration (FAA) approval of the [name of course/company] Aircraft Dispatcher Certification Course, in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart C. This approval applies to the course being administered at the training facility located at [facility address, city, state zip]. [More than one training facility can be listed when appropriate.]

This approval is effective for 24 months and expires on [provide actual expiration date, based on the last day of the month in which the approval letter is dated], which is the last day of the 24th calendar-month following the date of this letter. Failure to continue to meet the requirements of part 65 subpart C for the approval or operation of an FAA-approved Aircraft Dispatcher Certification Course is grounds for withdrawal of approval of this course.

In accordance with part 65, § 65.63(f), if a change of ownership occurs, within 10 days after the date of the change, you must apply for an amendment to this approval to reflect the change in ownership. If the change in ownership results in any change to facilities, personnel, or the course itself, you must apply for a new approval. Failure to act in accordance with these requirements will invalidate this approval.

In accordance with § 65.63(g), if you change the name or location of the course you must notify the XYZ Flight Standards Office in writing within 10 days after the date the change occurs, otherwise this approval will be terminated.

Should you desire to renew this course approval, you must make your request for renewal in writing to the XYZ Flight Standards Office within 30 days preceding the month this approval expires. Renewal of FAA approval of this course will be predicated on its continued compliance with part 65 subpart C and the continued ability to meet the requirement that at least 80 percent of the graduates from [name of course/company] who applied for the Aircraft Dispatcher Practical Test passed that test on their first attempt.

You must retain this approval letter until it expires, is withdrawn, or is otherwise cancelled or superseded. You must make this letter available to the Administrator upon request.

Please contact Inspector [inspector's name], the Dispatch Course Program Manager, at [provide inspector's telephone number and email address], if you have any questions or concerns.

Sincerely,

[Manager's name]
Manager, XYZ Flight Standards Office

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Figure 3-261. Sample Course Revision Approval Letter

[Date]

Certified-Return Receipt

[Name of Course Operator or Owner]
[Company]
[Address]
[City, State Zip]

Dear [Name of Course Operator or Owner]:

This letter and the attached approved List of Effective Pages constitute Federal Aviation Administration (FAA) approval of revision number [insert revision number] to the [name of course/company] Aircraft Dispatcher Certification Course, in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart C.

This letter is an addendum to your current course approval and must be retained as part of that approval until such time as it is superseded by another revision, FAA approval of the course is renewed, the course approval expires, or is otherwise withdrawn or cancelled. You must make this letter available to the Administrator upon request.

Continuing approval of this course revision will be granted through the normal process of renewing FAA approval of the overall course.

Please contact Inspector [inspector's name], the Dispatch Course Program Manager, at [provide inspector's telephone number and email address], if you have any questions or concerns.

Sincerely,

[Manager's name]
Manager, XYZ Flight Standards Office

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Figure 3-262. Sample Letter Denying Original Approval

[Date]

Certified-Return Receipt

[Name of Course Operator or Owner]
[Address]
[City, State Zip]

Dear [Name of Course Operator or Owner]:

This letter is to inform you that the XYZ Flight Standards Office has reviewed your application for original approval to conduct an Aircraft Dispatcher Certification Course, in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart C.

After reviewing your application, we have determined that we are unable to grant you approval to conduct the course, due to the following deficiencies:

- The proposed training facility does not provide adequate space or temperature control in accordance with the requirements of § 65.65.
- The personnel presented in your application do not meet the requirements of § 65.67.
- Your application does not contain a description of how you intend to comply with the requirements of § 65.70.

Should you desire to reapply to this office for approval to conduct an Aircraft Dispatcher Certification Course, you must correct the deficiencies outlined in this letter.

Sincerely,

[Manager's name]
Manager, XYZ Flight Standards Office

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Figure 3-263. Example Letter Denying Renewal

April 05, 2017

Certified-Return Receipt

Mr. Joe Operator
10 Busy Street
Anytown, US 12345

Dear Mr. Operator:

This letter is to inform you that the XYZ Flight Standards Office is denying your request and application for renewal of the ABC Aircraft Dispatcher Certification Course, due to its failure to meet the requirements set forth in Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart C. In accordance with part 65, § 65.63(c), continuing to meet the requirements of part 65 subpart C is a condition for renewal.

Specifically, for the past two consecutive years you have failed to transmit the student records required by § 65.70 to the XYZ Flight Standards Office within the time specified by regulation. The regulation requires the records to be transmitted by a course operator not later than January 31 of each year. The Dispatch Course Program Manager (DCPM) made several requests to you for these records, both verbally and in writing. In each case, it took several attempts before you eventually transmitted the records approximately two months late.

The first set of records, which you submitted on March 24, 2016, was incomplete and lacked the required chronological log of instructors for 7 out of 10 of the students who graduated. The second set of records, which you submitted on April 01, 2017, revealed that the course failed to maintain the minimum passing requirements set forth in § 65.63(c)(1), which requires at least 80 percent of the graduates from an Aircraft Dispatcher Certification Course to have passed the Aircraft Dispatcher Practical Test on their first attempt.

At the first occurrence of your failure to transmit the student records in accordance with the required due date, you were provided with written notification via letter dated March 31, 2016. The letter provided the details of the regulatory noncompliance and warned you that failure to meet the requirements of part 65 subpart C could result in denial by the Federal Aviation Administration (FAA) to renew your course approval. We provided you the opportunity to continue the course with the expectation of your return to compliance. However, as of this date the ABC Aircraft Dispatcher Certification Course still fails to comply with the regulatory requirements for student records and has failed to maintain the minimum percentage of graduates passing the Aircraft Dispatcher Practical Test on their first attempt.

We are providing you with an opportunity to discuss this matter in person or to submit a written statement. Accordingly, you have 10 calendar-days following receipt of this letter to submit information or your views regarding this denial. If submitting a statement, it should contain all pertinent facts and any mitigating circumstances you believe may have a bearing on this matter.

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If you elect to discuss the matter in person, please contact the DCPM to make an appointment. If submitting a written statement, please address it to the manager of the XYZ Flight Standards Office. If we do not hear from you within the specified 10 calendar-days, the current course approval will expire on April 30, 2017 and will not be renewed.

Sincerely,

[Manager]
XYZ Flight Standards Office

Figure 3-264. Example Notice of Intent to Withdraw FAA Approval

April 25, 2017

Certified-Return Receipt

Mr. Joe Operator
10 Busy Street
Anytown, US 12345

Dear Mr. Operator:

This letter serves as notice that XYZ Flight Standards Office intends to withdraw Federal Aviation Administration (FAA) approval of the ABC Aircraft Dispatcher Certification Course. Our intended withdrawal is based on the failure by the course to continue to meet the requirements set forth in Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart C. Withdrawal on these grounds is in accordance with part 65, § 65.63(e).

During recent inspections of the ABC Aircraft Dispatcher Certification Course, the XYZ Flight Standards Office discovered deficiencies and apparent noncompliance with the requirements of part 65 subpart C. Specific issues are outlined below.

1. On March 7, 2017, the Dispatch Course Program Manager (DCPM) conducted an inspection at the ABC Aircraft Dispatcher Certification Course training facility, located at 10 Busy Street, Anytown, US 12345. During the inspection, the DCPM noted that the facility did not meet the requirements of § 65.65. In particular the following discrepancies were noted:

- Inadequate Temperature Control. The ambient temperature of the classroom in which the course was being administered was uncomfortably warm. The thermostat, located in the rear of the classroom, displayed a room temperature of 84 degrees Fahrenheit, which is beyond the recommended temperatures for the workplace established in the Occupational Safety and Health Act of 1970 (OSH Act). These recommended temperatures are typically within the range of 68 to 76 degrees Fahrenheit.

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- Inadequate Ventilation. The ventilation system in the classroom did not appear to be working. There was no air circulating and the room smelled of mold. The design of the building in which the training facility is located prevents the windows from being opened.
- Students Appeared Distracted. The students appeared to be warm and were seen fanning themselves with paper. One student complained of a headache and left the room. In addition, the ambient noise coming from the adjacent classroom room made it necessary for the instructor to raise his voice to be heard by the students. Several students asked the instructor to repeat himself.

The DCPM brought these discrepancies to your attention during the inspection. At that time, you stated that you would correct these issues within two weeks.

On March 8, 2017, the DCPM sent you a letter documenting these deficiencies, as well as your statement that you would correct them within two weeks. The letter also provided you with advanced notice of a follow-up inspection of the training facility sometime after the two week period you specified.

2. On March 29, 2017, the DCPM conducted a follow up at the ABC Aircraft Dispatcher Certification Course training facility. The inspection revealed that no corrective action had been taken. The training facility classroom was still uncomfortably warm. The thermostat displayed a room temperature of 85 degrees Fahrenheit. The smell of mold had not abated and there was no air circulating. The sound of a loud video coming from an adjacent classroom made it necessary for the instructor in your classroom to raise his voice and, at times, repeat himself.

3. During that same inspection on March 29, 2017, the DCPM observed an unqualified instructor teaching the Practical Dispatch Applications area of instruction, which is required by part 65 appendix A, section VIII. The instructor did not hold an Aircraft Dispatcher Certificate as required by § 65.67(b). The DCPM brought this to your immediate attention and advised you that any training provided by an unqualified instructor in the area of Practical Dispatch Applications would have to be re-administered to all affected students by an instructor who holds a valid Aircraft Dispatcher Certificate.

On April 3, 2017, the DCPM sent you another letter which documented the circumstances of the follow-up inspection conducted on March 29, 2017. The letter outlined the issue of an unqualified instructor and your continued failure to make the necessary corrections to the discrepancies regarding the training facility classroom. The letter conveyed the expectation that, within 14 calendar-days, all affected students would receive instruction by an appropriately qualified instructor and all discrepancies regarding your training facility would be corrected. The letter advised you that the DCPM would be following up with another inspection to confirm all of this had been accomplished satisfactorily.

4. On April 21, 2017, the DCPM conducted another follow-up inspection of the ABC Aircraft Dispatcher Certification Course training facility. The inspection revealed that some corrective action regarding the classroom appeared to have been taken, but that it was not satisfactory. The issue with air circulation appeared to be corrected; however, the temperature in the classroom was still warm. The thermostat read 80 degrees Fahrenheit. The smell of mold

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appeared to worsen with the circulating air, and no measures had been taken to soundproof the room against the noise in the adjacent classroom.

5. Also during the April 21 follow-up, the DCPM conducted a review of the student records required by § 65.70. The review revealed no evidence that any of the students who had received instruction from the unqualified instructor, as outlined in item number 3 of this letter, had received re-instruction in the area of Practical Dispatch Applications, by an appropriately qualified instructor. In addition, the review revealed five students whose records did not contain a chronological log of all instructors and the subjects covered, which is a requirement of § 65.67(a). The DCPM discussed the training records with you for the purposes of confirming whether or not students had received instruction from an appropriately qualified instructor. At that time, you advised the DCPM that you were unable to find an instructor and that you had no prospective candidates.

Based on the discrepancies noted in items 1 through 5 above, this letter serves as notice that the ABC Aircraft Dispatcher Certification Course is under review by the XYZ Flight Standards Office for the purpose of making a final determination as to whether or not to withdraw FAA approval. Prior to making our final determination, you will be afforded the opportunity to communicate with us regarding this matter and to complete corrective actions.

You have 30 calendar-days from receipt of this letter to complete corrective actions to resolve the discrepancies noted in this letter, and prevent further recurrence. In addition, we are offering you an opportunity to discuss this matter in person or submit a written statement within 10 calendar-days from receipt of this letter. If submitting a statement, it should contain all pertinent facts and any mitigating circumstances you believe may have a bearing on this matter.

At the conclusion of the 30 calendar-day time period we have provided for you to make the necessary corrections, the XYZ Flight Standards Office will conduct follow-up inspections to determine if the corrective actions have been completed satisfactorily. We will take into consideration any mitigating information provided by you, prior to making a final determination.

If corrective actions are not satisfactorily completed and this situation is not otherwise resolved by you, the XYZ Flight Standards Office will withdraw approval of the ABC Aircraft Dispatcher Certification Course. We will make a final determination of whether or not to withdraw approval within 10 calendar-days after completing our follow-up inspections. If so determined, withdrawal of our approval would be effective immediately upon your receipt of our final determination.

Sincerely,

[Manager’s name]
Manager, XYZ Flight Standards Office

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Figure 3-265. Example Decision to Suspend Withdrawal Process

June 5, 2017

Certified-Return Receipt

Mr. Joe Operator
10 Busy Street
Anytown, US 12345

Dear Mr. Operator;

This letter is to inform you that the XYZ Flight Standard Office has determined that withdrawing Federal Aviation Administration (FAA) approval of the ABC Aircraft Dispatcher course is not warranted at this time. The basis of our decision is outlined below.

In a letter dated April 25, 2017, you were informed of our intent to withdraw FAA approval of the ABC Aircraft Dispatcher Certification Course based on failure to meet the requirements set forth in Title 14 of the Code of Federal Regulations (14 CFR) part 65 subpart C. The letter outlined discrepancies that were found during inspections conducted by this office during the months of March and April of 2017. The letter provided you with 30 calendar-days from receipt to complete corrective actions to resolve the discrepancies and prevent further recurrence. In addition, the letter offered you the opportunity to discuss this matter in person or submit a written statement within 10 calendar-days.

On May 1, 2017, you met with me and the Dispatch Course Program Manager (DCPM) to discuss this issue and to provide your written statement in person. During our conversation, you explained the circumstances and events leading to the regulatory noncompliance documented by this office. The written statement you provided outlined mitigating circumstances and conveyed your commitment that all necessary corrective action would be completed in the time specified and that you would not hold another class until this was accomplished. In your statement, you also committed to preventing further noncompliance.

On May 30, 2017, the DCPM along with a supervisory inspector from this office conducted follow-up inspections of the ABC Aircraft Dispatcher Certification Course training facility, student records, and list of instructors. These were the items that you were expected to correct. The follow-up inspections revealed that you had satisfactorily corrected all of the deficiencies previously noted.

Based on the corrective actions you have taken, and your written commitment to prevent further recurrence, the XYZ Flight Standards Office has determined not to withdraw approval of the ABC Aircraft Dispatcher Certification Course at this time. Please be advised that the course will remain under review and you are reminded that further occurrence of noncompliance could result in future withdrawal of FAA approval or the determination by this office not to renew course approval.

Sincerely,

[Manager's name]
Manager, XYZ Flight Standards Office

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Figure 3-266. Example Final Determination to Withdraw FAA Approval

June 2, 2017

Certified-Return Receipt

Mr. Joe Operator
10 Busy Street
Anytown, US 12345

Dear Mr. Operator:

This letter is to inform you that the XYZ Flight Standard Office has made a final determination to withdraw Federal Aviation Administration (FAA) approval of the ABC Aircraft Dispatcher Certification Course, in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 65, § 65.63(e). During multiple inspections, we have found that the course does not meet the approval or operational requirements of part 65 subpart C. Attempts to rectify the situation have been unsuccessful. The basis of our decision is outlined below.

In a letter dated April 25, 2017, this office informed you of our intent to withdraw FAA approval of the ABC Aircraft Dispatcher Certification Course based on continued failure to meet the requirements set forth in part 65 subpart C. The letter outlined discrepancies that were found during inspections conducted by this office during the months of March and April of 2017. The letter provided you with 30 calendar-days from receipt to complete corrective action to resolve the discrepancies and prevent further recurrence. In addition, the letter offered you the opportunity to discuss this matter in person or submit a written statement within 10 calendar-days.

On May 4, 2017, you contacted me via telephone. During our telephone conversation you generally disputed the findings related to the ABC Aircraft Dispatcher Certification Course training facility. You stated that you did not agree that the air temperature or quality in the classroom was an issue and that noise from the adjacent classroom could not be avoided. You conveyed an overall unwillingness to further discuss the matter of the classroom or to take further corrective action. With respect to the issues related to the unqualified instructor and student records, you stated that you had yet to find a qualified instructor and that you were not pursuing one at the moment because the affected students had withdrawn from the course.

On May 26, 2017, the Dispatch Course Program Manager (DCPM), together with a supervisory inspector from this office, conducted follow-up inspections of the ABC Aircraft Dispatcher Certification Course training facility, student records, and list of instructors. The inspections revealed that no corrections had been made to the discrepancies outlined in our letter dated April 25, 2017.

Your failure to make the necessary corrections to maintain compliance with the requirements of part 65 subpart C has led to the final determination by this office that withdrawal of FAA approval of the ABC Aircraft Dispatcher Certification Course is both warranted and in the public interest.

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Pursuant to § 65.63(e), FAA approval of the ABC Aircraft Dispatcher Certification Course is hereby withdrawn with immediate effect. Upon receipt of this letter, you must cease operation of this course.

If you wish to appeal this decision, you must make the request in writing within 14 calendar-days of receipt of this letter. Your request for appeal must be addressed to: Manager,
Air Transportation Division, AFS-200, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, for reconsideration. AFS-200 will make the final decision on your appeal request.

Sincerely,

[Manager's name]
Manager, XYZ Flight Standards Office

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Figure 3-267. Aircraft Dispatcher Certifications Course Job Aid

JOB AID AIRCRAFT DISPATCHER CERTIFICATION COURSE APPROVAL 14 CFR Part 65 Subpart C and Appendix A Order 8900.1, Volume 3, Chapter 63, Section 3								
PHASE				**SUBJECT**	**Reference**	**YES**	**NO**	**Remarks**
I				**APPLICATION**	65.63			
	A			Application for original approval of an Aircraft Dispatcher Certification Course or the renewal of approval of an Aircraft Dispatcher Certification Course under this part must be:	65.63(a)			
		1		Made in writing to the Administrator.	65.63(a)(1)			
		2		Accompanied by two copies of the course outline required under § 65.61(b) of this part, for which approval is sought.	65.63(a)(2)			
		3		Accompanied by a description of the equipment and facilities to be used.	65.63(a)(3)			
		4		Accompanied by a list of the instructors and their qualifications.	65.63(a)(4)			
		5		Includes the items listed in the current edition of AC 65-34.	AC 65-34, paragraph 13			
	B			**COURSE CONTENTS**	65.61			
		1		The course must provide instruction in the areas of knowledge and topics listed in part 65 appendix A.	65.61(a)(1)			
		2		The course must provide a minimum of 200 hours of instruction.	65.61(a)(2)			
		3		The training course outline (TCO) must contain the major topics and subtopics to be covered and the number of hours proposed for each.	65.61(b)			
		4		If subjects not required by part 65 appendix A are included in the TCO, the proposed hours for those subjects must be in addition to the minimum 200 course hours.	65.61(c)			
		5		If the course operator allows credit for previous experience or training, the TCO contains the maximum allowable credit for each topic and subtopic.	65.61(b)			
	C			**TRAINING FACILITIES**	65.65			
		1		Facilities, equipment, and materials must provide each student the theoretical and practical aspects of aircraft dispatching.	65.65			
		2		Each room, training booth, or other space used for instructional purposes must be temperature controlled,	65.65			

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				lighted, and ventilated to conform to local building, sanitation, and health codes.				
		3		Facility must be located so that the students in that facility are not distracted.	65.65			
	D			**PERSONNEL**	65.67			
		1		The course operator must have adequate personnel.	65.67(a)(1)			
		2		One instructor must hold an Aircraft Dispatcher Certificate and be available to coordinate all training course instruction.	65.67(a)(1)			
		3		The course operator must not exceed a ratio of 25 students for 1 instructor.	65.67(a)(2)			
		4		The instructor who teaches the Practical Dispatch Applications area of the part 65 appendix A course must hold an Aircraft Dispatcher Certificate.	65.67(b)			
	E			**RECORDS**	65.70			
		1		Records for each student, including a chronological log of all instructors, subjects covered, and course examinations and results, must be maintained for at least 3 years after graduation.	65.70(a)			
		2		The course operator must prepare for its records, and transmit to the Administrator no later than January 31 of each year, a report containing the following information for the previous year:	65.70(a)			
			a	The names of all students who graduated, together with the results of their Aircraft Dispatcher Certification Courses.	65.70			
			b	The names of all the students who failed or withdrew, together with the results of their Aircraft Dispatcher Certification Courses or the reasons for their withdrawal.	65.70			
		3		The course operator must provide each student who successfully completes the course with a written statement of graduation, which is valid for 90 days.	65.70			
		4		The course must contain criteria for determining a student's continued proficiency, when revalidating a graduation statement for an additional 90 days.	65.70			
II				**APPROVAL**	65.63			
	A			Letter of Approval issued.				
		1		Approval valid for 24 months.	65.63(b)(1)			

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III				**RENEWAL**	65.63			
	A			Application for renewal of approval must be made within 30 days preceding the month the approval expires, provided the course operator meets (both) the following requirements:	65.63(c)			
		1		At least 80 percent of the graduates from the certification course who applied for the practical test required by § 65.59 passed the practical test on their first attempt.	65.63(c)(1)			
		2		The Aircraft Dispatcher Certification Course continues to meet the requirements of part 65 subpart C and appendix A. All of the requirements for course approval must be met.	65.63(c)(2)			
IV				**COURSE REVISION**	65.63(d)			
	A			Requests for approval of a revision of a course outline, facilities, or equipment must be in accordance with the application requirements contained in part 65 subpart C.	65.63(d)			
	B			The list of instructors may be revised at any time without request for approval, provided the minimum requirements of § 65.67 are maintained, and the Administrator is notified in writing.	65.63(d)			
VI				**CHANGE OF ADDRESS OR LOCATION**	65.63			
	A			If submitted within 10 days of the change, approval is continued. Otherwise approval is withdrawn.	65.63(g)			
VII				**CHANGE OF OWNERSHIP**	65.63			
	A			If submitted within 10 days after the date that any change in ownership of the course occurs, approval is continued provided (otherwise approval is withdrawn):	65.63(f)			
		1		Application is made for an appropriate amendment to the approval; and	65.63(f)(1)			
		2		No change in the facilities, personnel, or approved Aircraft Dispatcher Certification Course is involved.	65.63(f)(2)			
VIII				**WITHDRAWAL OR CANCELLATION OF APPROVAL**	65.63			
	A			Approval of an FAA-approved Aircraft Dispatcher Certification Course may be withdrawn or cancelled:	65.63(e)			
		1		Voluntary cancellation (not for cause). If the operator requests cancellation of the course approval, the operator must forward any records requested by the Administrator.	65.63(e)			

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		2		Withdrawal due to failure to continue to meet the requirements (for cause). The procedures for withdrawing FAA approval as outlined in FAA Order 8900.1, Volume 3, Chapter 63, Section 3 have been followed.	65.63(e) and Order 8900.1, Volume 3, Chapter 63, Section 3, paragraph 3-5044			
IX	**CHRONOLOGY / SUSPENSES (Notes on Separate Sheets)**							
Application Received:								
Application Reviewed:								
Preapproval Meetings:								
Application Resubmitted:								
Facilities Inspection:								
Instructor Qualifications Reviewed:								
Approval Granted:								
Approval Letter:								
Renewals:								
Course Changes:								
Course Changes:								
Course Changes:								
Other (Change of address, location, ownership):								
Withdrawal or Cancellation of Approval:								

RESERVED. Paragraphs 3-5049 through 3-5061.

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VOLUME 4 AIRCRAFT EQUIPMENT AND OPERATIONAL AUTHORIZATIONS

CHAPTER 1 AIR NAVIGATION, COMMUNICATIONS, AND SURVEILLANCE

Section 5 Safety Assurance System: Special Navigation Areas of Operation

4-96 GENERAL. Special Areas of Operation (SAO) are geographic areas having unique characteristics that require the use of special equipment, procedures, and/or techniques to safely conduct flight operations. These special areas also include operational situations when the application of standard criteria is not sufficient, and other-than-standard criteria are more appropriate and can be safely used. This section provides direction and guidance for the evaluation and approval or denial of an operator's/program manager's/Letter of Deviation Authority (LODA) holder's (operator's) request to conduct operations in these SAOs.
SAOs include the following:

- Areas requiring high levels of performance due to a reduction in separation standards;
- Areas where navigation by magnetic reference is unreliable and/or inappropriate;
- Areas where metric altitudes/flight levels (FL) are used (altitudes in meters);
- Areas where communication difficulties are frequently encountered;
- Areas where air traffic control (ATC) difficulties are frequently encountered;
- Areas where operations by U.S. operators have political or international sensitivity;
- Areas where aircraft with unique performance characteristics require special criteria; and
- Areas where dual long-range navigation systems (LRNS) are not normally required.

NOTE: This section is related to Safety Assurance System (SAS) Elements 3.2.2 (OP) Use of Approved Areas, Routes, and Airports; 3.2.3 (OP) Special Navigation Areas of Operation; and 3.3.5 (OP) Extended Operations (ETOPS).

4-97 AREAS REQUIRING HIGH LEVELS OF PERFORMANCE. In a SAO, the ATC system supports a reduction in separation standards. This reduction in separation standards requires improved levels of performance. Significant increases in air traffic over certain busy routes, such as U.S. National Airspace, European Domestic Airspace, and the North Atlantic (NAT), can be accommodated efficiently if the ATC separation minimums are reduced to permit more aircraft to operate in the same airspace at the same time. However, this reduction in separation minimums can only be safely accomplished through significant improvements in ATC capabilities and the performance of all aircraft operating within that segment of airspace.
The options currently available to permit reductions in ATC separation minimums include the use of the following:

- Independent surveillance (ATC radar),
- Automatic Dependent Surveillance (ADS) (data link of the aircraft's present position to the ATC system),
- Improved traffic flows through the use of time-based metering,
- Reduced lateral separation minimums,
- Reduced Vertical Separation Minimums (RVSM),

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- Reduced longitudinal separation minimums, and
- Communication.

4-98 NORTH ATLANTIC HIGH LEVEL AIRSPACE (NAT HLA).

A. General. The NAT HLA, as implemented in the North Atlantic Region, is a demanding standard. Safety of flight in this airspace is critically dependent on each operator achieving and continuously maintaining a high level of navigation accuracy. The State of Registry or the State of the Operator must approve operations in NAT HLA. The operator must obtain this approval for each airplane and navigation/system combination used for operations in this airspace. To obtain NAT HLA approval, the operator must show compliance with the following conditions:

- Each aircraft is suitably equipped and capable of meeting the NAT HLA standards;
- The operator has established operating procedures that ensure that NAT HLA standards are met; and
- The flightcrews are trained and capable of operating to NAT HLA requirements.

B. Navigational Performance. The NAT HLA represents navigational performance (necessary to reduce the risk of collision) on an internationally established level. (See Figure 4-2, Illustration of NAT HLA Rectangular Separation.) Effective January 2015, all new operational approvals for NAT HLA require Required Navigation Performance (RNP) capability. International Civil Aviation Organization (ICAO) Doc 9613, Performance-based Navigation (PBN) Manual, establishes the aircraft and flightcrew operating criteria for operations under Required Navigation Performance 10 (RNP 10) in international airspace. The current edition of Advisory Circular (AC) 90-105, Approval Guidance for RNP Operations and Barometric Vertical Navigation in the U.S. National Airspace System and in Oceanic and Remote Continental Airspace, provides guidance to U.S. operators on obtaining RNP 10 operational approval.

NOTE: Operational history in NAT HLA clearly shows that most serious navigational errors are directly related to operator/pilot error. Equipment malfunction and equipment accuracy are usually not the primary cause for these errors. Most errors are caused by the flightcrew navigating very precisely to the wrong place while believing that the aircraft is complying with the currently effective ATC clearance.

C. RVSM. RVSM is implemented throughout the NAT HLA. See the following for specific RVSM guidelines and requirements:

- Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.706 and part 91 appendix G; and
- The documents in the Web-based Operations Safety System (WebOPSS) guidance subsystem in association with operations specification (OpSpec) B046.

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D. Initial NAT HLA Approvals. Each operator, and each aircraft and navigation system combination, must be approved before operating in NAT HLA. Each operator must demonstrate (validate) that it can meet NAT HLA standards before receiving approval.

1) Validation flights must be conducted through NAT HLA. See Volume 4, Chapter 1, Section 2, Air Navigation Approval Requirements, for guidance on validation flights. Next Generation Air Transportation System (NextGen) oceanic specialists must be consulted prior to proving/validation flights.

2) Inspectors must ensure that requirements of the applicable AC(s) and/or other Federal Aviation Administration (FAA) official documentation for long-range navigation-C system (LORAN-C), Global Positioning System (GPS), or multisensors (or equivalent) are fully met by the operator using those systems before approving any operation in this airspace. All NAT HLA approvals are granted by issuing OpSpec B039, and by adding that area of en route operation to the standard OpSpec B050.

E. Maintaining NAT HLA Authorization. In addition to initially meeting NAT HLA criteria, each operator must continuously maintain the required level of navigational performance. Each gross navigation error (GNE) (errors of 25 NM or more) has a significant impact on flight safety in this airspace and must be fully investigated in a timely manner. The cause of each error must be identified, and effective action must be taken to prevent reoccurrence of similar errors. GNEs are detected by ATC and reported to one of the regional monitoring agencies of the world. The regional monitoring agency then provides the notification of the GNE to not only the operator that made the GNE, but also to the NextGen oceanic specialists in the Flight Technologies and Procedures Division (AFS-400) at headquarters (HQ). The NextGen oceanic specialists, in turn, review the GNE and contact the appropriate Flight Standards Service (AFS) office. When an inspector learns of a GNE by one of his or her operators, the inspector must immediately contact the operator and advise that the GNE will be investigated. The inspector must ensure that the operator takes timely corrective action. After this notification, inspectors must determine the effectiveness of the operator's actions as follows:

1) If it is determined that an operator's actions will prevent the occurrence of similar errors, the operator should be permitted to continue NAT HLA operations with close surveillance of the operator's navigational performance. If similar errors occur in subsequent operations more frequently than permitted by the standard, stronger action must be taken.

2) If an operator fails to take action to improve navigation performance, action must be initiated to suspend NAT HLA authorization (OpSpec B039 is rescinded).

3) If it is determined that an operator's actions to improve navigational performance are inadequate or otherwise unsatisfactory, the operator must be notified that the corrective action is unacceptable. When an operator does not implement a satisfactory solution in a timely manner, the action must be initiated to suspend NAT HLA authorization, and it could include enforcement action.

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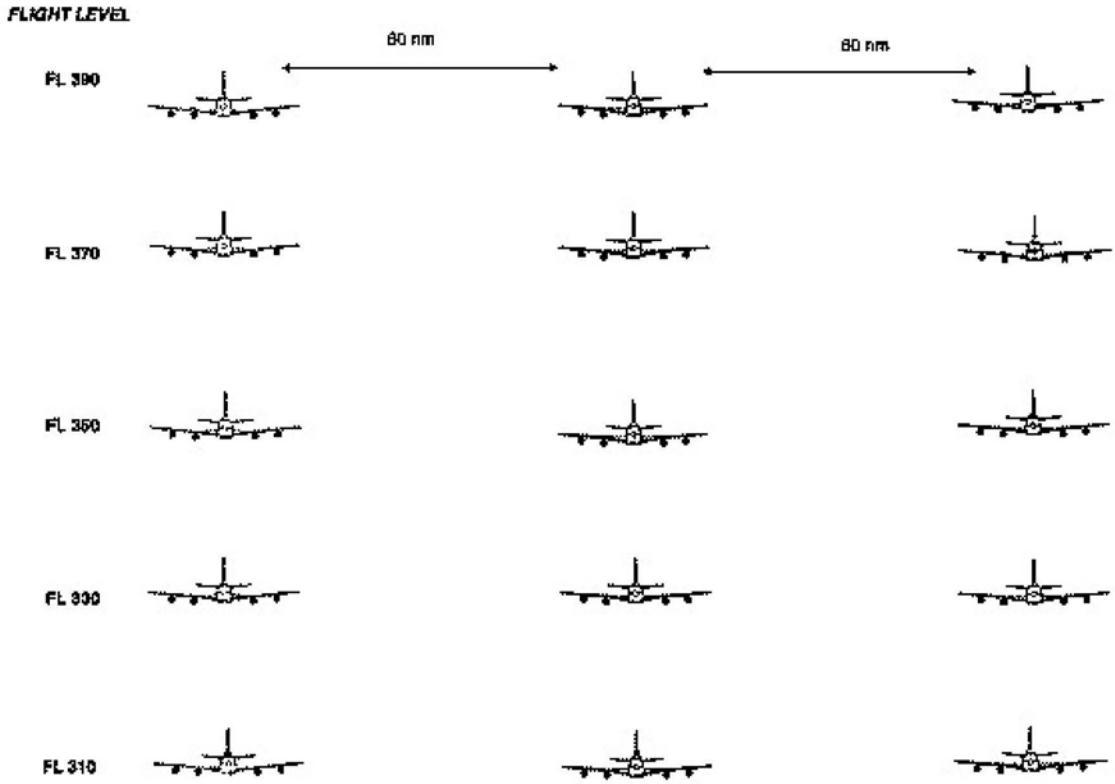
NOTE: It is FAA policy that one of the agency's NextGen oceanic specialists participate in the investigation of GNEs. These specialists, at their option, may also participate in the evaluation of the actions proposed by the operator to preclude the occurrence of similar errors. AFS-400 must be notified as soon as possible when an inspector and/or a NextGen oceanic specialist determine that actions should be taken to suspend NAT HLA authorization.

Figure 4-2. Illustration of NAT HLA Rectangular Separation



NORTH ATLANTIC HIGH LEVEL AIRSPACE (NAT HLA) SEPARATION STANDARDS.
Aircraft are separated by one of the following methods:

A. Lateral Separation. Lateral separation between co-altitude aircraft (aircraft at the same flight level) is 60 nm.

B. Vertical Separation. Vertical separation between aircraft on the same track is 2,000 feet.

C. Longitudinal Separation. Basic longitudinal separation between aircraft on the same track is 10 minutes. If an aircraft is flying faster than the aircraft behind it (Mach advantage), then this criteria may be reduced.

NOTE: Separation standards may be changed. Consult Regional Supplementary Procedures (ICAO Document 7030/3) for current standards applied in the NAT Region.

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4-99 CANADIAN MINIMUM NAVIGATION PERFORMANCE SPECIFICATION (MNPS) AIRSPACE. Certain high-altitude airspace in northern Canada has been designated as MNPS airspace (see the Canadian Aeronautical Information Publication (AIP)). The navigational performance criteria for operation in Canadian MNPS airspace are identical to the criteria for NAT HLA.

A. General Criteria. In general, any aircraft/navigation system combination approved for unrestricted operation in NAT HLA for a particular operator also meets Canadian MNPS criteria. A particular operator can (under most circumstances) be authorized to conduct Canadian MNPS operations with those aircraft and navigation system combinations authorized for that operator in NAT HLA. However, due to the unique nature of operations in high latitudes and in areas of magnetic unreliability (AMU), approval for Canadian MNPS operation is not automatic. Each proposed operation must be evaluated on its own merits. OpSpec B059 is available for issuance to 14 CFR part 135 certificate holders or part 91 subpart K (part 91K) program managers only. OpSpec B039 would be issued for NAT HLA in the part 135 database of the WebOPSS. OpSpec B039 is available in the 14 CFR parts 121 and 125 databases of the WebOPSS, as the policy for authorization for these certificate holders may be conducted and approved concurrently.

B. Special Factors. The following special factors must be considered and carefully evaluated before granting air navigation approvals for operation in Canadian MNPS airspace.

1) The following directions apply for operators currently authorized to use an aircraft in NAT HLA:

a) A primary means inertial navigation system (INS)/inertial reference system (IRS)/Inertial Reference Unit (IRU) meeting NAT HLA criteria automatically meets Canadian MNPS criteria.

b) Other LRNSs meeting NAT HLA criteria automatically meet Canadian MNPS criteria except for operations in the AMUs. The LRNS must be evaluated on a case-by-case basis for AMU authorization.

c) Operations at high-latitude airports (greater than 67° N/S) must not be authorized unless INS platform alignment has been successfully demonstrated and approved for those latitudes. If operations are proposed for areas in the Canadian MNPS that fall within the AMU, a validation flight and AMU authorization is required. One of the FAA NextGen oceanic specialists must be consulted.

2) Training programs and crew procedures for operations at high latitudes must provide techniques and methods for the following:

- Approaches and departures using appropriate heading references other than magnetic; and
- Use of ground-based Navigational Aids (NAVAID) oriented to appropriate directional references other than magnetic.

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3) The following directions apply for operators who are not currently authorized to use an aircraft and a navigation system combination in NAT HLA, but propose to operate in the Canadian MNPS airspace.

a) The operator's equipment must meet the criteria in the appropriate AC (or equivalent), considering the conditions unique to Canadian MNPS airspace. The Canadian AIP should also be consulted for airspace requirements.

b) The operator must also meet the special factors specified in subparagraphs 4-99B1) and/or 4-99B2), as appropriate.

C. Canadian MNPS Approvals. For parts 121 and 125 certificate holders, Canadian MNPS airspace approvals are granted by adding that area of en route operations to OpSpec B050. For part 135 certificate holders, the Canadian MNPS airspace approvals are granted by issuance of OpSpec B059 and by adding that area of en route operations to OpSpec B050. For part 135, OpSpec B039 may or may not be issued, as applicable.

4-100 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Aeronautical Information Service (AIS) of NAT Air Traffic Service (ATS) Provider States.
- ICAO Doc 7030, Regional Supplementary Procedures (SUPPS).
- AC 90-105A, Approval Guidance for RNP Operations and Barometric Vertical Navigation in the U.S. National Airspace System and in Oceanic and Remote Continental Airspace.

B. Forms. None.

C. Job Aids. None.

4-101 CENTRAL EAST PACIFIC (CEP) ROUTE SYSTEM.

NOTE: We have adopted the acronym "CEP" in place of "CEPAC" to be congruent with the term that ATC is using for the Central East Pacific.

A. General. The CEP system is the organized route system between Hawaii and the west coast of the United States. Several ATS routes and associated transition waypoints are within the CEP. Effective February 24, 2000, RVSM and RNP 10 is required for aircraft operating on the CEP routes. Nonapproved aircraft can expect to fly above or below the exclusionary airspace. Refer to the current edition of AC 91-70, Oceanic and Remote Continental Airspace Operations, and the Alaskan AIP, as well as the Pacific Supplement, for further information.

B. Applicable ATC Procedures. Applicable ATC procedures can be found in the current editions of FAA Order JO 7110.65, Air Traffic Control; AC 90-105; ICAO Doc 7030; ICAO Annex 2, Appendix 3; and ICAO Doc 9574, Manual on Implementation of a 300 m

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(1,000 ft) Vertical Separation Minimum Between FL 290 and FL 410 Inclusive (RVSM guidance).

4-102 RVSM AND RNP IN CEP AND NORTH PACIFIC (NOPAC) AIRSPACE: OPSPECS B037 AND B038. This paragraph provides guidance for OpSpecs B037 and B038 to reflect the implementation of RVSM and RNP 10 approval requirements on the CEP and NOPAC route systems. This information is applicable to all part 91 operators and parts 121, 125, and 135 certificate holders that have been, or that wish to be, authorized to operate on these route systems.

A. Background.

1) RVSM programs enable 1,000-foot vertical separation to be applied between aircraft above FL 290. Section 91.706 and part 91 appendix G provide regulatory policy for RVSM programs.

2) Approval of operators and aircraft for RNP 10 enables a 50-NM lateral separation to be applied between aircraft operating in oceanic/remote areas. AFS policy and procedures for approval of aircraft and operators to operate in areas or on routes designated as RNP 10 airspace are contained in AC 90-105.

3) The OpSpec providing general authority for RVSM operations is B046. The general authority for RNP operations in oceanic/remote areas is OpSpec B036.

4) The revised OpSpecs B037 and B038 do not address requirements as they pertain to specific FLs or routes because Air Traffic Service Providers (ATSP) notify operators of requirements for filing flight and aircraft navigation equipage requirements on oceanic/remote area routes in aeronautical publications. Oakland and Anchorage Oceanic Centers publish such information in Notices to Airmen (NOTAM) and the Pacific and Alaska Chart Supplements. Tokyo Oceanic Center publishes such information in AIPs and NOTAMs.

B. Policy.

1) All operators conducting operations on the CEP and/or NOPAC route systems must be issued OpSpecs B037 and B038. The principal inspectors (PI) will issue these OpSpecs in accordance with the appropriate guidance for each authorization. Inspectors will also need to review the guidance for RVSM authorization in OpSpec B046 and for Class II navigation authorization in OpSpec B036 whenever issuing B037 and/or B038.

2) Part 91 operators conducting flights on the NOPAC and CEP route systems at FLs where RVSM and/or RNP 10 approval is required must be issued a letter of authorization (LOA) approving such operations. Part 91 operators currently holding an LOA authorizing RVSM and/or RNP 10 operations are not required to be issued a separate LOA for individual areas of operation or route systems where RVSM and/or RNP 10 are implemented.

4-103 AMUs. Two large areas of en route operation have unique features which significantly complicate air navigation. These two areas are centered around Earth's magnetic poles.

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A. Concept. Conventional magnetic compasses sense magnetic direction by detecting the horizontal component of Earth's magnetic field. Since this horizontal component vanishes near the magnetic poles, magnetic compasses are highly unreliable and unusable in an area approximately 1,000 NM from each magnetic pole. Within these areas, air navigation tasks are further complicated by very rapid changes in magnetic variation over small distances.
For example, when flying between the magnetic North Pole and the true North Pole, a heading of true North results in a magnetic heading of South (a magnetic variation of 180 degrees).

B. Convergence of the Meridians. Since these two major AMUs also occur near Earth's geographic poles, the convergence of the meridians also presents additional directional complications. When flying great circle courses at latitudes greater than 67 degrees, convergence of the meridians can create rapid changes in true headings and true courses with small changes in aircraft position. As a result, relatively small errors in determining the aircraft's actual position can produce very large errors in determining the proper heading to fly and to maintain the assigned flightpath. When even small errors occur, very large navigation errors can develop over extremely short distances. An extreme example of this phenomenon occurs at Earth's geographic North Pole. Flight in any direction from the exact pole is initially due south (that is, the direction to Russia or the United States is south).

C. Special Equipment, Techniques, and/or Procedures. Special navigation equipment, techniques, and/or procedures are critical to operate safely in polar areas, including the two AMUs. Operations based solely on magnetic references within AMUs are unsafe, unacceptable, and must not be approved. Operations within these areas can only be conducted safely if the primary heading reference is derived from sources other than magnetic.

1) All INS/IRS/IRU are capable of calculating true North independently from other aircraft systems. INS/IRS/IRU can be approved and safely used for operations in AMUs and polar areas provided the following conditions are met:

a) The INS is certified as Airworthy for the highest latitude authorized for these operations.

b) Ground alignment of the INS/IRS/IRU is restricted to those airports where satisfactory alignment has been demonstrated or otherwise approved.

c) The operator's training programs and crew procedures provide acceptable techniques and methods for the following:

- Approaches and departures using appropriate heading references other than magnetic; and
- The use of ground-based NAVAIDs, which are oriented to appropriate directional references other than magnetic.

NOTE: It is the FAA's direction and guidance that inspectors must not approve operations in polar areas and/or AMUs without the participation and concurrence of one of the agency's NextGen oceanic specialists.

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2) There is a wide variety of other methods, systems, techniques, and procedures that can be used for navigation in AMUs and polar areas. However, due to the variety of means and the complexity of air navigation in these areas, specific direction and guidance for these other means of navigation are not provided in this order.

NOTE: It is the FAA's direction and guidance that inspectors must obtain assistance from one of the agency's NextGen oceanic specialists in evaluating and approving or denying an operator's request to use systems, techniques, or procedures that are not discussed in this section.

D. Boundaries of the AMU.

1) For the Northern Hemisphere, the Canadian AIP establishes the basic boundaries for the AMU. The current edition of the Canadian Air Navigation Order states that no person may operate an aircraft in instrument flight rules (IFR) flight within Canadian northern domestic airspace unless it is equipped with a means of establishing direction that is not dependent on a magnetic source. The special equipment, training, and procedures discussed in this paragraph are required for all operations into the area of northern domestic airspace. The boundaries of this area are shown in Figure 4-3, Canadian Domestic Airspace. This area is also outlined on Canadian en route charts. For the purposes of this paragraph, northern domestic airspace is considered to extend from ground level to infinity.

2) For the Southern Hemisphere, any operation south of lat. 65°00'00" S is considered to be within the AMU. Any proposal to operate within the AMU in the Southern Hemisphere must be reviewed and concurred with by AFS-400 before approval.

E. Approvals. All approvals for operations into AMUs are granted by issuing OpSpec B040, and by adding that area of en route operation to the standard OpSpec B050. A checklist for operations in AMUs is available in the guidance subsystem in association with OpSpec B040.

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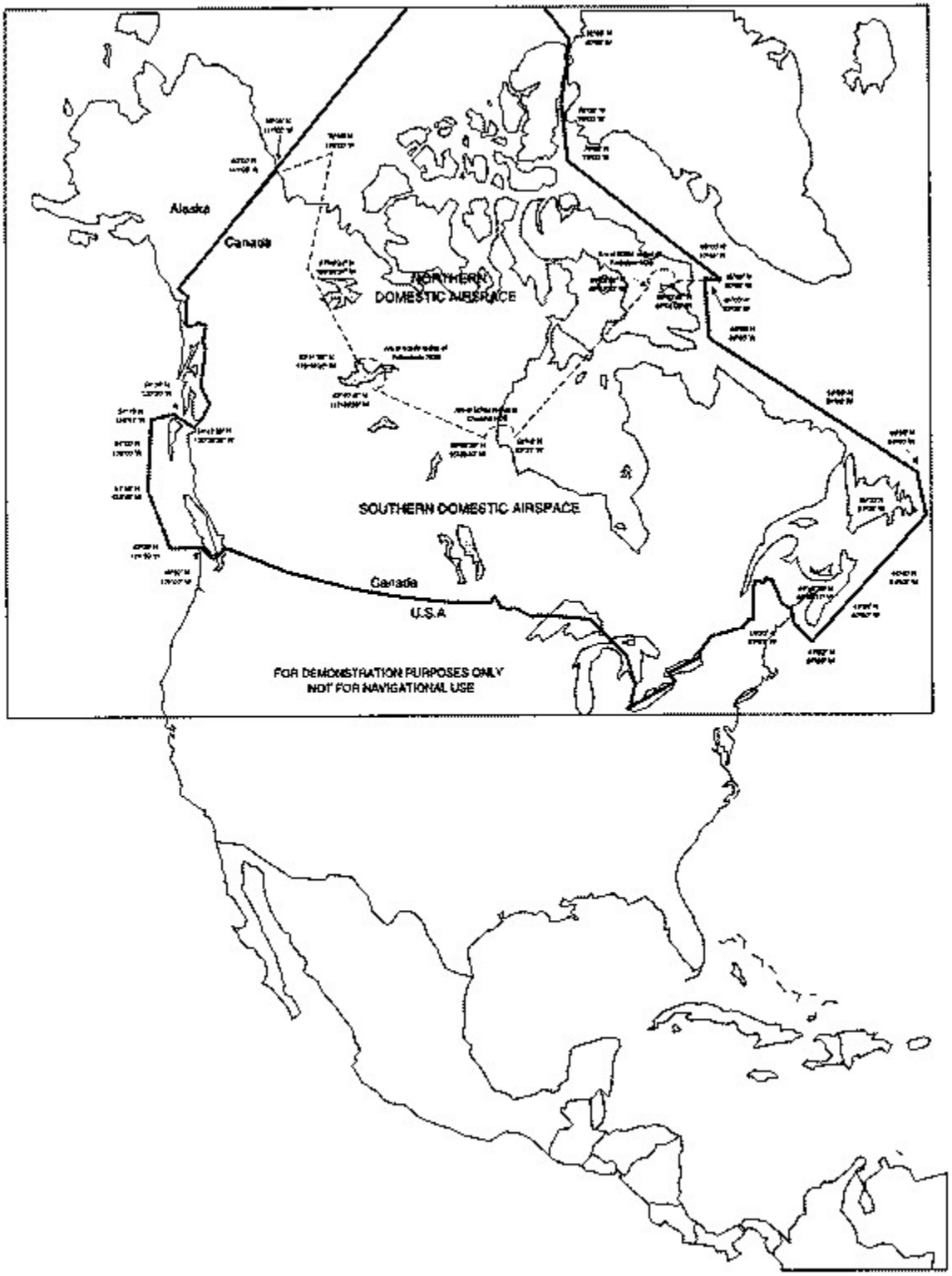
Figure 4-3. Canadian Domestic Airspace



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4-104 NORTH POLAR OPERATIONS. The North Polar Area of Operations is defined as the area that lies north of lat. 78°00’00” N (see OpSpec A002). The North Polar routes across Russia are shown in the Russian AIP or in commercial charting publications for Eastern Europe and Eurasia. OpSpec B055 authorizes North Polar operations. See Volume 3, Chapter 18, Section 4, OpSpec B055 for more information on this authorization. In general, in addition to the authorization for operations in the AMUs, the following will be required for authorizing operations in the polar areas.

A. Fuel Freeze Temperature. A procedure must be established to determine the fuel freeze temperature of the actual fuel load onboard the aircraft that requires coordination between maintenance, dispatch, and assigned flightcrew. The operator may develop a fuel freeze analysis program in lieu of using the standard minimum fuel freeze temperatures for specific types of fuel used.

B. Communication Capability. In accordance with part 121, § 121.99, the operator must have effective communications capability with dispatch and with ATC for all portions of the flight route. The operator must show the FAA the communications medium(s) that it intends to use to fulfill these requirements in the North Polar Area.

1) The communications medium used must meet FAA regulatory requirements and fulfill policy/procedures established by each ATS unit providing control on the route of flight. Anchorage Center publishes this information in the U.S. Government Flight Information Publication (FLIP) Supplement for Alaska. Other countries publish ATS policies and procedures in their state AIPs.

2) High frequency (HF) voice has been considered the primary communications medium in the North Polar Area. However, other mediums may be used as a supplemental means in accordance with the applicable policy. For example, although HF voice remains primary for communications with Anchorage Center, in areas where there is satellite coverage, satellite communication (SATCOM) voice may be used as a backup to communicate with ARINC Radio and, in nonroutine situations, to establish direct pilot-controller voice communications.

3) In areas of satellite coverage, Controller-Pilot Data Link Communications (CPDLC) may be used for ATC communications, provided the ATS unit has an approved capability. In addition, provided the capability is approved, HF data link may also be used to fulfill communications requirements with ATS units having the capability and with airline dispatch. Inspectors must ensure that the operators meet the regulatory and policy requirements for long-range communication systems (LRCS). HF voice capability is always required.

4) It is recognized that SATCOM may not be available for short periods during flight over the North Pole, particularly when operating on some designated polar routes. Communication capability with HF radios may also be affected during periods of solar flare activity. For each dispatched polar flight, the operator must take into consideration the predicted solar flare activity and its effect on communication capability.

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C. Minimum Equipment List (MEL). Before receiving FAA authority to conduct polar operations, the MEL must indicate that the following systems/equipment is required for polar operations dispatch:

1) Fuel quantity indicator system (FQIS) (to include fuel tank temperature indicating system).

2) Autothrottle system.

3) Communication system(s) relied on by the flightcrew to satisfy the requirement for effective communication capability.

4) Except for all-cargo operations, expanded medical kit to include Automated External Defibrillators (AED).

NOTE: Refer to the current edition of AC 91.21-1, Use of Portable Electronic Devices Aboard Aircraft.

5) For Extended Operations (ETOPS) aircraft:

a) All MEL restrictions for 180-minute operations are applicable.

b) Auxiliary power unit (APU) for two-engine airplanes (including electrical and pneumatic supply to its designed capability).

D. Training Program Requirements. The following must be in the approved training programs:

- Training on Barometric pressure for Standard Altimeter Setting (QNE)/Barometric pressure for Local Altimeter Setting (QNH) and meter/feet issues is required for flightcrew and dispatcher training;
- Training on fuel freeze (included in maintenance, dispatch, and flightcrew training (special curriculum segments));
- General area- and route-specific training on weather patterns and aircraft system limitations;
- Training on special considerations, such as diversion decisionmaking into austere airport environments to include aircraft performance, crash, fire, and rescue availability, and passenger support; and
- Flightcrew training in the use of the cold weather anti-exposure suit.

E. Special Flightcrew Issues for Long-Range Operations. The operator needs to address the following special long-range flightcrew issues:

- Long-range flightcrew rest plan submitted to the principal operations inspector (POI) for review and approval;
- Multicrew (augmented flightcrews) flight proficiency/currency issues need to be addressed in the training program;

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- The progression of pilot-in-command (PIC) authority, as designated in the operator's manual; and
- A minimum of two cold weather anti-exposure suits will be required to be onboard so that outside coordination at a diversion airport with extreme climatic conditions can be accomplished safely.

F. En Route Polar Diversion Alternate Airport Requirements. Operators are expected to define a sufficient set of polar diversion alternate airports such that one or more can be reasonably expected to be suitable and available in varying weather conditions (the current edition of AC 120-42, Extended Operations (ETOPS and Polar Operations), provides additional guidance for two-engine airplanes).

G. Aircraft and Passenger Recovery Plans. A recovery plan is required that will be initiated in the event of an unplanned diversion. The recovery plan should address the care and safety of passengers and flightcrew at the diversion airport, and include the plan of operation to extract the passengers and flightcrew from that airport.

H. Validation Flights. An FAA-observed validation flight is required in which the operator exercises its reaction and recovery plan in the event of a diversion to one of its designated en route polar diversion alternate airports. The exercise of the operator's reaction and recovery plan may also be completed prior to the validation flight. The Air Transportation Division (AFS-200) will give favorable consideration to a request by the operator, through the POI, to conduct the validation flight in a passenger revenue status only if the operator's reaction and recovery plan has been previously demonstrated to the satisfaction of the FAA. If the operator elects to demonstrate its reaction and recovery plan as part of, and during, the validation flight, the flight cannot be conducted in a passenger revenue status. The carriage of cargo revenue is permissible in this case and is encouraged for airplane Weight and Balance (W&B) purposes.

4-105 AREAS WITH SIGNIFICANT COMMUNICATIONS AND/OR ATC DIFFICULTIES. The levels of sophistication in communication, navigation, and ATC capabilities in certain areas of operation outside North America and Europe vary widely. The following subparagraphs provide evaluation criteria that must be considered when approving operations in these areas.

A. NAVAIDs. The ground-based facilities that are implemented to support air navigation in some of these areas are based on antiquated technology and frequently experience reliability problems. The National Airspace System (NAS) and the navigational performance requirements in many countries are based almost exclusively on non-directional radio beacons (NDB). Also, many of the NAVAIDs do not operate continuously. For example, NAVAIDs are shut down from dusk to dawn in certain countries.

B. Communication. The primary means of en route communication with ATC in many areas of operation is almost exclusively HF radio. Atmospheric noise created by extensive thunderstorm activity in tropical areas and aurora activity in polar areas significantly increases the difficulty of using HF as a prime means of communication with ATC.

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C. ATC. The level of ATS varies from radar-based services (equivalent to domestic U.S. operations) to a total absence of any ATC. Flight information regions (FIR) have been established in most areas of the world. Specific ICAO member states have been assigned the responsibility of providing ATS in these FIRs. There are wide variations in the ATC services available. En route ATC radar is not available in all countries and ATS may rely heavily on position reports and airborne navigation performance capabilities for the separation of aircraft. Various levels of ATS provided in these areas are as follows:

NOTE: It is critical that flightcrews understand that subtle terminology differences and language barriers may exist in foreign countries where they operate. For example, crews must ensure they understand whether the altimeter setting issued by ATC is in hectopascals (millibars) or inches of mercury.

1) Within controlled airspace, ATC provides ATC service to prevent collisions between aircraft and to expedite and maintain an orderly flow of air traffic. This also includes air traffic advisory services and those alerting services related to weather and Search and Rescue (SAR).

2) Within advisory airspace, air traffic advisory service is available to provide separation, to the extent possible, between aircraft operating on IFR flight plans. It is important to understand that this is an advisory service (similar to a Flight Service Station (FSS)), not a control service (prevention of collision). In advisory airspace, flightcrews are provided information concerning the location of other aircraft. Prevention of collision is the responsibility of the PIC. Terrain clearance is also the responsibility of the PIC. The ATSs available also include those alerting services related to SAR. In certain areas, special reporting procedures called “broadcasts in the blind” have been established to assist pilots in avoiding other aircraft. At designated intervals, each pilot broadcasts the aircraft’s position, route, and FL over a specified very high frequency (VHF). Awareness of the proximity of other aircraft is obtained by maintaining a continuous listening watch on the specified frequency. This procedure is an expected practice in large portions of Northwestern Africa (including the Dakar FIR) and South America (including most Brazilian airspace). In many of these areas, the broadcast-in-the-blind procedure is used to augment the separation of IFR aircraft.

3) FIRs have not been established for a few areas in the world. These are commonly called uncontrolled information regions, or “no man’s land.” The largest of these areas is in the South Atlantic Ocean, annotated as “No FIR.” Flight Information Services (FIS) also do not exist in the high-altitude structure in other large areas (above the top of controlled airspace). Within no man’s land, aircraft separation (prevention of collision) is entirely the responsibility of the PIC. Advice and information for the safe and efficient conduct of flights is not provided by an ATS unit. An ATS unit does not provide alerting services related to SAR.

D. Metric FLs. The NAS in the Commonwealth of Independent States (CIS), many Eastern European countries (former Eastern Bloc countries), and some mainland Asian countries are based on the use of metric flight altitudes/FLs. Operations within these areas require special procedures for conversion charts between metric FLs and FLs based on feet. For example, an FL of 10,000 meters represents FL 328, or a flight altitude of 1,000 meters represents an altitude of 3,280 feet.

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4-106 EVALUATION CRITERIA FOR AREAS WITH COMMUNICATIONS AND ATC DIFFICULTIES. POIs must evaluate, on a case-by-case basis, all proposals to conduct operations in the sovereign airspace of countries that are not equivalent or similar to the U.S. NAS.

A. General Criteria. The operator must show (considering factors unique to the proposed area of operation) that safe operations can be conducted within the area of operation, and that the facilities and services necessary to conduct the operation are available and serviceable during the period when their use is required. The operator must also show that the proposed operation is in full compliance with the requirements in Part B OpSpecs that are applicable to that operation.

B. Operations in Advisory Airspace. The operator must show that its training programs and operating procedures permit safe operations in advisory airspace and ensure compliance with the expected operating practices. The operator must also show that the operation is in compliance with OpSpec A014.

C. Operations in Uncontrolled Information Regions (No Man's Land). Since ATC, air traffic advisory, flight information, and alerting services are not available from ATS units when operating within these areas, the operator must show that acceptable, alternative means are available to ensure the following:

1) The appropriate organization can be notified in a timely manner when SAR aid is needed.

2) Changes in significant weather information can be provided to the flightcrew in a timely manner.

3) Changes in the serviceability of the required NAVAIDs are available to the flightcrew and the operator's operational control system.

4) Reliable information concerning other IFR aircraft operating within this area is available in flight (e.g., Traffic Alert and Collision Avoidance System (TCAS), Automatic Dependent Surveillance-Broadcast (ADS-B)). This includes broadcast-in-the-blind procedures and other expected practices.

5) The required navigation facilities necessary to safely conduct the operation are available and serviceable.

D. Role of NextGen Oceanic Specialists. The uniqueness of operations in advisory airspace and in no man's land usually requires assistance from persons with special navigational knowledge, skills, and expertise. Inspectors are expected to request the assistance of these specialists when evaluating proposals to conduct operations outside controlled airspace.

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4-107 OPERATIONS IN RESTRICTED INTERNATIONAL AREAS. Operations by U.S. operators within the sovereign airspace of certain countries have restrictions levied by various agencies of the U.S. Government. The following are examples:

- Commercial trade restrictions,
- No-fly zones,
- Special Federal Aviation Regulation (SFAR) flight prohibitions,
- Restriction of certain transactions related to aircraft services,
- Suspension of cargo air operations, and
- Suspension of passenger-carrying operations to the United States because the airport authorities do not maintain and carry out effective security measures.

NOTE: These restrictions frequently specify certain airports, selected routes, and special procedures that must be used.

A. Information on Restricted Areas. The current list of restrictions and information about the processes and agencies to contact with regard to those restrictions, is located on the FAA's Prohibitions, Restrictions and Notices (PRN) website at https://www.faa.gov/air_traffic/publications/us_restrictions/.

B. FAA Review of Restrictions. The operator should review the current list of restrictions with the POI to confirm which restrictions apply in order for the operator to obtain the applicable license and/or exemption for flight operations in that restricted area.

C. Operator Actions Required. It is important that the operator is advised to take simultaneous actions with all the agencies necessary for the licenses and/or exemptions for the restricted country or countries in which, or over which, they are requesting to operate. The POI should inform the operator that the FAA does not have control over the process by which other agencies grant licenses. Further, the POI should recommend that operators make the requests as far in advance as possible of the intended date of flight. It is critical that overflight permits be coordinated in a timely manner, and under no circumstances should the operator conduct an overflight of a restricted airspace unless the issuing authority has given approval.

1) The operator is responsible for obtaining the appropriate licenses and/or exemptions from the U.S. Government agency or agencies (e.g., Department of State or Department of Commerce) that impose the restrictions for that country or area.

2) Except for cases where an SFAR or a NOTAM prohibits flight operations, the POI may issue an amendment to OpSpec B050 authorizing operations to or over countries or areas on the PRN list. The operator must apply for amendment of OpSpecs, and show that it meets the "safety in air commerce" and the "public interest" requirements of 14 CFR part 119, § 119.51(a)(2). As appropriate, the POI would then issue OpSpec B450, Sensitive International Areas, to authorize operations in countries on the PRN list.

3) If there is an SFAR or NOTAM that imposes a flight prohibition, and/or other Federal agencies have imposed restrictions for flights into or over a restricted country or area, before flight operations can be authorized, the operator must provide its POI with all applicable

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written Federal agency authorizations and an FAA grant of exemption or a letter of approval to operate in or over the restricted international area.

a) Grant of exemption: The Executive Director, Flight Standards Service (AFX-1) has the authority to grant exemptions to allow an operator to operate within an area otherwise prohibited by SFAR or NOTAM. If such an exemption to an SFAR is granted, the exemption number must be listed in OpSpec A005 and both the effective and expiration dates must be noted in the exemption remarks. The method for an operator to petition for such an exemption is described in 14 CFR part 11.

b) Letter of approval: If another U.S. Federal Government entity seeks to contract for an operator's flight services within an area that is restricted by SFAR or NOTAM, the Associate Administrator for Aviation Safety (AVS-1) must first issue a letter of approval to that government entity to do so. The process for requesting a letter of approval is described in each SFAR's preamble.

D. Approval of Operations in Restricted Areas. If an operator requests authorization to conduct operations into or over restricted international areas for which an FAA flight prohibition is not in effect and shows that it meets the requirements of § 119.51(a), the POI should authorize the operation by adding the area of en route operation to OpSpec B050, and, as applicable, amending OpSpec B450 as well. Even though the information is not required by 14 CFR to be recorded, but an authorization to operate into or over a restricted international area is required, the POI may request the date of issuance and its expiration date for insertion in the numbered notes section of OpSpec B050.

4-108 RNP IN CLASS II AIRSPACE. The implementation of RNP is integral to the achievement of NextGen Integration and Implementation, and part of a worldwide ICAO effort for the implementation of performance-based communication, navigation, surveillance, and air traffic management (CNS/ATM) concepts.

A. General. Aircraft/operators that operate on routes where RNP navigation specifications (NavSpecs) are applied must be approved by the State of the Operator or State of Registry, as appropriate, as capable of navigating to prescribed RNP standards (e.g., RNP 10 for the entire route on which RNP 10 is required). Different airplane separation standards require different RNP NavSpecs (e.g., 50-NM lateral separation requires RNP 10, while 30-NM lateral separation requires Required Navigation Performance 4 (RNP 4), as well as enhanced communication and surveillance capabilities). The implementation of more stringent RNP and other communication, navigation, and surveillance (CNS) capabilities is part of an ICAO-coordinated effort to introduce separation standards that will enable more efficient ATM while maintaining Acceptable Levels of Safety (ALoS). Benefits to users are increased availability of fuel- and time-efficient altitudes, routes and enhanced airspace capacity, and controller flexibility.

B. Applicability of Guidance to Multiple LRNSs and Single Long-Range Navigation System (S-LRNS) Equipage. The guidance provided below applies both to airplanes equipped with two or more LRNSs and to S-LRNS-equipped aircraft. Operators and airplanes must be evaluated in accordance with AC 90-105.

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C. S-LRNS Eligibility for RNP 10 in a Limited Number of Designated Areas. OpSpec/management specification (MSpec)/LOA B054/MB054 may be issued to authorize an operator to conduct Class II navigation using S-LRNS with an RNP 10 authorization in a limited number of designated areas of operation. The Gulf of Mexico will be the first of a limited number of areas where this authority will be permitted. A 50-NM lateral separation between airplanes authorized RNP 10 or RNP 4 is planned to be implemented in the Gulf of Mexico oceanic control areas (OCA) in October 2011.

D. Operational Approval in Oceanic Airspace Where RNP 10 is Required.

1) Background. RNP 10 and RNP 4 are the only RNP NavSpecs currently applicable to oceanic and remote area operations. Other Area Navigation (RNAV) and RNP NavSpecs are applicable to continental en route, terminal area, and approach operations. In accordance with ICAO Doc 7030, aircraft/operators that operate on routes where these separation standards are applied must be approved by the State of the Operator or State of Registry, as appropriate, as capable of navigating to RNP 10 or RNP 4 for the entire route on which the NavSpec is required.

2) Policy.

a) AC 90-105 is a guide to RNP 10 aircraft and operator approval in any airspace where an RNP 10 NavSpec is applied. The FAA has determined that AC 90-105 provides acceptable criteria and processes for an operator to obtain authority to operate specific aircraft/navigation systems in areas or on routes where RNP 10 is required.

b) CNS requirements, job aids, and policy and guidance for operation in oceanic airspace can be found on the Flight Operations Group (AFS-410) Oceanic and Remote Airspace web page (https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs400/afs410/oceanic_remote/). This website contains links to websites for individual areas of operation, such as the West Atlantic Route System (WATRS), the Pacific, and the Gulf of Mexico. AFS-400 is coordinating with their Air Traffic counterparts to expand this website as new CNS requirements are introduced in oceanic areas.

c) Operator applications for RNP 10 approval must be evaluated in accordance with AC 90-105 and any additional criteria specified in this paragraph. If an operator requests to deviate from the practices and procedures provided in AC 90-105, the inspector should forward a request for assistance through the regional Flight Standards division (RFSD) to AFS-400.

d) Parts 121, 121/135, 125, and 135 certificate holders and part 91K program managers are approved for RNP 10 by the issuance of standard OpSpec/MSpec paragraphs:

- OpSpec/MSpec A002.
- OpSpec/MSpec B036, if applicable.
- OpSpec/MSpec B037, if applicable.
- OpSpec/MSpec B038, if applicable.
- OpSpec/MSpec B054/MB054, if applicable.

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e) Part 91 operators and part 125M LODA holders will be approved through the issuance of automated operator LOA B036 or, if applicable, LOA B054. For operators requiring short-term operations, LOA D098 will be used.

3) RNP 10 Authorization Approval Process. Inspectors should inform their operators for whom they are responsible that this subparagraph contains the approval process for RNP 10 authorization. The steps in this process should be followed when an operator seeks authority to operate an airplane type/LRNS combination in Class II navigation areas where RNP 10 is applied, and the operator has not previously received RNP 10 approval for that specific airplane type/LRNS combination. Normally, if an operator has received initial Class II navigation/RNP 10 approval for a specific airplane type/LRNS combination, that operator should not be required to reapply for approval to conduct Class II navigation/RNP 10 operations on additional routes or areas of operation. Operators should be made aware that references to the appropriate subparagraphs of AC 90-105 are indicated below:

a) AC 90-105 provides guidance on the content of an operator's RNP 10 application. The application will contain the items listed below:

1. Airworthiness documents that establish the proposed aircraft/navigation system group, its RNP 10 approval status, and a list of airframes in that group.

2. Approved or requested RNP 10 time limit for aircraft for which INS or IRU is the only source of long-range navigation (LRN).

3. Documentation establishing the RNP 10 area of operations or routes for which the specific aircraft/navigation system is eligible.

4. Documentation that the operator has adopted operating practices and procedures related to RNP 10 operations.

5. Documentation showing that the pilot's and, if applicable, dispatcher's knowledge of RNP 10 operating practices and procedures will be adequate.

6. Documentation that appropriate maintenance practices and procedures have been adopted.

7. MEL updates, if applicable.

8. Operating history that identifies past problems and incidents, if any, and actions taken to correct the situation.

9. Awareness of the necessity for followup action after navigation error reports, and the potential for removal of RNP 10 operating authority.

b) In accordance with AC 90-105, the operator must show the aircraft/navigation system groups that will be presented for approval of RNP 10 operations and provide a list of airframes that are determined to be in the specific aircraft/navigation system groups to be evaluated.

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c) AC 90-105 requires that, for aircraft navigation systems that have been approved by an Aircraft Certification Authority (ACA) to RNP 10 or better, the operator must provide appropriate sections of the Aircraft Flight Manual (AFM) that address RNP, including any associated time limits for INS and IRU navigation systems.

d) AC 90-105, appendix G, paragraph G.7, requires that, for aircraft equipped with GPS where such GPS units are the only systems for LRN, the operator must show that it is approved in accordance with paragraph G.7. An RNP 10 time limit is not applicable.

e) AC 90-105, appendix G, paragraph G.8, requires that, for multisensor systems incorporating GPS, the operator must show that systems are approved and operated in accordance with paragraph G.8. An RNP 10 time limit is not applicable.

f) The operator must show that the LRNS is approved in accordance with AC 90-105, appendix G, paragraph G.9. An RNP 10 time limit is not applicable.

g) AC 90-105, appendix G, paragraph G.7, specifies that aircraft equipped with a single INS/IRU, or a single GPS approved for primary means of navigation in oceanic and remote areas, are eligible for RNP 10 authorization in a limited number of designated areas of operation. (The first area is the Gulf of Mexico OCAs.) With the exception of the requirement for two INSs or IRUs, the guidance in paragraph G.5 applies. INS and IRU systems must be approved in accordance with part 121 appendix G. With the exception of the requirement for two primary means GPSs, the guidance in paragraph G.7 applies. GPS units must be approved in accordance with the current edition of AC 20-138, Airworthiness Approval of Positioning and Navigation Systems.

h) AC 90-105, appendix G, paragraph G.5, requires the operator to show that INS or IRU installation is approved in accordance with paragraph G.5. Unless the operator takes action to extend the approved navigation system time limit and/or plans to update the system en route, a baseline RNP 10 time limit of 6.2 hours, starting at the time the system was placed in navigation mode, is applicable. Refer to AC 90-105, appendix G, paragraph G.5.2 on extending navigation system time limit, and paragraph G.5.1 on en route updating.

i) AC 90-105, appendix G, paragraph G.4, specifies that, for navigation systems not approved under existing criteria, the operator may demonstrate RNP 10 eligibility through data collection in accordance with paragraph G.4 using the processes detailed in AC 90-105.

j) AC 90-105, appendix G, paragraph G.6, requires the operator to show the routes or areas where it is eligible to operate if restrictions (e.g., INS RNP 10 time limit) apply to navigation systems. In accordance with paragraph G.6, the operator can conduct a one-time evaluation of eligibility to fly in an RNP 10 area of operation or on specific RNP 10 routes, or may elect to evaluate on a per-flight basis.

1. For a one-time evaluation of a specific RNP 10 area or track system, aviation safety inspectors (ASI) should expect the operator to accomplish the following:

a. Calculate the longest distance from either departure airports or en route update points (if applicable) to the point at which the aircraft will begin to navigate by

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reference to VHF omni-directional range station (VOR), distance measuring equipment (DME), NDB, or comes under ATC radar surveillance.

b. As detailed in AC 90-105, appendix G, paragraph G.6, using 75 percent probability wind component, convert this distance to en route time.

c. As detailed in AC 90-105, if navigation systems are to be updated en route, adjust the baseline RNP 10 time limit approved for the specific operator navigation system to account for update accuracy.

- Subtract 0.3 hours from the baseline for DME/DME.
- Subtract 0.5 hours from the baseline for VOR/DME.
- Subtract 1 hour from the baseline for manual update.

d. Compare calculated en route time to the navigation system RNP 10 time limit (adjusted for en route update, if applicable) to determine if the airplane is eligible for the operation.

e. If the aircraft navigation system is found eligible for operation on the specific routes evaluated, then the RNP 10 area of operations or routes on which RNP 10 operations can be conducted are established. If the aircraft navigation system is not found eligible for operation on all routes evaluated, then the operator will need to designate routes for which it is eligible or take action to gain approval for an extended RNP 10 time limit. Refer to AC 90-105, appendix G, paragraph G.5.2.

2. For a per-flight evaluation of eligibility to fly a specific RNP 10 route, follow the steps shown in AC 90-105, using flight plan winds to determine en route time. If the RNP 10 time limit is exceeded, the flight must be rerouted or delayed.

k) AC 90-105, appendix G, paragraph G.5.2, specifies how the operator can show eligibility for an extended time limit by:

1. Obtaining approval from an appropriate Aircraft Certification Office (ACO), or

2. Conducting operational data collection using the processes established in AC 90-105.

l) AC 90-105 specifies that the certificate holder must provide documentation that appropriate maintenance practices and procedures have been adopted.

m) AC 90-105 requires the operator to revise the MEL to address any new operating requirements.

n) Operations programs.

1. AC 90-105, chapter 8, paragraph 8.1, and appendix G.

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a. Parts 91K, 121, 121/135, 125, and 135 operators must provide revisions to manuals and checklists to show the adoption of the RNP 10 operating practices and procedures contained in the reference paragraphs and sections listed in AC 90-105, chapter 8.

b. If applicable, parts 91, 91K, and 125 LODA operators should show appropriate sections of the AFM relating to RNP 10 aircraft/navigation system eligibility.

2. AC 90-105, chapter 8, paragraph 8.2, and appendix G.

a. Parts 91K, 121, 121/135, and 135 operators should show that training programs have been updated to include the practices in AC 90-105. Part 125 certificate holders' initial and recurrent pilot testing programs should be updated with applicable information from these paragraphs.

b. In accordance with AC 90-105, chapter 8, part 91K program managers and part 125M LODA holders must ensure that flightcrew members are qualified in accordance with the program manager's approved training program.

c. In accordance with AC 90-105, chapter 8, part 91 operators must show during the application process that pilot knowledge of AC 90-105 will be adequate. AC 90-105, chapter 8, contains options for part 91 operators to fulfill this requirement.

o) The administrator may authorize an operator to deviate from the RNP 10 requirements of OpSpec/MSpec/LOA B036 for a specific flight in designated RNP 10 airspace if the ATSP determines that the airplane may be provided appropriate separation and the flight will not interfere with, or impose a burden on, other operators. For operations under such authority, the certificate holder will not take off for flight in designated RNP 10 airspace, unless the following requirements of B036 or B054 are met:

1. If fuel planning is predicated on en route climb to FLs where RNP 10 is normally required, an appropriate request must be coordinated with the ATSP in advance of the flight.

2. The appropriate information blocks on the ICAO flight plan filed with the ATSP show that the airplane and/or certificate holder is not approved for RNP 10.

3. For these flights at least one of the navigation system configurations listed below must be installed and operational:

a. At least two independent INSs.

b. At least two flight management system (FMS)/navigation sensor combinations (or equivalent).

c. At least two approved, independent GPS navigation systems acceptable for primary means of Class II navigation in oceanic and remote areas.

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d. At least two approved, independent LRNSs from the list below:

- INS.
- FMS/navigation sensor combination (or equivalent).
- GPS navigation system approved for Class II navigation in oceanic and remote areas.

p) The administrator may authorize an operator to deviate from the RNP 10 requirements of OpSpec/MSpec/LOA B054 for a specific individual flight in designated RNP 10 airspace if the ATSP determines that the airplane may be provided appropriate separation and the flight will not interfere with, or impose a burden on, other operators. For operations under such authority, the certificate holder will not take off for flight in the designated RNP 10 airspace, unless the following requirements of OpSpec/MSpec/LOA B054/MB054 are met:

1. If fuel planning is predicated on en route climb to FLs where RNP 10 is normally required, an appropriate request must be coordinated with the ATSP in advance of the flight.

2. The appropriate information blocks on the ICAO flight plan filed with the ATSP show that the airplane and/or certificate holder is not approved for RNP 10, as specified in the certificate holder's OpSpec/MSpec/LOA B054/MB054.

3. For these flights, at least one of the navigation system configurations must be installed and operational, such as an approved, independent LRNS from the list below:

- At least one independent INS. The INS or IRU systems must be approved in accordance with AC 90-105 or part 121 appendix G.
- At least one FMS/navigation sensor combination (or equivalent) where the navigation system must be suitable for the route to be flown. Multisensor systems must be approved in accordance with the guidance contained in AC 20-138.
- At least one independent IFR GPS navigation system.

q) AC 90-105, chapter 4. The operator should indicate awareness of the provisions of AC 90-105, chapter 4, for operator followup action on reported navigation errors and of the potential to remove RNP 10 operating authority.

r) Validation tests and validation flights (see Volume 3, Chapter 29).

1. The following is intended to provide broad guidance for establishing requirements for validation tests and/or validation flights. The inspector should consider each application on its own merit and, in accordance with Volume 3, Chapter 29, must consult with a NextGen oceanic specialist. The oceanic specialists can be contacted through the regional NextGen branches (AXX-220).

2. Validation testing requires that ASIs evaluate operator programs and documents in accordance with the guidance in this paragraph.

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3. The following is provided as guidance for ASIs to consider in determining whether or not validation flights are required.

a. For operators with previous Class II navigation experience with the same navigation equipment as that being proposed for RNP 10 approval, evaluation of the applicant's programs and documents is required. Tabletop exercises and demonstrations on a static airplane may also be required for evaluation purposes. A validation flight should not normally be required.

b. For operators with previous Class II navigation experience navigating with an LRNS other than that being proposed for RNP 10 approval, evaluation of the applicant's programs and documents is required. A validation flight may not be required if the inspector determines that operator policies, procedures, and programs concerning the LRNS being proposed for RNP 10 can be adequately evaluated through one or a combination of the following:

- Document review,
- Tabletop exercise,
- Demonstration on a static aircraft, and
- Any other means found acceptable.

c. For operators with no previous Class II navigation experience proposing to operate where RNP 10 is required, evaluation of the operator's programs and documents is required. A validation flight is required and must be conducted in Class II airspace. It should be a nonrevenue flight with the exception that cargo may be carried.

4. Conditions for validation flights.

a. At least one flight should be observed by an FAA ASI.

b. A demonstration of any required dispatch procedures, if applicable, must be conducted for routes or areas where RNP 10 is required.

c. The flight(s) should be of adequate duration for the pilots to demonstrate knowledge of dispatch requirements (if applicable), capability to navigate with the system, and to perform the normal and non-normal procedures.

4) Program Tracking and Reporting Subsystem (PTRS) Codes. PTRS entries will be made. The operations activity code number will be 1442, the avionics activity code will be 5434, and the "National Use" field entry will be "RNP 10" followed by three spaces. (To facilitate the PTRS search function, please ensure that you insert a space between "RNP" and "10.")

4-109 RVSM AIRSPACE. RVSM airspace is any airspace or route where aircraft are separated by 1,000 feet vertically between FL 290 and FL 410, inclusive. Generally, aircraft and operators that have not been authorized to conduct RVSM operations cannot operate at FLs where RVSM is applied. Exceptions to this rule are published by individual ATSPs. ATSPs have

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elected to implement RVSM as a means to provide more fuel-and time-efficient altitudes and routes to operators, and to enhance en route airspace capacity.

A. FAA RVSM Website. For the latest information, see the RVSM website, http://www.faa.gov/air_traffic/separation_standards/rvsm.

B. Inspector Action. See Volume 4, Chapter 10, Section 1, Evaluate an Operator's Application to Conduct Flight in Reduced Vertical Separation Minimum Airspace.

C. Sources of Information on RVSM Programs (current editions).

1) Volume 3, Chapter 18, Section 4, Part B Operations Specifications—En Route Authorizations and Limitations, OpSpec/MSpec/LOA B046, Operations in Reduced Vertical Separation Minimum (RVSM) Airspace.

2) Volume 3, Chapter 18, Section 6, Parts D and E Maintenance OpSpecs/MSpecs/LOAs, OpSpec/MSpec D092, Airplanes Authorized for Operations in Designated Reduced Vertical Separation Minimum Airspace.

3) Volume 4, Chapter 1, Section 5, Safety Assurance System: Special Navigation Areas of Operation.

4) Volume 4, Chapter 10, Section 1, Safety Assurance System: Authorization to Conduct Flight in Reduced Vertical Separation Minimum Airspace.

5) AC 91-85, Authorization of Aircraft and Operators for Flight in Reduced Vertical Separation Minimum (RVSM) Airspace

6) WebOPSS, OpSpec/MSpec/LOA B046 and OpSpec/MSpec D092.

7) FAA RVSM website at http://www.faa.gov/air_traffic/separation_standards/rvsm/documentation.

D. Regulations. Section 91.706 applies to RVSM operations outside the United States. Section 91.180 applies to RVSM operations within the United States. Both sections require that the operator and the operator's aircraft comply with the standards of part 91 appendix G, and that the operator obtain FAA authorization to conduct RVSM operations. Part 91 appendix G provides basic RVSM standards for aircraft and operator programs. The RVSM Documentation website provides a link to §§ 91.180 and 91.706, and part 91 appendix G.

E. Guidance. AC 91-85 provides detailed guidance for aircraft manufacturers, other engineering organizations, and operators to follow when developing programs intended to meet the standards of part 91 appendix G.

1) If an operator requests to deviate from the practices and procedures provided in AC 91-85, the inspector should forward a request for assistance through the RFSD to AFS-400. AFS-400 will respond after coordination with the AFS-200, the Aircraft Maintenance Division (AFS-300), or the General Aviation and Commercial Division (AFS-800), as appropriate.

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2) The precursor to AC 91-85 (Air Traffic Organization (ATO) Guidance 91-RVSM, Approval of Aircraft and Operators for Flights in Airspace Above Flight Level (FL) 290 Where a 1,000 Foot Vertical Separation Minimum is Applied) was developed in national and international forums and was used by Civil Aviation Authorities (CAA) throughout the world. ICAO Document 9574, Edition 2, cites ATO Guidance 91-RVSM as an acceptable means for RVSM approval.

F. Overview of the Authorization Process. The POI, principal avionics inspector (PAI), and principal maintenance inspector (PMI) should coordinate the issuance of OpSpecs B046 and D092 to grant the operator authority to conduct RVSM operations for a specific aircraft type or group. The FAA will issue the OpSpecs if the following conditions exist:

1) The FAA determines that operator aircraft comply with RVSM standards. For in-service aircraft, the FAA determines that inspections and/or aircraft system modifications are completed, as required by the applicable Service Bulletin (SB), Service Letter (SL), Supplemental Type Certificate (STC), or other ACO-approved document.

2) For aircraft manufactured RVSM-compliant, the FAA determines that the AFM or Type Certificate Data Sheet (TCDS) contains a statement of RVSM eligibility. The following are involved with RVSM authorization:

- The FAA accepts the operator's RVSM operations program.
- The FAA accepts the operator's plan to participate in monitoring programs.
- If required by the POI in coordination with the PAI and PMI, the operator successfully completes a validation flight.

G. RVSM Authorization Process and Policy.

1) Before issuing OpSpecs, inspectors must coordinate with the responsible Operations, Maintenance, and Avionics inspectors.

2) AC 91-85 provides the following policy for parts 91, 91K, 121, 125, 125M, and 135 operators: the FAA will authorize initial operational approval for RVSM operations by issuing OpSpec/MSpec/LOA B046. Additionally, parts 91K, 121, 125, 125M, and 135 will be issued OpSpec D092. (Specific make, model, and series (M/M/S) and individual registration numbers are listed in OpSpec D092.) For parts 91K, 121, 125, 125M, and 135, areas of RVSM operation that are new to the operator will be authorized by adding OpSpec B046 to OpSpec B050. For questions regarding these OpSpec/MSpec/LOA paragraphs, contact AFS-400.

3) Information on TCAS as it relates to RVSM operations can be found on the RVSM Documentation website. Part 91 appendix G does not require that aircraft be equipped with TCAS for RVSM operations. Part 91 appendix G, Section 2 does require, however, that if an aircraft is equipped with TCAS II, and is used in RVSM operations, then it must be a TCAS II that meets Technical Standard Order (TSO) C-119b or newer, Traffic Alert and Collision Avoidance System (TCAS) Airborne Equipment, TCAS II with Optional Hybrid Surveillance,

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Version 7.0 or subsequent versions. TCAS equipage requirements can be found in parts 121, 125, 129, and 135.

4) The phrases "determining aircraft RVSM compliance" and "initial RVSM airworthiness approval" both appear in RVSM documents to indicate that the FAA has determined that the operator's aircraft comply with the RVSM standards of part 91 appendix G. The following is provided as guidance for inspectors:

a) AC 91-85 provides guidance on the inspector's determination that aircraft are RVSM-compliant. AC 91-85 discusses the documents that the operator must submit to the FAA to show that in-service aircraft or aircraft manufactured RVSM-compliant are in compliance with the RVSM requirements of part 91 appendix G.

b) For most in-service aircraft, the RVSM airworthiness documents take the form of SBs, SLs, or STCs. These documents contain requirements that are specific to individual aircraft types or groups, and generally require inspections and/or hardware or software modifications. The operator must submit documents to the FAA to show that the required actions have been completed for each airframe that will operate in RVSM airspace.

c) For aircraft manufactured RVSM-compliant, the AFM or TCDS must contain statements that show the aircraft to be eligible for RVSM operations.

5) When the inspector determines that individual operator airframes are RVSM-compliant, the PTRS must be updated, and the airframes must be listed in OpSpec D092 or an LOA, as appropriate.

6) Evaluate operations programs based upon the references below:

a) AC 91-85 provides operating practices and procedures applicable to all RVSM operations. It also lists special emphasis items for pilot training.

b) AC 91-85, appendix C provides specific practices and procedures for RVSM operations in oceanic airspace.

c) Operators can use AC 91-85 as the basis for their RVSM operations training and operating practices/procedures. Operational procedures such as those for en route failure of RVSM systems in the U.S. NAS have been published. Guidance has also been published in the Aeronautical Information Manual (AIM). Operators will be responsible for incorporating this material into their programs prior to conducting RVSM operations in the United States. The operational procedures unique to domestic U.S. airspace are not extensive.

H. Monitoring Programs.

1) Background. The primary goal of monitoring is to provide a quality control (QC) check on the altitude-keeping performance of the wide variety of operators and aircraft. The height-keeping performance of aircraft is a key element in ensuring the safe operations of RVSM airspace. It has been determined that this may be accomplished by sampling a number of airframes of each aircraft type that an operator will operate in RVSM airspace. Altitude-keeping

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performance data is analyzed to determine that the aircraft fleet, as well as individual operators, exhibit performance that is consistent with RVSM standards.

2) Who Must Participate. All operators that conduct operations in RVSM airspace are required to participate in the RVSM Monitoring program. Refer to part 91 appendix G:

- Section 2(d), (e), and (f);
- Section 3(c)(1) and (2);
- Section 4(b)(2);
- Section 6(b); and
- Section 7.

3) Authorization Element—Monitoring Plan. In order to demonstrate that the operators can maintain the altimetry system error (ASE) requirements of part 91 appendix G, the operator should submit an RVSM height-monitoring plan upon request for authorization. The elements of a monitoring plan include:

- Number and Identification of aircraft to be monitored in each monitoring group;
- Expected timeframe for completion of monitoring requirements; and
- Expected method for monitoring.

4) Minimum Requirements. Operators that have been issued a U.S. RVSM authorization are required to conduct initial monitoring within 6 months of date of issue and must conduct monitoring every 2 years or within intervals of 1,000 flight hours per aircraft, whichever period is longer.

a) Operators are not required to complete monitoring prior to being granted operational approval.

b) Evidence of previous successful monitoring of an aircraft transfers to a new owner and may be used to meet the monitoring requirements.

c) When calculating the 1,000-hour provision of the minimum monitoring requirement, the calculation of the flight time should be from the last valid monitoring date on record. Flight logbook data should be sufficient to meet this element.

5) RVSM Minimum Monitoring Chart. Since only a sampling of airframes of each aircraft type need to be monitored, operators with more than one aircraft may not need to have every airframe monitored. Determine the number of airframes each operator is required to have monitored using the RVSM Minimum Monitoring Chart. The current version of this chart can be found on the FAA RVSM Documentation website in the “Monitoring” section.

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6) Completion of Monitoring Requirement. The following methods satisfy monitoring requirements:

a) Entry of successful Aircraft Geometric Height Measurement Element (AGHME) or other approved ground-based monitoring system in the U.S. RVSM Approvals Database.

b) A report of a successful monitoring supplied by an FAA approved GPS-based provider.

c) Evidence provided through another ICAO-sponsored Regional Monitoring Agency, such as EUROCONTROL.

NOTE: Requests for monitoring results by monitoring agencies outside the United States should be coordinated through the FAA Technical Center Separation Standards Analysis Branch (ANG-E61).

7) Situations Where Monitoring is Not Completed On Time. The FAA Technical Center Separation Standards Analysis Branch (ANG-E61) monitors RVSM airspace in North America and updates the U.S. RVSM Approvals Database to show the last date registered for a valid aircraft height monitoring.

a) In a situation where an operator fails to meet the minimum operator requirements for monitoring within the prescribed time limits in subparagraph 4-109H4) above, it is the operator's responsibility to contact the Flight Standards District Office (FSDO), certificate management office (CMO), certificate-holding district office (CHDO), or International Field Office (IFO) to discuss the situation and provide an updated plan for completing the monitoring requirements.

b) If warranted, the FSDO may provide a letter to the operator extending the period for monitoring (not to exceed 3 months) to allow the operator sufficient time to complete height monitoring. During this extension, the operator may continue to operate in RVSM airspace. If an operator is unable to complete monitoring requirements within the extended time period, the inspector should coordinate action with AFS-400.

NOTE: PTRS data entry for extensions should be made utilizing Activity Code "nn13."

c) For the appropriate FSDO designation under "Other Actions" with the text, "On this date operator granted an "n" month extension until "mm/dd/yyyy" to meet the RVSM minimum monitoring requirements."

1. 1413 – Operations Activity Code,

2. 3413 – Airworthiness Activity Code, and

3. 5413 – Avionics Activity Code.

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NOTE: PTRS data entry will provide an update to the RVSM Approvals Database. Page 3 of the PTRS Data Entry Job Aid provides codes for LOA withdrawal. The Job Aid is included in Volume 4, Chapter 10.

8) Altimetry System Error Reports (ASE-R). Aircraft monitored by the AGHME systems and those found to exhibit large ASE (values greater in magnitude than 200 feet) are investigated by the William J. Hughes FAA Technical Center Quality Control Team in conjunction with the North American Approvals Registry and Monitoring Organization (NAARMO). This group determines if an ASE-R should be generated to notify the operator and AFS HQ that an aircraft is exhibiting unsatisfactory height-keeping performance. The FAA Technical Center will utilize the ASE-R Job Aid when warranted. This job aid can be found at http://www.faa.gov/air_traffic/separation_standards/rvsm/documentation/.

9) Additional Information. Additional information relating to RVSM Monitoring can be found on the FAA RVSM Documentation website in the "Monitoring" section.

10) Contacts for Questions. Direct your questions or comments concerning this guidance to AFS-400.

4-110 SPECIAL AREAS WHERE REDUNDANT LRNSs ARE USUALLY NOT REQUIRED. Certain special areas have been identified where LRN can be conducted with an S-LRNS.

A. Concept. The provisions of §§ 91.511 and 121.351; part 125, § 125.203; and part 135, § 135.165 related to Class II navigation do not specifically require a redundant or dual LRNS. The primary Class II navigation requirements are related to the level of navigational performance necessary for the control of air traffic. The objective of requirements for redundant navigational systems is to permit the flight to continue to navigate to the degree of accuracy necessary for the control of air traffic in the event a failure occurs in the navigational system being used.

B. Combination of Standard ICAO Ground-Based NAVAIDs and an S-LRNS.

1) Operations can also be safely conducted in much larger areas using a combination of redundant ICAO standard NAVAIDs and an S-LRNS. These operations consider:

- The availability of ICAO standard NAVAIDs,
- The lateral separation minimums applied by ATC (the navigational performance required),
- The length of the route or route segment,
- The complexity of the route structure, and
- The density of the air traffic.

2) Approval of the use of an S-LRNS may be granted by the issuance of OpSpec B054. It should be noted in OpSpec B050 in association with the applicable areas of operation.

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C. WATRS. The WATRS, Caribbean Sea, and Gulf of Mexico routes are special case routes in which the use of an S-LRNS may be authorized for Class II navigation. These routes are located offshore in the WATRS control area (CTA), the Caribbean, and Gulf of Mexico CTAs, as shown on en route charts and described in § 91.511.

NOTE: The WATRS is defined as North Atlantic Ocean west of a line that extends from 44°47’00” N/67°00’00” W to 39°00’00” N/67°00’00” W to 38°30’00” N/60°00’00” W, south along the long. 60°00’00” W line to the point where the line intersects with the northern coast of South America.

1) On June 5, 2008, the FAA implemented a redesigned route structure with a reduced lateral separation on oceanic routes or areas in the WATRS Plus CTAs. The existing lateral route separation is 90 NM. The WATRS Plus initiative will reduce the separation to 50 NM between aircraft that are authorized with a NavSpec of RNP 10 or RNP 4.

2) The WATRS Plus initiative builds upon the experience gained from:

- The FAA’s introduction of the RNP 10 NavSpec for aircraft operating in the U.S.-controlled Pacific FIRs, and
- The ongoing operational trial with aircraft authorized for an RNP 4 NavSpec.

3) Reference material and compliance procedures for an RNP 10 NavSpec can be found in AC 90-105. For RNP 4, use the material and procedures in AC 90-105. Job aids and further information concerning the applicable ICAO oceanic operational procedures are on the AFS-410 Oceanic and Remote Airspace web page at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs400/afs410/oceanic_remote/.

D. WATRS Procedural Areas. The current edition of FAA Order JO 7400.2, Procedures for Handling Airspace Matters, establishes the areas in which these operations are conducted to serve aircraft operations between U.S. territorial limits and oceanic CTA/FIR boundaries and/or domestic flights that operate in part over the high seas.

E. Special Provisions for the WATRS, Caribbean Sea, and Gulf of Mexico. The unique nature of the WATRS, the Caribbean Sea, and the Gulf of Mexico permits operations with turbine-powered airplanes and certain offshore helicopter operations to be safely conducted with an approved S-LRNS, in accordance with § 91.511(f).

F. Special Provisions for Certain Routes in NAT HLA. Special contingency routes have been established in limited portions of NAT HLA where aircraft equipped to use standard ICAO NAVAIDs can operate with an S-LRNS. These routes are specified in the International Flight Information Manual (IFIM). Operations over these routes can be authorized, provided the operator shows that the LRNS/aircraft combination used and the operational procedures used meet the NAT HLA requirements. (For guidance, refer to North Atlantic (NAT) Operations and Airspace Manual, NAT Doc 007.) The approval is granted in accordance with OpSpec B054 and by adding that area of en route operation to the standard OpSpec B050.

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G. Operational Approval for S-LRNS.

1) All Class II navigation operations must be conducted so that the aircraft is continuously navigated to the degree of accuracy established by ATC for operations in that airspace where applicable requirements are in force. For areas where these accuracy and navigation performance standards have not been formally established, the LRNS must be used to continuously navigate the aircraft. This is required so that the cross-track and/or the along-track errors will not equal or exceed 25 NM at any point along the flight plan route specified in the ATC clearance.

2) The navigation system must be operational, as required by OpSpec B039.

3) Before conducting any operations authorized by OpSpec B054, the flightcrew must be qualified in accordance with the certificate holder's approved training program for the system and procedures being used.

4) Before entering any airspace requiring the use of an LRNS, the aircraft position will be accurately fixed and recorded using airways navigation facilities or ATC radar. After exiting this airspace, the aircraft position will be accurately fixed, and the LRNS error must be determined and logged in accordance with the operator's approved procedures.

5) An LRNS fix may be substituted for a required en route ground facility when that facility is temporarily out of service, provided the approved navigation system has sufficient accuracy to navigate the aircraft to the degree of accuracy required by ATC over that portion of the flight.

6) At dispatch, at least one of the navigation systems listed below must be installed and operational:

a) At least one independent INS. INS and IRS must be approved in accordance with part 121 appendix G.

b) At least one FMS/navigation sensor combination (or equivalent), where the navigation system must be suitable for the route to be flown. Multisensor systems must be approved in accordance with the guidance contained in AC 20-138 or equivalent guidance.

c) At least one independent IFR-approved GPS navigation system, approved in accordance with one of the following:

1. The guidelines for operational approval of GPS to provide the primary means of Class II navigation in oceanic and remote areas of operation apply (refer to AC 91-70). The guidelines must be followed with the exception that the operational control restrictions related to fault detection and exclusion (FDE) do not apply. This is because S-LRNS operations in oceanic/remote areas have only been approved on short-duration routes with options available to use other NAVAIDs in the event of an LRNS malfunction.

2. The guidelines for using GPS for IFR en route and terminal operations, and for nonprecision instrument approaches in the U.S. NAS, apply. These guidelines allow for

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single GPS units that have receiver autonomous integrity monitoring (RAIM) capability (or equivalent) and are approved for IFR operations to serve as the S-LRNS on oceanic routes where an S-LRNS is allowed.

3. Flightcrew procedures must be in place in the event of the loss of the S-LRNS after dispatch. The certificate holder must ensure that the pilots are trained on procedures to continue to navigate and to communicate with ATC in the event of an S-LRNS malfunction.

4. The first area in which S-LRNS-equipped airplanes will be eligible for RNP 10 authorization is the Gulf of Mexico.

H. Other Special Areas. Inspectors cannot authorize operations with an S-LRNS in any other areas of operation without the review and concurrence of the NextGen oceanic specialists and AFS-400.

1) When a request to operate with an S-LRNS in areas not described in this paragraph is received, inspectors must request assistance from one of the agency's NextGen oceanic specialists. If the responsible inspector and the NextGen oceanic specialist determine that the proposed operation can be safely conducted, a request for review and concurrence should be forwarded, through the RFSD, to AFS-400.

2) In general, the following are necessary for consideration of this request:

- The required justification for the request, and
- The ability to comply with the limitations and provisions set forth in the applicable guidance and OpSpec B054 for the authorization of the S-LRNS in another area.

4-111 PERFORMANCE-BASED EN ROUTE OPERATIONS.

A. Performance-Based En Route High Altitude RNAV Routes. The first performance-based en route high altitude RNAV routes were published in 2004 as Q Routes. The performance requirement for these operations is a 95 percent accuracy of 2 NM, and the route widths for this implementation are a conventional ± 4 NM. This performance level is specified as RNAV-2. RNAV systems for this type of operation will be updated with GPS or DME/DME/IRU to obtain the required accuracy. DMEs along Q Routes are also evaluated so that none are identified as critical in nature to support the route. Operators need to be aware that only DMEs that are part of the NAS can be used (normally no Tactical Air Navigational Aid (TACAN)). If DMEs are in test mode radiating a signal, they may not be used in navigation solution. Q Route operations must be approved in accordance with the current edition of AC 90-100, U.S. Terminal and En Route Area Navigation (RNAV) Operations.

B. Performance-Based Operations Aviation Rulemaking Committee (PARC). The PARC has recommended that the FAA establish en route operations throughout the performance-based NAS with a route-to-route separation of 8 NM and obstacle clearance standards of ± 4 NM. These operations will initially be based on a required performance level of RNAV-2 and will use radar as an operational mitigation. The PARC also recommended that

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RNP aircraft with an en route performance of Required Navigation Performance 2 (RNP 2) or better should also be authorized to conduct these operations. In 2005, the FAA began to implement those recommendations.

RESERVED. Paragraphs 4-112 through 4-125.

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VOLUME 4 AIRCRAFT EQUIPMENT AND OPERATIONAL AUTHORIZATIONS

CHAPTER 5 AIR AMBULANCE OPERATIONS

Section 1 Background and Definitions

4-916 INTRODUCTION. This chapter contains background information on air ambulance operations. It also contains information, direction, and guidance to be used by inspectors, including principal operations inspectors (POI), when determining if an operator is eligible to hold out, advertise for, and conduct air ambulance operations in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 119, § 119.5(k); as well as how to evaluate a helicopter air ambulance (HAA) operator's compliance with 14 CFR part 135 subpart L requirements. This chapter provides detailed guidance for the evaluation of an operator's air ambulance procedures, air-ambulance-specific sections of their General Operations Manual (GOM), and the unique requirements an operator must meet prior to being issued Operations Specification (OpSpec) A021, Helicopter Air Ambulance (HAA) Operations; or OpSpec A024, Air Ambulance Operations—Airplane. This chapter contains operational procedures for both airplane and HAA operations. Specific HAA training requirements are contained in several sections of Volume 3, Chapter 19. A sequential breakdown of this chapter follows:

A. Section 1. Contains general background information, such as air ambulance OpSpecs, definitions of terms, and references to source documents.

B. Section 2. Contains guidance for inspectors evaluating an operator's initial request to be certificated as a part 135 HAA operator or for existing operators to be issued OpSpec A021 or A024 for operations under part 135 air ambulance service.

C. Section 3. Contains guidance for the evaluation of subject-matter-specific operational procedures pertaining to part 135 airplane or HAA services.

D. Section 4. Reserved. (Previously this section contained training information, which is now contained in Volume 3, Chapter 19.)

E. Section 5. Contains guidance to be used by inspectors when evaluating a part 135 HAA operator's risk analysis program.

4-917 BACKGROUND.

A. Associations. The aviation and medical professions have combined various aspects of their industry to form a sophisticated system to provide life-sustaining care for ill or injured people. Air ambulance operators have met the public need and demand for such services by equipping aircraft specifically for this purpose. The Flight Standards Service, in consultation with air ambulance operators, medical care providers, and other industry organizations, created specific OpSpecs to establish regulatory compliance standards designed to enhance safety in air ambulance operations. Most of these standards were later codified under part 135 subpart L.

B. Emergency Operations. Situations will arise where a true medical emergency exists and no air carrier with an air ambulance authorization is reasonably available.

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An air carrier without an air ambulance authorization may conduct an air ambulance operation to save a human life. That operator must file a report with the appropriate Flight Standards District Office (FSDO) within 10 days as required by part 135, § 135.19. The FSDO must investigate the circumstances and determine if an actual emergency appeared to exist at the time of the operation (see Volume 14, Chapter 1). Repeated air ambulance operations by an operator without an air ambulance authorization should be determined as holding out to the public to conduct an operation which is not authorized by their OpSpecs. (See paragraph 4-921 for additional information.)

C. OpSpecs. Specific air ambulance OpSpecs (A021 for HAA and A024 for airplane air ambulance operations) are available to authorize such flights. Operators who wish to provide air ambulance services must implement appropriate service-specific policies, procedures, training, and in some cases, install equipment to facilitate safe air ambulance operations in accordance with regulations. These requirements are further discussed in this section and in the following sections of this chapter.

4-918 DEFINITIONS/ABBREVIATIONS. The following terms are defined according to their use in this order.

A. Accident/Incident Plan/Post-Accident/Incident Plan (AIP/PAIP). Includes emergency response procedures that should be used as a basis for training or for reference in the event of a mishap or other emergency.

B. Advisory Circular (AC).

C. Aeromedical Director. A licensed medical professional associated with an HAA operation, ultimately responsible for patient care during air transport. The Aeromedical Director has no operational control authority, and may not exert any influence over decision making related to the safe conduct of flights.

D. Air Ambulance. An aircraft used in air ambulance operations. The aircraft need not be used exclusively as an air ambulance aircraft, and the equipment need not be permanently installed.

E. Air Ambulance Operation.

1) Airplanes. Air ambulance operation of an airplane includes:

a) Unscheduled air transportation in an airplane of a person(s) with a health condition that requires:

1. Medical personnel to provide special care, including, but not limited to, basic life support (BLS) or advanced life support (ALS); and

2. Medical equipment necessary to support the level of care required for the patient(s), such as medical oxygen, suction, and/or a stretcher, Isolette, or other approved patient restraint/containment device as determined by a health care provider.

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b) Holding out to the public as willing to provide air transportation to a person with a health condition that requires medical personnel including, but not limited to, advertising, solicitation, or association with a hospital or medical care provider.

2) Helicopters. A flight, or sequence of flights, with a patient or medical personnel on board, for the purpose of medical transportation, conducted by a part 135 certificate holder authorized by the Administrator to conduct air ambulance operations. An HAA operation includes, but is not limited to:

a) Flights conducted to position the air ambulance at a site where medical personnel, a patient, donor organ, or human tissue will be picked up.

b) Flights conducted to reposition an air ambulance after completing transportation of the medical personnel, patient, donor organ, or human tissue transport.

c) Flights initiated for the transport of a patient, donor organ, or human tissue that are terminated due to weather or other reasons. (Refer to § 135.601.)

F. Air Medical Resource Management (AMRM). A dynamic process including pilots, medical personnel (not limited to those participating in HAA flights), maintenance technicians, operational support personnel and management staff that optimizes human–machine interface and related interpersonal issues, with maximum focus on communication skills and team building curricula. (Refer to the current edition of AC 00-64, Air Medical Resource Management.)

G. Airplane Night Vision Goggle (ANVG) Operations. That portion of a flight that occurs during the time period from 1 hour before sunrise to 1 hour after sunrise, where the pilot maintains visual surface reference using night vision goggles (NVG) in an aircraft that is approved for such operations. (Refer to 14 CFR part 61, § 61.1.)

H. Autorotational Distance. The distance a rotorcraft can travel in autorotation as described by its manufacturer in its approved Rotorcraft Flight Manual (RFM). (Refer to § 135.168.)

I. Certificate-Holding District Office (CHDO). The Federal Aviation Administration (FAA) Flight Standards CHDO with responsibility for management of an air carrier's certificate, charged with the overall inspection and surveillance of that certificate holder's operations.

J. Code of Federal Regulations (CFR).

K. Communications Specialist (CS). An individual trained and qualified by the operator to receive and coordinate one or more of a range of activities, including, but not limited to, receiving flight requests for HAA operations; communications with medical, first response, and other HAA organizations; communications with HAA crews; and flight locating. The employment and training of CSs have been identified as HAA industry best practices.

L. Crew Resource Management (CRM). The use of all the available resources, information, equipment, and people to achieve safe and efficient flight operations. Approved

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CRM training is required for flightcrews in accordance with § 135.330. (Refer also to § 135.330 and the current edition of AC 120-51, Crew Resource Management Training, for more information.)

M. Data Link. A general term referring to a variety of technologies used to transmit and receive wireless electronic data between on-aircraft systems and off-aircraft systems.

N. Emergency Medical Service (EMS). The term "emergency medical service" has been replaced with the term "air ambulance operations."

O. Extended Overwater Operation. Per 14 CFR part 1, § 1.1, with respect to helicopters, an operation over water at a horizontal distance of more than 50 nautical miles (NM) from the nearest shoreline and more than 50 NM from the nearest offshore heliport structure.

P. Flight Following. Active contact with an aircraft throughout a flight (including time on the ground), either through voice radio contact with the pilot or through automated flight following systems. Considered a best practice in the HAA industry.

Q. Flight Locating. The certificate holder is required by regulation to use flight locating procedures (refer to § 135.79) unless an FAA flight plan is filed and activated. Flight locating by HAA operations, even where it is not required by regulation, is recommended as an HAA industry best practice.

R. Flight Standards District Office (FSDO).

S. General Operations Manual (GOM). Required to be compiled to include, at minimum, sections mandated by regulation, including visual flight rules (VFR) flight planning procedures (§ 135.615) and an FAA-approved preflight risk analysis (§ 135.617). A GOM requires acceptance by the FAA to be valid.

T. Geographic Information Systems (GIS). A collection of computer hardware, software, and geographic data designed to efficiently capture, store, manage, map, analyze, and display geographically referenced information.

U. Helicopter Air Ambulance (HAA). A helicopter, defined for the purposes of § 135.619, that is identified as being capable of air ambulance operations in the operator's OpSpecs. It need not be used exclusively as an HAA. HAA-specific equipment need not be permanently installed.

V. Helicopter Emergency Medical Service (HEMS). Obsolete term. The FAA and industry are moving to the term HAA for enhanced accuracy. HAA flights do not constitute an emergency flight. Replacement of the term HEMS with HAA will take place over the next several years as each relevant document is updated. The term HAA will be used exclusively throughout this section.

W. Helicopter Landing Area (also Heliport or Landing Zone (LZ)). An area of land or water or a structure used or intended to be used for the landing and takeoff of helicopters. OpSpec A021 grants latitude to a helicopter operator for landing site selection as well as

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the authority to land on appropriate sites during both day and night in HAA operations. (Refer to § 1.1; the current edition of AC 150/5390-2, Heliport Design; and OpSpec A021.)

X. Helicopter Night Vision Goggle Operations (HNVGO). That portion of a flight that occurs during the time period from 1 hour after sunset to 1 hour before sunrise, where the pilot maintains visual surface reference using NVGs in an aircraft that is approved for such operations. (Refer to § 61.1.)

Y. Helicopter Terrain Awareness and Warning System (HTAWS). A terrain and obstacle database-driven awareness and warning system configured specifically for a helicopter's operating environment. This system correlates ship's position, altitude, direction of flight, and speed with digital obstacle and terrain maps. (Refer to § 135.605.)

Z. Inadvertent Instrument Meteorological Conditions (IIMC). An emergency condition when an aircraft inadvertently transitions from visual meteorological conditions (VMC) into instrument meteorological conditions (IMC).

AA. Instrument Flight Rules (IFR). Operations when weather conditions are below the minimum for flight under VFR.

BB. Instrument Meteorological Conditions (IMC). Meteorological conditions expressed in terms of visibility, distance from clouds, and ceiling that are less than that specified for VMC, requiring flight to be conducted under IFR.

CC. Landing Zone (LZ). See subparagraph 4-918W, Helicopter Landing Area (also Heliport or Landing Zone (LZ)).

DD. Local Flying Area (LFA). A geographic area of not more than 50 NM in any direction from a location designated by an HAA operator and approved by the FAA in OpSpec A021. (Refer to § 135.609(b)(1).)

EE. Medical Personnel. Medical personnel are individuals with medical training, carried aboard air ambulance flights or HAA operations, including: flight nurses, paramedics, respiratory specialists, neonatal specialists, and other aviation-trained specialists. (Refer to § 135.601(b)(2).)

FF. Mountainous. Designated mountainous areas as listed in 14 CFR part 95. OpSpec A021 provides different minimums for mountainous and non-mountainous areas. To ensure commonality with IFR requirements, mountainous areas are identified as those designated as mountainous areas in part 95. (Refer to § 135.601.)

GG. Night Vision Goggles (NVG). An NVG is a Night Vision Imaging System (NVIS) (see subparagraph 4-918HH) appliance worn by crewmembers that enhances the ability to maintain visual surface reference under low-light flight conditions.

HH. Night Vision Imaging System (NVIS). An approved light amplification appliance enhancing visual sensitivity in low light conditions, combined with specialized lighting systems

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that are type certificate (TC)-approved for the type of aircraft in which it is installed and are compatible with NVGs being used in that aircraft.

II. Non-Mountainous. Areas other than mountainous areas as listed in part 95. (Refer to § 135.601.)

JJ. Operations Control Center (OCC). An OCC is a dedicated facility staffed by trained HAA Operations Control Specialist(s) (OCS) (see subparagraph 4-918KK). The OCC is described in § 135.619. OCC review includes a wide range of safety-related items detailed in § 135.619(a). (Refer to the current edition of AC 120-96, Operations Control Center (OCC) for Helicopter Air Ambulance (HAA) Operations.)

NOTE: OCCs are required for certificate holders authorized to conduct HAA operations with 10 or more HAAs assigned to their OpSpecs and are strongly encouraged for all operators. (Refer to § 135.619.)

KK. Operations Control Specialist (OCS). An individual within the OCC who provides operational support for the certificate holder's air ambulance operations and is both initially and recurrently trained as specified in § 135.619(d) and (f). An OCS interfaces with the HAA pilot(s) prior to each flight request acceptance.

LL. Operations Specification (OpSpec). Issued by the FAA to specify the commercial air operations it has authorized the certificate holder to carry out. OpSpec A021 authorizes HAA service. Before OpSpec A021 can be issued, the operator must meet the regulatory requirements of part 135 subpart L. OpSpec A024 authorizes airplane air ambulance service. (Refer to the current editions of AC 120-96 and AC 135-14, Helicopter Air Ambulance Operations.)

MM. Overwater Flight. Operation of a rotorcraft beyond autorotational distance from the shoreline. (See subparagraph 4-918XX, Shoreline.)

NN. Patient. A person under medical treatment. For the purpose of this definition, though human transplant organs or tissue are not patients, these are explicitly included under HAA operations, regulations, and practices. They are treated in the same manner as people under medical treatment.

OO. Pilot in Command (PIC). The PIC of an aircraft is directly responsible for its safe and legal operation.

PP. Principal Avionics Inspector (PAI). The PAI at the CHDO specifically responsible for aviation safety inspection and oversight of an HAA operator.

QQ. Principal Maintenance Inspector (PMI). The PMI at the CHDO specifically responsible for aviation safety inspection and oversight of an HAA operator.

RR. Principal Operations Inspector (POI). The POI at the CHDO specifically responsible for aviation safety inspection and oversight of an HAA operator.

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SS. Residual Risk. Residual risk is the safety risk that exists after all controls have been implemented or exhausted and verified (to ensure that the risk acceptance is in accordance with a preexisting documented risk analysis procedure).

TT. Response Scene. Unimproved ad hoc LZ sites and other offsite locations where HAA flight landings are authorized under the authority of OpSpec A021.

UU. Risk Analysis. A formal methodology for guiding HAA decision making. Its FAA-approved procedures, principles, and policies are documented and are the subject of training by HAA operators. They include multiple people with defined roles that have been documented and are the subject of training. As risks grow, approval to conduct a flight must be obtained from higher levels of management (refer to §§ 135.615 and 135.617(a)(5)). Process documentation should identify risk factors the HAA operator may consider as part of the regulatory-required risk analysis. The operator should assign to each risk factor an appropriate numerical value reflecting both the likelihood of occurrence and severity of outcome. Section 135.617 requires HAA operators have a documented procedure for elevating the management level required for flight approval when risk analysis exceeds predetermined levels of quantified risk.

VV. Safety Management System (SMS). An SMS is a formal, top-down approach to managing safety risk. It is a system to manage safety, including the necessary organizational structures, accountabilities, policies, and procedures. For the HAA operator, implementing an SMS can provide useful tools for complying with the requirements of § 135.617. Additional information and resources on SMS can be found in the current edition of AC 120-92, Safety Management Systems for Aviation Service Providers; and AC 135-14, chapter 8 and appendix B.

WW. Second in Command (SIC).

XX. Shoreline. Land adjacent to the water of an ocean, sea, lake, pond, river, or tidal basin that is above the high-water mark at which a rotorcraft could be landed safely. This does not include land areas unsuitable for landing, such as vertical cliffs or land intermittently under water. (Refer to § 135.168.)

YY. Standard Operating Procedures (SOP). An established or prescribed method to be followed routinely for the performance of a designated operation or in a designated situation and is used to guide training to meet such contingencies.

ZZ. Suitable Offshore Heliport Structure. A heliport structure that can support the size and weight of the rotorcraft being operated where a safe landing can be made.

AAA. Supplemental Type Certificate (STC). A TC issued when an applicant has received approval to modify an aircraft from its original design.

BBB. Unimproved Landing Zone (LZ)/Area. A scene where an air ambulance operation is conducted that may involve nonroutine, hazardous conditions.

CCC. Visual Flight Rules (VFR).

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4-419 RELATED SOURCE MATERIAL. Current editions of the following documents are applicable to air ambulance operations.

A. ACs:

- AC 00-64, Air Medical Resource Management.
- AC 27-1, Certification of Normal Category Rotorcraft.
  - AC 27-1, Chapter 3, Miscellaneous Guidance (MG), MG 6, Emergency Medical Service (EMS) Systems Installations.
- AC 29-2, Certification of Transport Category Rotorcraft.
- AC 91-32, Safety In and Around Helicopters.
- AC 91.21-1, Use of Portable Electronic Devices Aboard Aircraft.
- AC 120-27, Aircraft Weight and Balance Control.
- AC 120-49, Parts 121 and 135 Certification.
- AC 120-51, Crew Resource Management Training.
- AC 120-92, Safety Management Systems for Aviation Service Providers.
- AC 120-96, Operations Control Center (OCC) for Helicopter Air Ambulance (HAA) Operations.
- AC 150/5390-2, Heliport Design.
- AC 150/5230-4, Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports.

B. Orders, Handbooks, Manuals, and Pamphlets:

- FAA Order 8040.4, Safety Risk Management Policy.
- FAA-S-8083-21A, Helicopter Flying Handbook.
- FAA-H-8083-16, Instrument Procedures Handbook.
- Aeronautical Information Manual (AIM).
- DOT/FAA/PM-86/45, Aeronautical Decision Making for Helicopter Pilots.
- DOT/FAA/DS-88/7, Risk Management for Air Ambulance Helicopter Operators.
- FAA Safety Team (FAASTeam) Library, Flying in Flat Light and White Out Conditions.
- National EMS Pilots Association (NEMSPA), Preparing a Landing Zone. NEMSPA's address is P.O. Box 2128, Layton, UT 84041-9128.

C. Other:

1) Helicopter Association International (HAI) is located at 1920 Ballenger Avenue, 4th Floor, Alexandria, VA 22314-2898, telephone (703) 683-4646. Check their website (https://www.rotor.org) for other documents and links to resources, including their Fly Neighborly Guide.

2) The National Fire Protection Association (NFPA) is located at 1 Batterymarch Park, Quincy, MA 02169-7471, telephone (617) 770-3000. They have many publications about fire protection; the 400 series may be the most helpful. For example, the current edition of NFPA 418, Standard for Heliports, has fire standards for heliports.

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3) The International Association of Medical Transport Communication Specialists (IAMTCS). Check their website (http://www.iamtcs.org) for links to resources, including training courses.

4) Special Airworthiness Information Bulletin (SAIB) SW-10-43, Non-Aviation Transmitters (includes, for example, 800 megahertz (MHz) radios used to communicate with hospitals).

5) Policy Statement (PS) ASW-2001-01, Certification Guidelines for Compliance to the Requirements for Electro-Magnetic Compatibility (EMC) Testing.

6) DOT/FAA/AR-99/50, High-Intensity Radiated Fields (HIRF) Risk Analysis.

7) FAA Technical Standard Order (TSO)-C194, Helicopter Terrain Awareness and Warning System (HTAWS).

8) International Civil Aviation Organization (ICAO) Doc 9977 AN/489, Manual on Civil Aviation Jet Fuel Supply.

9) RTCA, Inc., DO-160, Environmental Conditions and Test Procedures for Airborne Equipment.

10) RTCA, Inc., DO-178, Software Considerations in Airborne Systems and Equipment Certification.

11) RTCA, Inc., DO-254, Design Assurance Guidance for Airborne Electronic Hardware.

12) RTCA, Inc., DO-309, Minimum Operational Performance Standards (MOPS) for Helicopter Terrain Awareness and Warning System (HTAWS) Airborne Equipment.

13) OpSpecs:

- A005, Exemptions and Deviations.
- A008, Operational Control.
- A010, Aviation Weather Information.
- A021, Helicopter Air Ambulance (HAA) Operations.
- A024, Air Ambulance Operations—Airplane.
- A050, Helicopter Night Vision Goggle Operations (HNVGO).
- A051, Airplane Night Vision Goggle (ANVG) Operations.
- A061, Electronic Flight Bag (EFB) Program.
- A096, Actual Weight Program for All Aircraft.
- A097, Small Cabin Aircraft Passenger and Baggage Weight Program.
- D085, Aircraft Listing.

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4-920 OVERVIEW OF AIR AMBULANCE SERVICES. This paragraph provides a general overview of air ambulance operations. Details are contained in the appropriate section of this chapter.

A. Regulatory Requirements. An air ambulance operator must comply with all requirements of the 14 CFR part under which it is certified. Air ambulance operators are not exempt from any requirement of 14 CFR. To ensure industry standardization and a clear understanding between the FAA and air ambulance operators, OpSpecs A021 (helicopter) and A024 (fixed wing) identify specific means by which air ambulance operators can comply with 14 CFR. Some of these rules are as follows:

1) Management Qualifications. Part 135 operators are required to have their management personnel identified per § 119.69. The pertinent parts of this section state (emphasis added):

> (a) Each certificate holder must have sufficient qualified management and technical personnel to ensure the safety of its operations. Except for a certificate holder using only one pilot in its operations, the certificate holder must have qualified personnel serving in the following or equivalent positions:
>
> (1) Director of Operations.
>
> (2) Chief Pilot.
>
> (3) Director of Maintenance.
>
> […]
>
> (d) The individuals who serve in the positions required or approved under paragraph (a) or (b) of this section and anyone in a position to exercise control over operations conducted under the Operating Certificate must—
>
> (1) Be qualified through training, experience and expertise;
>
> (2) To the extent of their responsibilities, *have a full understanding* of the following material with respect to the certificate holder's operation—
>
> (i) *Aviation safety standards and safe operating practices;*
>
> (ii) 14 CFR Chapter I (Federal Aviation Regulations);
>
> (iii) The certificate holder's operations specifications;
>
> (iv) All appropriate maintenance and airworthiness requirements of this chapter (e.g., parts 1, 21, 23, 25, 43, 45, 47, 65, 91, and 135 of this chapter); and
>
> (v) The manual required by § 135.21 of this chapter, and

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(3) *Discharge their duties to meet applicable legal requirements and to maintain safe operations.*

[…]

2) Certification Under a 14 CFR Part. Part 119 specifies that the selection of the particular 14 CFR part used to certify an operator is to be based on the type and size of aircraft that the certificate holder operates. An air ambulance operator must hold either an air carrier or Operating Certificate, be authorized to conduct 14 CFR part 121 or part 135 operations, as appropriate, and comply with all provisions of the specific part under which the operator is certificated. The carriage of a person or persons requiring medical personnel and/or medical equipment on a scheduled air carrier, operating under part 121 or 135, does not constitute air ambulance operations. However, a scheduled air carrier transporting a person or persons requiring medical personnel and/or equipment on an unscheduled flight (charter) is engaged in air ambulance operations. All HAA operations must be conducted under part 135, and specifically must comply with part 135 subpart L in addition to general part 135 regulations.

3) Certification Under Part 121. Most air ambulance operations are conducted under part 135. The information, direction, and guidance contained in this chapter applies to operations under part 135. If a part 121 operator requests air ambulance OpSpecs to apply to an airplane to be operated under part 121, the POI receiving that request should contact the Air Transportation Division.

B. Advertising. According to § 119.5(k), an operator may not advertise or conduct operations not authorized by the operator's Operating Certificate and OpSpecs. An operator without an air ambulance authorization is explicitly prohibited, in OpSpec A004 from conducting air ambulance operations.

C. OpSpec Paragraphs. All operators are initially prohibited by OpSpec A004 from conducting air ambulance operations. Those who desire to advertise and/or conduct air ambulance operations must have this prohibition removed through the issuance of the appropriate air ambulance OpSpecs. Operators holding part 135 OpSpecs but without OpSpec A021 or A024 may transport medical personnel as passengers accompanying a sick or injured person, but must meet the following requirements:

1) The operator may not advertise air ambulance or in-flight patient care services.

2) Any in-flight patient care equipment and medical personnel that accompany the passenger must be provided solely for the patient's comfort. If any medical care provider has determined that medical personnel are required for patient safety and/or life support, the flight is an air ambulance operation.

NOTE: When a life-threatening situation exists, the PIC may exercise the PIC's emergency authority in accordance with 14 CFR part 91, § 91.3; part 121, § 121.557; or § 135.19 to conduct air ambulance operations. A PIC taking such action must subsequently report that action to the appropriate FSDO within 10 days. The inspector investigating such a report should first determine whether information available to the operator and PIC at the time the flight began

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indicated that a life-threatening emergency existed. Then the inspector should determine whether a suitably equipped air ambulance was not reasonably available within the time acceptable to the requesting medical care provider.

3) OpSpec A021 HAA operations are more complex and are regulated to a much greater degree (part 135 subpart L) than general part 135 helicopter operations. (Refer to AC 135-14 for the requirements for HAA operations.)

4) OpSpec A024 airplane air ambulance operations do not differ significantly from other types of airplane air carrier operations. OpSpec A024 specifies operational requirements and grants the operator authorization for airplane air ambulance service.

4-921 FAA POLICY REGARDING COMPENSATION OR HIRE CONSIDERATIONS FOR CHARITABLE FLIGHTS OR LIFE FLIGHTS. Various organizations and pilots are conducting flights that are characterized as "volunteer," "charity," or "humanitarian." These flights are referred to by numerous generic names, including "lifeline flights," "life flights," "mercy flights," and "angel flights." These types of flights will be referred to as "life flights" in this section.

A. Purposes for Life Flights. The types of organizations and pilots involved with or conducting life flights vary greatly. The most common purpose of life flights is to transport ill or injured persons who cannot financially afford commercial transport to appropriate medical treatment facilities, or to transport blood or human organs. Other "compassionate flights" include transporting a child to visit with a dying relative or transporting a dying patient to return to their city of birth.

B. FAA Policy. The FAA's policy supports "truly humanitarian efforts" to provide life flights to needy persons, including "compassionate flights." This also includes flights involving the transfer of blood and human organs. Since Congress has specifically provided for the tax deductibility of some costs of charitable acts, the FAA will not treat charitable deductions of such costs, standing alone, as constituting "compensation or hire" as defined by § 61.113 or part 135. Inspectors should not treat the tax deductibility of costs as constituting "compensation or hire" when the flights are conducted for humanitarian purposes.

4-922 OVERVIEW OF HAA SERVICES. HAA operations have complex requirements not applicable to airplane air ambulance operations. This paragraph provides a general overview of some of those requirements. AC 135-14 provides more extensive introductory material to HAA operations and their regulation.

A. OpSpec A021 Authorizations. A continuing trend of accidents during aeromedical operations resulted in the regulations now embodied in part 135 subpart L. Regulations include weather limitations for VFR flight, improvements in IFR operating limitations, added equipage requirements, pilot instrument qualifications and demonstrations, the implementation of VFR planning and risk assessment procedures, medical personnel safety briefings and training, and, for operations involving 10 or more HAA-designated helicopters, OCCs staffed by trained OCSs. These regulations must be met prior to issuance of OpSpec A021 (see Volume 3, Chapter 1, Section 1 for additional background information on OpSpecs). This OpSpec authorizes HAA

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service for hospital-to-hospital patient transfer operations, scene response operations, and other offsite ad hoc operations. This OpSpec grants latitude to an HAA operator for the following:

1) Unimproved Landing Sites. Selection and use.

2) Higher Minimums. HAA operations are subject to higher ceiling and visibility minimums in uncontrolled airspace than those that are required for conventional part 135 operations.

3) Night Landings. Night landings at unimproved sites are permitted with adequate lighting, consistent with NVIS if authorized and used, for the pilot to identify the landing site and surrounding hazards.

NOTE: "Adequate" lighting is lighting that allows a helicopter pilot to conduct a safe approach and landing during conditions of darkness while avoiding terrain and obstacles. The source of this lighting may be on the helicopter or on the surface and includes the possibility of automobile lights being used to illuminate the landing site. Pyrotechnic road hazard flares are not recommended for marking the touchdown area.

B. LFA. If an operator chooses to designate LFAs (LFAs are not required), it must establish and document a procedure for the development of LFAs. Pilots authorized by an operator to use reduced ceiling and visibility minimums must periodically demonstrate their familiarity with the features of the LFA. Details are contained in AC 135-14 and Volume 4, Chapter 5, Section 3, paragraph 4-947. Each LFA must be listed in Table 1 of the operator's OpSpec A021.

C. OCC. If the operator is required by regulation to have and maintain an OCC, the requirements of § 135.619 must be met before OpSpec A021 may be issued. When an OCC is not required but an operator chooses to voluntarily implement similar capabilities or functions, the operator's applicable policies and procedures (and details of training in them) must be documented. This documentation must be accepted by the POI to be effective.

4-923 IFR AND VFR REQUIREMENTS. Operators of HAAs must comply with the following requirements for IFR and VFR.

A. IFR Operations. Section 135.603 requires that no certificate holder may use, nor may any person serve as a PIC of an HAA flight, unless that person meets the requirements of § 135.243 and holds a helicopter instrument rating or an Airline Transport Pilot Certificate (ATPC) with a category and class rating for the aircraft that is not limited to VFR.

B. Evaluation. POIs of HAA operators conducting IFR operations should carefully evaluate the operator's procedures, training and qualification program, and the operating environment before granting the operator the authority to conduct single-pilot IFR operations with an autopilot (refer to §§ 135.611 and 135.613). Such evaluation applies especially with respect to point in space (PinS) approaches, IMC-to-visual transitions following a PinS approach, and visual-to-IFR transitions between the takeoff point and the initial departure fix before

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granting the operator the authority to conduct single-pilot IFR operations with an autopilot. (Refer to §§ 135.611 and 135.613.)

C. VFR Operations. When conducting VFR flight, the operator must comply with the weather minimums specified in § 135.609 and as authorized by OpSpec A021. Operator requests for lower-than-standard VFR minimums must be coordinated with the Air Transportation Division.

RESERVED. Paragraphs 4-924 through 4-930.

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VOLUME 5 AIRMAN CERTIFICATION

CHAPTER 5 TITLE 14 CFR PART 65—AIRMEN OTHER THAN FLIGHT CREWMEMBERS

Section 1 Introduction to Part 65 Certificates

5-1111 TITLE 14 OF THE CODE OF FEDERAL REGULATIONS (14 CFR) PART 65. This part prescribes the requirements and operating rules for specific certificates, added ratings, and/or authorizations.

A. Background. The Federal Aviation Administration (FAA) has prescribed minimum standards of knowledge and skill for certificated airmen to ensure that the level of safety in aviation meets an acceptable standard.

B. References. Part 65 includes certificates, ratings, and authorizations listed in order of presentation in Volume 5, Chapter 5. They include the following:

- Sections 2 and 3, Part 65 Subpart D Mechanics (Airframe and Powerplant (A&P));
- Sections 4–6, Part 65 Subpart E Repairmen;
- Sections 7 and 8, Part 65 Subpart D Inspection Authorizations (IA);
- Section 9, Part 65 Subpart F Parachute Riggers; and
- Section 10, Part 65 Subpart C Aircraft Dispatchers.

RESERVED. Paragraphs 5-1112 through 5-1130.

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VOLUME 6 SURVEILLANCE

CHAPTER 2 PARTS 121, 135, AND 91 SUBPART K INSPECTIONS

Section 7 Safety Assurance System: Inspect Parts 121 and 135 Aircraft Used for Air Ambulance Operations

6-320 REPORTING SYSTEM(S). Use Safety Assurance System (SAS) automation and the associated Data Collection Tools (DCT).

6-321 OBJECTIVE. This section provides guidance for inspecting Title 14 of the Code of Federal Regulations (14 CFR) parts 121 and 135 aircraft used for air ambulance operations.

6-322 GENERAL.

A. Background. Transportation by aircraft of ill or injured persons may have originated during World War I, when wounded were transported from battlefronts to field hospitals in an open cockpit biplane. Since that time, the transportation of patients needing medical attention has burgeoned into a significant industry, operating modern aircraft equipped with state-of-the-art medical equipment, carrying thousands of patients each year. The introduction of civil aircraft dedicated exclusively to air ambulance operations began around 1973. The majority of today's air ambulance services are affiliated with specific hospitals and, consequently, many are stationed at sub-base-type facilities. There are, however, many private, corporate, and on-demand air carrier operators providing nondedicated aircraft for use. The certificate holders of these aircraft can provide patient care while en route from city to city or from remote sites to urgent care facilities.

B. Aviation Safety Inspector (ASI) Responsibilities.

1) It is important that the ASIs become familiar with the type of aircraft to be inspected before performing the inspection.

NOTE: Although the aircraft may appear clean and sanitary, the ASI should be aware that there may be contaminants aboard. The ASI should exercise good judgment and use caution to prevent the possibility of contracting an infectious disease. When conducting inspections, ASIs should follow the guidance in Federal Aviation Administration (FAA) Order 3900.71, Flight Standards Service Bloodborne Pathogens Program.

2) The ASI must acquire the certificate holder's maintenance procedures and any other items of concern that may surface during routine inspections.

a) In most cases, an ASI who is assigned to the responsible certificate-holding district office (CHDO) will complete the tasks outlined below. As such, this ASI will already have access to the information needed and will be familiar with CHDO personnel.

b) There may be cases when the ASI completing the tasks below is *not* assigned to the responsible CHDO. As a result, this ASI will not have access to the needed information

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nor established lines of communication with CHDO personnel. In such cases, this ASI and the responsible CHDO must ensure clear communication and coordination with each other. The ASI must transmit all inspection results and necessary recommendations to the responsible CHDO. In turn, the CHDO should report to this ASI any changes implemented as a result of their recommendations.

3) This inspection should be performed before the loading or after the unloading of the patient.

NOTE: At all times, the ASI should be aware that the patient may be in a life-threatening condition.

NOTE: ASIs should not approach an aircraft while it is in motion or while the engine(s) is/are running.

4) Any discrepancy should be brought immediately to the attention of the pilot in command (PIC) or appropriate maintenance personnel.

C. Definitions.

1) Air Ambulance Airplane/Helicopter. An aircraft configured for transportation of ambulatory patients or other patients requiring special care, including, but not limited to, basic life support (BLS) or advanced life support (ALS). An air ambulance aircraft is equipped with the medical equipment necessary to support these levels of care in flight with trained medical personnel.

2) Public Aircraft. An aircraft used only in the service of a government or political subdivision. This includes aircraft that are exclusively leased by a government agency for a period not less than 90 days. This definition does not include any government-owned aircraft engaged in carrying persons or property for commercial purposes.

3) Certificate Holder. The person, partnership, company, etc., who has direct responsibility for the operation of the aircraft.

4) Medical Equipment. Equipment and supplies used in patient care.

5) Dedicated Aircraft. Aircraft totally configured to air ambulance operations.

NOTE: Dedicated aircraft may be configured for periodic training. Surveillance should be performed on the aircraft’s removed equipment, and the appropriate maintenance records should reflect this change.

6) Nondedicated Aircraft. Aircraft temporarily configured to air ambulance configuration.

7) Scene Flight. Flight to unimproved remote locations, accident sites, or disaster areas for the pickup of patients in life-threatening situations requiring immediate medical care.

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8) Transport Flight. Transport of a stabilized patient to an improved landing area.

9) Neonatal Flight. Transport of an infant, generally using Isolettes (incubator), either in scene flights or transport flights.

10) Pediatric Flight. Transport of young children, either in scene flights or transport flights.

D. Types of Aircraft. Because air ambulance is such a varied field, there are many types of air ambulance aircraft, such as fixed-wing or rotary-wing, single-, or multiengine, reciprocating-engine-powered or turbine-engine-powered, instrument flight rules (IFR)-equipped, etc.

1) Typical Aircraft Configuration. Typical air ambulance configurations may include the following items:

a) Medical Oxygen (Gaseous and/or Liquid). Containers, lines, gauges, regulators, outlets, and other system components.

b) Vacuum/Air Systems. Containers, pumps, regulators, lines, gauges, and outlets.

c) Litter Systems. Stretchers, mounting bases, pedestals, platforms, and patient restraining devices, such as shoulder harnesses.

d) Supplemental Lighting. Spots, floods, and emergency.

e) Search Lights (Helicopter Air Ambulances (HAA)). Controlled by the pilot for night operations.

f) Cabin Medical Supply Storage. Bins, compartments, pouches, underseat drawers, nets, and cabinets.

g) Cabin-Mounted Medical Equipment. Intravenous bags, portable oxygen, racks, and brackets.

h) Medical Equipment Power Outlets. Including 12 and 24 volts direct current, 115 volts alternating current, inverters, converters, and batteries. The ASI may find an additional external power receptacle, which is dedicated to alternating-current power for the air ambulance equipment.

i) Isolettes/Balloon Pumps. Mounting and securing systems.

j) Specialized Air Ambulance Communication Equipment. Frequency modulation (FM) radios, medical Dopplers, sirens, public address (PA) systems, Intercom Systems (ICS), and communication from aircraft to ground and/or emergency personnel.

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k) Attendant/Medical Personnel Seats. Forward-facing, aft-facing, side-facing, bench-type, individual, fold-down, pivoting, and reversible seats, and lapbelts and harnesses.

2) Placards. Flight manuals and flight manual supplements. There may be other placards required by the alteration data.

NOTE: Title 14 CFR requires that all equipment installed, including portable devices, must be appropriately secured. The supporting structure to which the equipment is to be attached must be designed to restrain all loads up to the ultimate inertia specified in the emergency provisions/emergency landing conditions required by the regulations.

6-323 COORDINATION REQUIREMENTS. This task may require coordination with the certificate holder and the CHDO.

6-324 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 1, 21, 23, 25, 27, 29, 39, 43, 65, 121, 135, and 145.
- Title 49 of the Code of Federal Regulations (49 CFR) Part 173.
- Order 3900.71, Flight Standards Service Bloodborne Pathogens Program.
- Advisory Circular (AC) 20-42, Hand Fire Extinguishers for Use in Aircraft.
- AC 21-25, Approval of Modified Seating Systems Initially Approved Under a Technical Standard Order.
- AC 91-42, Hazards of Rotating Propeller and Helicopter Rotor Blades.
- AC 120-27, Aircraft Weight and Balance Control.
- AC 135-14, Helicopter Air Ambulance Operations.
- AC 135-15, Emergency Medical Service/Airplane (EMS/A).
- Department of Transportation (DOT) HS 806 703, Air Ambulance Guidelines.
- Annual Book of ASTM Standards, Volume 13.01, Medical and Surgical Materials and Devices.

B. Forms. None.

C. Job Aids:

- Figure 6-18, Interior Inspection Guidelines (see Volume 6, Chapter 2, Section 4).
- Figure 6-19, Exterior Inspection Guidelines (see Volume 6, Chapter 2, Section 4).

6-325 PROCEDURES.

A. Initiate the Inspection. Use SAS automation and the associated DCTs to accomplish the inspection.

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B. Prepare for the Inspection.

1) Select an aircraft to be inspected that will be available for the scheduled inspection.

2) Determine if any recent problem areas have been identified for that type of aircraft, such as:

- Emergency Airworthiness Directives (EAD),
- Maintenance and airworthiness bulletins, or
- Out-of-office special requests for problem followup.

3) Determine if recent regulatory changes and Airworthiness Directive (AD) requirements affect the aircraft to be inspected.

C. Introductions. Introduce yourself to the PIC and/or appropriate maintenance personnel. Describe the purpose and scope of the inspection.

NOTE: Perform the inspection before the loading or after the unloading of the patient.

D. Conduct the Exterior Inspection, as Applicable. Perform this inspection in accordance with Volume 6, Chapter 2, Section 4, Figure 6-19. The following items may be found specifically in HAAs:

- External lighting,
- External oxygen storage containers and servicing points, and
- External PA components.

E. Perform Interior Inspection, as Applicable. Perform this inspection in accordance with Volume 6, Chapter 2, Section 4, Figure 6-18, with added emphasis placed on the following items, when applicable:

- Medical oxygen (gaseous and/or liquid),
- Vacuum/air systems,
- Litter systems,
- Supplemental lighting,
- Cabin medical supply storage,
- Cabin-mounted medical equipment,
- Medical equipment power outlets,
- Isolettes (incubators)/balloon pumps,
- Specialized air ambulance communication equipment,
- Attendant/medical personnel seats, and
- Placards.

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NOTE: Do not disturb or rearrange medical equipment or supplies. If such equipment blocks interior areas whose access is necessary to conduct interior inspection, request assistance from the certificate holder's assigned staff.

NOTE: Title 14 CFR requires that all equipment installed, including portable devices, must be appropriately secured. The supporting structure to which the equipment is to be attached must be designed to restrain all loads up to the ultimate inertia specified in the emergency provisions/emergency landing conditions required by the appropriate regulations.

F. Examine the Flight/Maintenance Record Entries.

1) Ensure that all open discrepancies from the previous flight are resolved, per the certificate holder's manual, prior to departure of the aircraft.

2) Review the flight/maintenance records to determine if repetitive maintenance problems exist, that might indicate a trend.

3) Ensure that all minimum equipment list (MEL) items are deferred in accordance with the provisions of the certificate holder's approved MEL.

a) Review the certificate holder's approved MEL to determine if the conditions, procedures, and placarding requirements were accomplished to correctly defer specific items.

b) Note the date when the item was first deferred to determine if the maximum allowed length of deferral was exceeded. This can be accomplished by examining the flight maintenance records, deferred maintenance list, deferred maintenance placards, or stickers.

4) Ensure that an airworthiness release, flight/maintenance record entry, or appropriate approval for return to service has been made after the completion of maintenance or reconfiguration of the aircraft.

5) Ensure, when available, that the maintenance records contain, for each discrepancy, the following information per part 43, § 43.9:

- A description (or reference to data acceptable to the Administrator) of the work performed;
- The date of completion of the work performed;
- The name or other positive identification of the person approving the work; and
- The name of the person performing the work, if outside the organization.

6) Ensure that all modifications to the aircraft have been properly documented and accomplished in accordance with approved data, to include a Supplemental Type Certificate (STC), field approval, etc. Ensure that any required flight manual supplements are available to the flightcrew.

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G. Analyze Findings. Analyze each finding to determine if the discrepancies are the result of improper maintenance and/or inadequate maintenance/inspection procedures. Follow SAS guidance in Volume 10, Chapter 6 for Module 5, Analysis, Assessment, and Action (AAA).

H. Conduct Debriefing. Brief the certificate holder on the inspection results. Discuss all deficiencies, certificate holder corrective actions, and FAA actions. The ASI can find instructions for conducting briefings in Volume 1, Chapter 3, Section 1.

I. Examine the Maintenance Record Entries. Ensure that the certificate holder has recorded all discrepancies noted during this inspection. If time is available, monitor the certificate holder's corrective actions.

6-326 TASK OUTCOMES.

A. Follow SAS Guidance. Follow guidance in Volume 10, Chapter 5, Section 1 for Module 4, Data Collection; and in Chapter 6 for Module 5, AAA.

B. Complete the Task. Successful completion of this task may result in one of the following:

1) Satisfactory inspection.

2) If the inspection was performed by an office other than the CHDO, the inspection results will be analyzed and assessed in the AAA by the principal inspector (PI) at the CHDO to determine if any action is required.

3) Compliance and enforcement action. If compliance and enforcement action is required, follow Volume 14, Chapter 1, Section 2.

C. Document the Task. File all supporting paperwork in the certificate holder's office file.

6-327 FUTURE ACTIVITIES. Follow Volume 10 to plan future risk-based surveillance in SAS.

RESERVED. Paragraphs 6-328 through 6-342.

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VOLUME 6 SURVEILLANCE

CHAPTER 2 PARTS 121, 135, AND 91 SUBPART K INSPECTIONS

Section 42 Safety Assurance System: Surveillance of Parts 121 and 135 (With OpSpec D072) Certificate Holder Contract Maintenance Provider Programs and Maintenance Provider Airworthiness Agreements

Source Basis:

- **Section 1.1, General Definitions.**
- **Section 43.9, Content, Form, and Disposition of Maintenance, Preventive Maintenance, Rebuilding, and Alteration Records (Except Inspections Performed in Accordance With Part 91, Part 125, § 135.411(a)(1), and § 135.419 of This Chapter).**
- **Section 119.43, Certificate Holder's Duty to Maintain Operations Specifications.**
- **Section 119.59, Conducting Tests and Inspections.**
- **Section 121.105, Servicing and Maintenance Facilities.**
- **Section 121.137, Distribution and Availability.**
- **Section 121.363, Responsibility for Airworthiness.**
- **Section 121.367, Maintenance, Preventive Maintenance, and Alterations Programs.**
- **Section 121.368, Contract Maintenance.**
- **Section 121.369, Manual Requirements.**
- **Section 121.371, Required Inspection Personnel.**
- **Section 121.373, Continuing Analysis and Surveillance.**
- **Section 121.375, Maintenance and Preventive Maintenance Training Program.**
- **Section 121.378, Certificate Requirements.**
- **Section 121.379, Authority to Perform and Approve Maintenance, Preventive Maintenance, and Alterations.**
- **Section 121.380, Maintenance Recording Requirements.**
- **Section 121.709, Airworthiness Release or Aircraft Log Entry.**
- **Section 135.426, Contract Maintenance.**
- **Section 135.427, Manual Requirements.**
- **Section 135.429, Required Inspection Personnel.**
- **Section 135.431, Continuing Analysis and Surveillance.**
- **Section 135.433, Maintenance and Preventive Maintenance Training Program.**
- **Section 135.437, Authority to Perform and Approve Maintenance, Preventive Maintenance, and Alterations.**
- **Section 135.439, Maintenance Recording Requirements.**

6-1146 REPORTING SYSTEM(S). Use Safety Assurance System (SAS) automation and the associated Data Collection Tools (DCT).

6-1147 OBJECTIVE. This chapter provides aviation safety inspectors (ASI) with guidance for regulatory oversight of certificate holder contract maintenance programs. The objective is to ensure that maintenance, preventive maintenance, and alterations performed by the certificate holder, or by other persons, are performed in accordance with the certificate holder's manual.

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Refer to Title 14 of the Code of Federal Regulations (14 CFR) part 121, § 121.367(a) and part 135, § 135.425(a).

NOTE: In this section when we say "maintenance," we mean maintenance, preventive maintenance, and alterations. The terms "other persons," "maintenance provider," and "certificate holder" are used in this section wherever appropriate because they are consistent with the regulatory language used in part 121 subpart L and part 135 subpart J. The intended meaning of the word "person" is, as stated in 14 CFR part 1, an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity.

6-1148 GENERAL.

A. Certificate Holder Oversight of Maintenance Providers (MP). Aircraft maintenance has evolved from an in-house operation to an extended network of MPs that perform maintenance for the certificate holder. Certificate holders must develop policies, procedures, methods, and instructions for the accomplishment of all maintenance performed by an MP that are acceptable to the Federal Aviation Administration (FAA), and provide for the maintenance to be performed in accordance with the certificate holder's Continuous Airworthiness Maintenance Program (CAMP). Through a system of Continuing Analysis and Surveillance (CAS), certificate holders must measure the performance and effectiveness of their maintenance and inspection programs, and provide for the correction of any deficiencies, regardless of whether those programs are carried out by the certificate holder or by another person. Regardless of who performs maintenance, the certificate holder remains primarily responsible for the airworthiness of its aircraft. Refer to §§ 121.363, 121.373, 121.369(b)(10), 135.413, 135.427(b)(10), and 135.431.

6-1149 PROCEDURES.

A. SAS Guidance. For SAS guidance on Data Collection and Data Reporting, see Volume 10, Chapter 5.

B. Manual Review. ASIs should review the sections or chapters of the certificate holder's manual dealing with the contract maintenance. Sections 121.369(b)(10) and 135.427(b)(10) require the certificate holder's manual to contain policies, procedures, methods, and instructions for the accomplishment of all maintenance, preventive maintenance, and alterations carried out by an MP.

C. Surveillance.

1) Sections 121.369(b)(10) and 135.427(b)(10) require that the certificate holder's manual contain the policies, procedures, methods, and instructions for the accomplishment of all maintenance, preventive maintenance, and alterations carried out by an MP. These policies, procedures, methods, and instructions must be acceptable to the FAA and provide for the maintenance, preventive maintenance, and alterations to be performed in accordance with the certificate holder's CAMP. ASIs should ensure that these policies, procedures, methods, and instructions are easily recognizable and address all aspects of contract maintenance.

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2) The FAA provides safety oversight of certificate holders, including all other persons (certificated or not) used by the certificate holder to perform maintenance, preventive maintenance, and alterations. There should be no differences between the FAA oversight of a certificated MP and one that is not certificated. Aircraft maintenance, no matter who performs it or where it is performed, requires effective oversight.

3) The ASI should continually ensure that the certificate holder is able to establish compliance with its own procedures, either through direct supervision, surveillance, auditing, or through appropriate controls such as MP airworthiness agreements that define the nature of the arrangement between the certificate holder and the MP.

6-1150 EXPLANATION OF TERMS, DEFINITIONS, AND REGULATIONS.

A. MP. The term MP means any person who performs maintenance, preventive maintenance, or an alteration for a certificate holder other than a person who is trained by and employed directly by that certificate holder. Refer to §§ 121.368(a)(1) and 135.426(a)(1).

1) MPs include certificated repair stations (CRS), individual Airframe and Powerplant (A&P) mechanics that the certificate holder directly contracts with, individual A&P mechanics employed by noncertificated entities, Canadian Approved Maintenance Organizations (AMO), individual Canadian Aviation Maintenance Engineers (AME), and other air carrier certificate holders that perform maintenance on behalf of the certificate holder. ASIs should also be familiar with the acronym MRO, which means maintenance, repair, and overhaul facility.

2) MPs can perform maintenance in locations such as a hangar, a line environment, or in a shop.

3) A certificate holder may make arrangements with an MP for the performance of maintenance only if all the requirements of §§ 121.368 or 135.426 have been met.

4) An MP is considered to be an extension of the certificate holder; therefore, there should be no difference between maintenance performed by the certificate holder and maintenance performed by an MP.

B. Covered Work. Covered work includes any of the following (refer to §§ 121.368(a)(2) and 135.426(a)(2)):

1) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used;

2) Regularly scheduled maintenance; or

3) A Required Inspection Item (RII) on an aircraft.

NOTE: The preamble of the final rule states that covered work includes both essential maintenance and RIIs, both of which include non-scheduled

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maintenance. In addition, the other new requirements that address both covered work and all other contracted maintenance, such as the requirement for air carriers to develop policies, procedures, methods, and instructions for accomplishing all contracted maintenance, necessarily include both scheduled and non-scheduled work.

C. Directly in Charge. Directly in charge means having responsibility for covered work performed by an MP. A representative of the certificate holder directly in charge of covered work does not need to physically observe and direct each MP constantly, but must be available for consultation on matters requiring instruction or decision. Refer to §§ 121.368(a)(3) and 135.426(a)(3).

NOTE: The term "available for consultation" must be broadly interpreted. This allows the certificate holder flexibility to use numerous information technology methods—such as high resolution photographs, text messaging, or the internet—to acquire the information necessary to make decisions and provide instructions.

NOTE: The representative of the certificate holder directly in charge of work should be familiar with all MP programs that may be accepted into the certificate holder's CAMP.

D. Essential Maintenance. Essential maintenance is maintenance that, if done improperly, or if improper parts or materials were used, would result in a failure effect that would endanger the continued safe flight and landing of the airplane.

1) Essential maintenance encompasses any RIIs on-wing accomplished after any maintenance or alteration. On-wing maintenance is to mean the entire aircraft. Essential maintenance does not encompass any off-wing maintenance.

2) The Essential Maintenance Provider (EMP) is any person with whom a part 121 or 135 certificate holder has made arrangements for the accomplishment of any of its on-wing maintenance, preventive maintenance, or alterations designated as RIIs.

3) Splitting an engine case is not essential maintenance unless the certificate holder has designated that item of maintenance as an RII that must be inspected when the engine is still installed on the airplane.

E. Category of Maintenance. The following should be used by certificate holders when providing the general description of work required by §§ 121.369(a) and 135.427(a). The certificate holder is responsible for classifying its work into these categories, not the FAA.

1) Aircraft Maintenance.

a) Heavy Maintenance. An example of heavy maintenance could be the inspection and repair of the aircraft airframe, performed at specified time intervals. These intervals are based upon the guidelines of the aircraft manufacturer, the National Aviation Authority (NAA), the FAA, and the European Aviation Safety Agency (EASA), and further refined by the certificate holder. Scheduled inspections are typically based on a fixed number of

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flight hours. There are four levels of inspections, usually termed “A,” “B,” “C,” and “D” checks. “A” and “B” checks are normally considered part of line maintenance. “C” and “D” checks are classified as heavy maintenance.

b) Line Maintenance. Line maintenance includes light, regular checks to ensure that the aircraft is safe for flight. Line maintenance also includes troubleshooting, defect rectification, and component replacement. Aviation Maintenance Technicians (AMT) (A&P mechanics) diagnose and correct issues on the aircraft and carry out these checks on an ad hoc basis or at a scheduled interval. Line maintenance consists of three primary activity categories: transit checks, daily and weekly checks, and “A” and “B” checks.

2) Aircraft Engines. This means off-wing maintenance of aircraft engine maintenance.

3) Propeller Work. This means off-wing maintenance of propellers and propeller control components.

4) Components. This means off-wing maintenance carried out in the shop environment when components have been removed from an aircraft in order to return them to serviceable condition.

5) Specialized Service. Includes services such as x ray, plating, eddy current, painting, shot peening, plasma spray, composite structures maintenance, weighing, and welding.

F. Maintenance Provider List (MPL). Certificate holders that use the services of a contract MP have specific regulatory reporting requirements. This section provides guidance for standardized interpretation and oversight of these regulations.

1) MPL. When we use the acronym MPL, we are referring to the list required by §§ 121.368(h) and 135.426(h), which state: “Each certificate holder who contracts for maintenance, preventive maintenance, or alterations must provide to its responsible Flight Standards office, in a format acceptable to the FAA, a list that includes the name and physical (street) address, or addresses, where the work is carried out for each maintenance provider that performs work for the certificate holder, and a description of the type of maintenance, preventive maintenance, or alteration that is to be performed at each location. The list must be updated with any changes, including additions or deletions, and the updated list provided to the FAA in a format acceptable to the FAA by the last day of each calendar month.” Principal inspectors (PI) must ensure that all MPL data is entered in SAS under the contractor’s tab in Module 1.

a) Sections 121.368(h) and 135.426(h) state in part, “…must provide to its responsible Flight Standards office, in a format acceptable to the FAA …” The recommended format that may be used in most cases is the MPL Excel file which can be created within the contractor’s tab in SAS Module 1. PIs create this file and provide it to the certificate holder who will then make additions or deletions as required, and then return it to the PI for import into SAS. This format provides for standardized reporting and import of MPL data into SAS.

b) Sections 121.368(h) and 135.426(h) state in part, “…the name and physical (street) address, or addresses, where the work is carried out for each maintenance provider that

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performs work for the certificate holder…" The FAA needs to know where maintenance is performed for each certificate holder. This means that for each MP, the certificate holder must list all locations where maintenance is performed. Keep in mind that the business address for the MP may not necessarily be the address where the maintenance is performed. If the maintenance is performed at an airport, the airport code meets the address requirement and no further information, such as street address, is required.

c) Sections 121.368(h) and 135.426(h) state in part, "…a description of the type of maintenance, preventive maintenance, or alteration that is to be performed at each location." In these regulations the "type of maintenance" is referring to covered work, as defined in §§ 121.368(a)(2) and 135.426(a)(2). This means that for each location where maintenance is performed, the type(s) of maintenance that must be listed on the MPL includes: essential maintenance, regularly scheduled maintenance, and RII on an aircraft.

d) Sections 121.368(h) and 135.426(h) state in part, "The list must be updated with any changes, including additions or deletions, and the updated list provided to the FAA…" In cases where there are no additions or deletions to the MPL, certificate holders are not required to provide an unchanged list to the FAA.

2) Applicability. The following is an overview of who must be listed on the MPL and who should not be.

a) As applicable for each certificate holder, the MPL will include:

1. FAA CRSs that perform maintenance on behalf of the certificate holder.

2. Other certificate holders (air carriers) that perform maintenance on behalf of the certificate holder.

3. Individual A&P mechanics that the certificate holder directly contracts with to perform maintenance (other than certificate holder employees). Examples of this include on-call maintenance or flight mechanics.

4. Individual A&P mechanics that are employed by a noncertificated entity and perform maintenance on behalf of the certificate holder.

5. Individual A&P mechanics employed by a CRS and using their A&P certificate to sign for maintenance performed on behalf of the certificate holder.

6. Canadian AMOs that perform maintenance on behalf of the certificate holder.

7. Individual Canadian AMEs that the certificate holder directly contracts with to perform maintenance (other than certificate holder employees).

b) The MPL should not include subcontractors used by the first-tier MP. The certificate holder should have procedures in its manual for accepting the MP's subcontractors at

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the forefront of the airworthiness agreement, and procedures that ensure the certificate holder is made aware of any changes to subcontractors.

3) Compliance Methods. A certificate holder may elect to maintain an electronic file within their manual system which meets the requirements of §§ 121.368(h) and 121.369(a), or §§ 135.426(h) and 135.427(a). Refer to the SAS v1.7 Maintenance Provider List (MPL) – Interim Process using Option 3 and the SAS v1.7 Maintenance Provider Excel Template. The file created using this process will meet the regulatory requirements.

NOTE: Certificate holders may also use the SAS External Portal as a means to provide to its responsible Flight Standards office a list of these MPs.

6-1151 MP AIRWORTHINESS AGREEMENTS.

A. Certificate Holder Maintenance Responsibility. Throughout the process of evaluating an arrangement for the performance of maintenance, it is important to remember that the certificate holder is responsible for the performance and quality of the maintenance, and cannot delegate this responsibility (refer to §§ 121.363 and 135.413). The MP's organization becomes, in effect, an extension of the certificate holder's maintenance organization. The certificate holder's contract maintenance program that documents the nature of the arrangement between the certificate holder and the MP should demonstrate that they retain the responsibility and the authority to decide what to do, when to do it, and how to do it. Additionally, §§ 121.368 and 135.426 require that:

1) Each certificate holder must be directly in charge of all covered work done for it by an MP.

2) Each MP must perform all covered work in accordance with the certificate holder's maintenance manual.

3) No MP may perform covered work unless that work is carried out under the supervision and control of the certificate holder.

NOTE: The certificate holder representative does not need to be physically present to observe the maintenance, but should be available to make decisions or give instructions.

4) Each certificate holder who contracts for maintenance must develop and implement policies, procedures, methods, and instructions for the accomplishment of all contracted maintenance. These policies, procedures, methods, and instructions must provide for the maintenance to be performed in accordance with the certificate holder's CAMP. These procedures should cover all aspects of contract maintenance, from making arrangements for the performance of heavy maintenance visits to component repair to on-call line maintenance. The certificate holder should specifically explain how the MP will be provided the appropriate instructions for the accomplishment of the maintenance and should document the methods for identifying and disseminating those portions of the certificate holder's manual that an MP must follow.

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5) Each certificate holder who contracts for maintenance, preventive maintenance, or alterations must ensure that its system for the Continuing Analysis and Surveillance System (CASS) of the maintenance, preventive maintenance, and alterations carried out by the MP, as required by §§ 121.373(a) and 135.431(a), contains procedures for oversight of all contracted covered work.

6) The policies, procedures, methods, and instructions required by subparagraphs 4) and 5) above must be acceptable to the FAA and included in the certificate holder's maintenance manual, as required by §§ 121.369(b)(10) and 135.427(b)(10).

7) The certificate holder must have an MP qualification process that defines the method used to determine if the MP has the capability to do the requested work prior to placing an MP on the lists required by §§ 121.369(a) and 135.427(a). This qualification process should include the nature of the work to be performed (i.e., essential maintenance, nonessential maintenance), the ability to use an MP in good standing on the Coordinating Agency for Supplier Evaluation (C.A.S.E.) Registry (refer to part 121—unless that MP is to perform essential maintenance), the procedures for conducting an audit and the type of audit (i.e., onsite or other means), and the standards for determining acceptance of the MP.

B. EMP Audits.

1) Part 121 Certificate Holder's Audits. Before adding an EMP to the list required by § 121.369(a), operations specifications (OpSpec) D091 requires that part 121 certificate holders conduct an onsite audit to determine that each proposed EMP has an adequate organization, competent personnel, and adequate facilities and equipment. If the certificate holder authorizes change(s) to the essential maintenance that an existing MP will perform, and that change(s) requires a change in the work description category, then the certificate holder shall accomplish another onsite audit of the MP. The D091 onsite audit requirement is not applicable to an MP who is an individual A&P mechanic authorized to perform RII on behalf of the certificate holder.

2) Part 135 Certificate Holder's Audits. Before adding an EMP to the list required by § 135.427(a), the part 135 certificate holder should have a means to determine that each proposed EMP has an organization adequate to perform the work.

3) FAA Part 121 or 135 EMP Inspections. The frequency of certificate holder EMP inspections is determined as a result of Risk-Based Decision Making (RBDM) by the PIs assigned to each certificate holder. This is in line with the Flight Standards Service's risk-based, data-supported safety oversight model, SAS.

C. Communication Between the Certificate Holder and its MPs. An MP is considered to be an extension of the certificate holder and, as such, each entity should communicate clearly with the other. However, ASIs should be aware of certain regulatory requirements that are the responsibility of the part 121 or 135 certificate holder.

1) Certificate holders must keep MPs informed of the provisions of its OpSpecs that are applicable to the duties and responsibilities of each MP. Refer to 14 CFR part 119, § 119.43.

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2) Certificate holders must notify each MP, in writing, of the certificate holder's policies and OpSpecs authorization permitting or prohibiting the acceptance, rejection, handling, storage incidental to transport, and transportation of hazardous materials (hazmat), including company material. Refer to §§ 121.1005(e) and 135.505(e).

D. Maintenance Scope. The performance of maintenance includes all facets of performing maintenance on the certificate holder's aircraft or components and includes, but is not necessarily limited to, the following areas of the certificate holder's CAMP:

1) Maintenance personnel training (including inspection personnel and RII-authorized personnel).

2) Instructions for the accomplishment of maintenance and inspections (including the use of maintenance manuals, work cards, and Engineering Orders, etc.).

3) Duty time under § 121.377. The certificate holder must ensure that its MPs follow the duty time requirements. If the certificate holder's CAMP indicates that the MP provides specific assurances, the contractor must provide those assurances. The certificate holder should ensure that the MP has procedures in place to ensure that those assurances are being met.

NOTE: There is no corresponding part 135 regulation for duty time.

4) Maintenance documentation and that documentation's control (including documenting scheduled and nonroutine maintenance and the use of documents to control work packages).

5) Maintenance records (including record retention and the transfer of maintenance records). Under 14 CFR part 43, § 43.9 and §§ 121.380 and 135.439, aircraft owners and operators must maintain specific records. If the certificate holder's CAMP indicates the responsibility of making regulatory records available may be delegated to MPs, the certificate holder should clearly define the records to be maintained, the length of time the records should be kept, and the form and manner of maintaining those records. Refer to § 119.59(b)(1)(ii). This must also include where the records will be physically located and how the information will be included in the certificate holder's CASS.

6) Procedures for Service Difficulty Reporting (SDR).

7) Parts handling, storage, and identification (including receiving, inspection, and the use of parts tags).

8) Calibrated tools and test equipment.

9) Certificate requirements. As required by §§ 121.378 and 135.435, each person who is directly in charge of maintenance, preventive maintenance, or alterations, and each person performing required inspections must hold an appropriate airman certificate, unless the MP is located outside the United States.

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10) Policies and procedures, as required, for transferring and receiving data and information necessary to support the CASS, reliability program, or other programs from which the certificate holder has interfaces with the MP.

E. Proprietary Data. Many times, certificate holders' General Maintenance Manuals (GMM) are designed for in-house maintenance. This is aggravated when the manual contains proprietary or other confidential information that a certificate holder may not want to share with an MP. In many cases, the MP also works on competitors' aircraft. This has a tendency to make certificate holders reluctant to share this information, and therefore they do not. Proprietary data issues should be addressed by agreements, which describe the nature of the arrangements between the certificate holder and the MP.

F. Unexpected Requirement for Unscheduled Maintenance. Unscheduled maintenance may occur at any time. If a requirement for unscheduled maintenance occurs, the FAA expects each certificate holder to have demonstrated that it has competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) available for the proper servicing, maintenance, preventive maintenance, and alterations of a certificate holder's aircraft. A diversion airport, or airports, is required to be identified in each certificate holder's flight plan. Each diversion airport identified is considered to be along the certificate holder's approved route. Further, if a domestic or flag certificate holder is operating off its approved routes, it must operate under the applicable supplemental rules and demonstrate compliance with § 121.123 in regard to competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials). Refer to §§ 121.105, 121.123, and 135.23(h).

NOTE: A certificate holder that elects to obtain the services of an MP either on an unscheduled or short notice basis must include specific procedures for doing so in its manual. Refer to §§ 121.369(b)(10) and 135.427(b)(10).

G. Qualifications. Regulations require that each person with whom a certificate holder arranges for the performance of maintenance, preventive maintenance, and alterations must have:

1) An organization adequate to perform the work. Refer to §§ 121.365(a) and 135.423(a).

2) Competent personnel and adequate facilities and equipment for the proper performance of maintenance, preventive maintenance, and alterations. Refer to §§ 121.367(b) and 135.425(b).

3) Relevant and current technical and administrative material from the certificate holder's manual for the work to be performed. Refer to §§ 121.137(a)(1) and 135.21(d).

4) A current listing of individuals trained, qualified, and authorized by the certificate holder to conduct required inspections. The list must identify these individuals by name, occupational title, and the inspection(s) they are authorized to perform. Refer to §§ 121.371(d) and 135.429(e).

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5) A training process to ensure that each person (including inspection personnel) who determines the adequacy of work done is fully informed about procedures, techniques, and new equipment in use, and is competent to perform his or her duties. Refer to §§ 121.375 and 135.433. This applies to any person employed by any company that performs maintenance for a certificate holder. The certificate holder should detail in its CAMP how it will comply with these regulations for all contract maintenance personnel. The certificate holder may evaluate and accept the training programs of the MP if it has determined that the MP's program is equivalent to its own and meets the requirements of §§ 121.375 and 135.433. This process should be described in detail within the certificate holder's CAMP.

H. Subcontracted Maintenance. The certificate holder's manual should address maintenance that is contracted to one MP and then subcontracted out to other certificated and/or noncertificated MPs. The certificate holder must ensure that the policies, procedures, methods, and instructions for the performance of maintenance that are contracted with the MP and which the MP has contracted to any other outside source are specified, and that the certificate holder retains responsibility for the performance of the work performed. Deviations from the methods and instructions for the performance of work by an outside source contracted by the MP must be authorized by the certificate holder. Certificate holders that rely solely on the repair stations to oversee the subcontracted work without involvement do so contrary to the regulations. Refer to §§ 121.363, 121.367(a), 135.413, and 135.425(a).

I. Maintenance Program Performance Procedures. Due to the wide variety and different levels of contracting out maintenance, the certificate holder may evaluate and accept into its CAMP the procedures used by the MP for the performance of maintenance. However, the certificate holder's CAMP must contain the manner used to evaluate, accept, and authorize the MP's procedures. Refer to §§ 121.369(b)(10) and 135.427(b)(10).

1) Certificate Holder Agreement for an All-Encompassing Maintenance Program. These situations allow for a certificate holder to contract with another equivalent certificate holder for the purposes of the performance of maintenance (including required inspections). In this category, all maintenance is performed in accordance with the contractor's programs, methods, procedures, and standards. The certificate holder's aircraft is considered part of the contractor's fleet for purposes of maintenance program content and maintenance intervals, including reliability program, if applicable. However, this does not alleviate the certificate holder of its ultimate responsibility for the maintenance performed on its aircraft. The issuance of OpSpec D077 will authorize this type of contractual arrangement. See Volume 3, Chapter 18, Section 6, Parts D and E Maintenance Operations Specifications/Management Specifications/Letters of Authorization.

2) Certificate Holder Participation in Parts Leasing or Exchanging Pool. Because the certificate holder is responsible for the airworthiness of its aircraft and the performance of its maintenance, arrangements with persons or organizations that supply parts and components other than new supply parts and components on a lease or exchange basis, should also be considered MPs. While a leased or exchanged part is installed on a certificate holder's aircraft, that part is subject to the controls and requirements of the certificate holder's maintenance program. Leases or exchanges, which do not allow the certificate holder to be in control of the maintenance of the leased or exchanged part or component while under the

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certificate holder's certificate responsibility, and while in a maintenance status, are contrary to regulations as they do not allow the certificate holder to exercise their responsibility for airworthiness under § 121.363 or for performance of maintenance under the certificate holder's maintenance program. Refer to § 121.367.

NOTE: Certificate holders who participate in parts leasing or exchange pools should have policies and procedures in place to ensure that the regulatory responsibility for the performance of maintenance and CASS are met. Data produced by these parts or components should be analyzed to determine that the certificate holder's programs are working effectively as intended and that any deficiencies are corrected.

3) Part Transactions. There are two types of part transactions that may take place when a certificate holder sends a component to a supplier to have it replaced with a new or repaired part. ASIs should review the agreement between the person providing the part and the certificate holder, the work order that the certificate holder sends along with the part to the person supplying the part, or both.

a) Sales Transaction. In this transaction, the certificate holder may sell its component to a parts broker and the certificate holder then buys the serviceable part from the MP. This is basic buying and selling (i.e., a sales transaction), and the end product does not involve maintenance since the certificate holder is buying the part and not sending it out for maintenance. The cost to the certificate holder is the cost of the part (i.e., the list or retail price for the part). These transactions involve persons who are not authorized to accomplish maintenance on the part. In this instance, the parts broker would not be listed on the MPL. The surveillance focus for this type of transaction would be on the certificate holder's receiving inspection and the process of bridging the part into the certificate holder's system.

b) Maintenance Transaction. If the certificate holder sends a part out for maintenance to an MP authorized to accomplish maintenance on the part, and the MP simply exchanges the received part for a serviceable one it had on the shelf, it is a maintenance transaction and not a sales transaction. The cost to the certificate holder is the cost of the maintenance and not the cost of the part itself. In this instance, the MP would be listed on the certificate holder's MPL, and the surveillance focus would be on the certificate holder's CAMP and oversight of the MP.

J. Evaluating and Accepting the Procedures or Methods of an MP as Part of the Certificate Holder's CAMP.

1) Instead of a certificate holder reiterating the maintenance requirements or publications that are already contained in an MP's manual, the certificate holder may evaluate and accept the MP's manual, in part or as a whole, as part of its CAMP.

a) For example, a certificate holder's calibrated tool interval for recalibration is 12 months, and a review of the MP's manual shows that their requirement is 18 months. In this situation, the certificate holder can evaluate the calibrated tool program of the MP and accept

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the 18-month interval, or the certificate holder can instruct the MP that the calibrated tools used on their aircraft must be calibrated within the last 12 months.

b) Another example is maintenance documentation. The certificate holder's program may require all maintenance discrepancies to be documented on its specific company forms. A certificate holder can evaluate the maintenance forms used by the MP and determine that their methods of documenting maintenance are acceptable and allow the MP to use their forms instead of the certificate holder's.

2) In either case, it is important to note that this evaluation is not necessarily a comparison of the MP's manuals to the certificate holder's manuals to determine that the programs are the same, but rather an evaluation of the MP's manual to determine if their program is acceptable to the certificate holder for the accomplishment of the particular maintenance. Once this evaluation has taken place, the certificate holder will detail to the MP how the maintenance needs to be accomplished. It should also include the method for disseminating the authorization and specific work instructions to the MP. This evaluation process and subsequent dissemination to the MP should be described within the certificate holder's contract maintenance program portion of its CAMP. Instead of the certificate holder revising its CAMP each time this process takes place, the certificate holder can place the specific policies, procedures, and work instructions to the MP in a letter or agreement that describes the specific nature of the arrangement for the performance of work. This process, as a whole, complies with the requirements to perform maintenance in accordance with the certificate holder's manuals per §§ 121.363(b), 121.367(a), 121.368(c), 121.379(a), 135.413(b)(2), 135.425(a), 135.426(c), and 135.437(a).

3) Certificate holders should differentiate these policies and procedures between the different levels of contract maintenance (e.g., EMPs versus non-EMPs, or providers of on-aircraft work versus a repair station that repairs components). Once the certificate holder and the MP enter into an agreement in which the certificate holder will accept the MP's procedures, those procedures are now part of the certificate holder's CAMP. Any revisions to the accepted procedures by the MP, in effect, revise the certificate holder's CAMP. Policies and procedures should be contained in the certificate holder's CAMP to ensure that the certificate holder is in control of its CAMP. They should ensure that the certificate holder is aware of any such revision prior to the contract provider implementing those revisions. These procedures should include a method to reevaluate the revisions (as described above) and determine if they continue to be acceptable to the certificate holder. The manuals should identify who is responsible to ensure that this process is functioning and who has the authority to revise this process.

K. CASS. Per §§ 121.373 and 135.431, the certificate holder shall establish and maintain a system for the CASS of the performance and effectiveness of its contract maintenance program and provide for the correction of any deficiencies in the program. As part of its CASS, the certificate holder should establish a schedule for accomplishing continuing audits or inspections, designed to determine the MP's level of compliance with the specific work instruction and the procedures in the certificate holder's manual. A number of variables will dictate the frequency of these audits or inspections, such as the certificate holder's level of confidence in the MP, the complexity and quantity of the work, the quality of the work produced, and the quality of the records and certifications produced. Because of these variables, certificate holders will have

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audit schedules that differ from one another. Each certificate holder should have a risk-based audit schedule.

NOTE: The MP operates as an extension of the certificate holder's maintenance organization, and the resultant relationship in regard to maintenance, preventive maintenance, and alterations should be transparent in all respects with regard to the work performed for the certificate holder. The certificate holder should ensure agreements that define the nature of the arrangements with the MP include reciprocal sharing of information from voluntary programs, such as the Aviation Safety Action Program (ASAP) and Voluntary Disclosure Reporting Program (VDRP).

NOTE: This reciprocity is essential in order to identify deficiencies or inadequacies in the certificate holder's CAMP. Voluntary program data should be included in the certificate holder's CASS, used to monitor the effectiveness of safety risk controls, and used as a measurement of the organization's safety performance. For more information, refer to AC 00-58, Voluntary Disclosure Reporting Program, and AC 120-66, Aviation Safety Action Program (ASAP).

L. C.A.S.E. C.A.S.E. functions as a contract auditor for its certificate holder members. Qualifying C.A.S.E. audits for an EMP audit can be used for operator follow-up audits on EMPs, provided the C.A.S.E. audit has been accomplished within the previous 6 months and if the C.A.S.E. 1A audit checklist includes the airline-specific requirements. A C.A.S.E. audit may not be used as an initial audit for newly proposed EMPs.

1) The C.A.S.E. audit alone does not satisfy regulatory requirements of §§ 121.373 and 135.431. Data collected by the C.A.S.E. audit must be analyzed to determine that the certificate holder's programs are working effectively and that any deficiencies are corrected. The C.A.S.E. program must be integral to the certificate holder's CASS. See Volume 3, Chapter 49, Section 1 for additional information.

2) Certificate holders who are authorized by OpSpecs to utilize C.A.S.E. audits for the surveillance of repair stations should have procedures in their manual to determine when C.A.S.E. audits are acceptable to use for the work being performed. Determination may include consideration of elements of risk resulting from CASS analysis, maintenance program requirements for the scope of work to be performed, covered work, or work managed under the certificate holder's reliability program, etc.

M. Airworthiness Release or Aircraft Log Entry (Required by §§ 121.709 and 135.443). For the purposes of contract maintenance, it is important to note that §§ 121.709(b)(3) and 135.443(b)(3) outline specific requirements for the persons authorized to sign an airworthiness release or aircraft log entry. As defined in part 1, § 1.1, a person is an individual, firm, partnership, corporation, company, association, joint-stock association, or government entity. A repair station, as a company, qualifies as a person defined in § 1.1 and if authorized by the certificate holder, can prepare, or cause to be prepared, an airworthiness release or an appropriate entry in the aircraft log. Such a release or aircraft log entry is limited to the work the repair station is rated to perform and actually performs on an aircraft for certificate

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holders operating under parts 121 and 135. In preparing the airworthiness release or aircraft log entry, the person or, in this instance, the part 145 CRS, must comply with the procedures set forth in the part 121 or 135 certificate holder's manual for preparing the airworthiness release or aircraft log entry. This provision corresponds to the parts 121 and 135 certificate holder's duty under §§ 121.367 and 135.425 to ensure that not only are competent personnel performing maintenance on their fleets, but that each aircraft released to service is Airworthy.

1) For repair stations located within the United States, a person employed by the repair station may sign the airworthiness release or log entry, but only if that person is authorized by the air carrier to do so, and the person holds an FAA-issued mechanic or repairman certificate.

2) A person employed by the repair station who does not hold an FAA-issued mechanic or repairman certificate may not sign the document unless the repair station is located outside the United States.

N. Required Inspection Personnel.

1) As required by §§ 121.371(a) and 135.429(a), no person may use any person to perform required inspections unless the person performing the inspection is appropriately certificated, properly trained, qualified, and authorized to do so.

2) Sections 121.371(d) and 135.429(e) require that each certificate holder shall maintain or determine that each person with whom it arranges to perform its required inspections maintains a current listing of persons who have been trained, qualified, and authorized by the certificate holder to conduct required inspections. The persons must be identified by name, occupational title, and the inspection that they are authorized to perform. The certificate holder shall give written information to each person so authorized by the certificate holder, describing the extent of the person's responsibilities, authorities, and inspectional limitations. Additionally, the certificate holder must provide this list for inspection upon FAA request.

3) The certificate holder's audit used to survey MPs or EMPs should include a specific review of the RII qualifications and records of the individual RII-designated personnel.

4) RII qualification requirements apply to both the entity, if there is one, as well as the individual who actually carries out the required inspection. An EMP is anyone who is used by the certificate holder to accomplish the inspection that the certificate holder has designated as an on-wing RII. It does not include the actual maintenance that requires the RII.

5) Furthermore, if RIIs are to be accomplished by the MP, the inspection functions within the contracting organization must be separate from the other maintenance, preventive maintenance, and alteration functions. If the certificate holder's maintenance program or procedures require specific compliance aspects, the certificate holder must ensure that the MP is equally capable of following its manual procedures, written instructions, and any work scope provided.

O. RII One-Time Authorizations. An RII relates directly to flight safety, and §§ 121.371 and 135.429 do not differentiate between a one-time authorization and an

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authorization for continuing use. As such, the process for a one-time RII authorization must be equivalent to the process used to grant an authorization for continuing use. If a certificate holder makes an authorization due to unscheduled RII requirements, it should have in its manual a process to identify repetitive usage for the same person. ASIs should verify that the certificate holder's process for a one-time RII authorization meets the regulatory requirements of §§ 121.371 or 135.429, as applicable.

6-1152 TASK OUTCOMES.

A. Complete the Task. Complete the applicable SAS DCTs. Follow SAS Volume 10, Chapter 5 guidance for Data Collection and Data Reporting.

B. Conduct Debriefing. Brief the certificate holder on the inspection results. Discuss all deficiencies, certificate holder corrective actions, and FAA actions. The ASI can find instructions for conducting briefings in Volume 1, Chapter 3, Section 1.

C. Compliance Action. See Volume 14, Chapter 1, Section 2 when necessary to correct deviations or resolve compliance issues.

D. Document the Task. Update configuration data, if required.

6-1153 FUTURE ACTIVITIES. Follow SAS guidance for planning and accomplishing future risk-based surveillance.

RESERVED. Paragraphs 6-1154 through 6-1170.

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VOLUME 6 SURVEILLANCE

CHAPTER 9 PART 145 INSPECTIONS

Section 7 Safety Assurance System: Inspect a Part 145 Repair Station's Manual System

6-1751 REPORTING SYSTEM(S). Use Safety Assurance System (SAS) automation for reporting.

6-1752 OBJECTIVE. When evaluating a manual or revision, the principal inspector (PI) has the ability to use the Safety Assurance System (SAS) Element Design Data Collection Tool (ED DCT) and/or Custom DCT (C DCT) based on the scope and nature of the revision. When evaluating a Repair Station Manual (RSM), multiple elements are involved. See Volume 10, Chapter 1, Section 2 for the Master List of Functions (MLF) for the SAS elements.

6-1753 GENERAL. The repair station may have several manuals or documents in its quality control (QC), repair station, and training manual system. The certificate holder may combine into one section or chapter of the manual system portions required by Title 14 of the Code of Federal Regulations (14 CFR) part 145, § 145.209 and portions required by §§ 145.163 and 145.211.

NOTE: If the repair station is also a 14 CFR part 121 air carrier, the repair station may reference portions of the air carrier manuals to make up the RSM/Quality Control Manual (QCM) and training manuals, as long as the referenced portions meet the requirements of part 145 and 14 CFR part 43.

6-1754 COORDINATION REQUIREMENTS. If the repair station has an assigned principal maintenance inspector (PMI) and a principal avionics inspector (PAI), both inspectors should coordinate this inspection.

6-1755 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 1, 39, 43, 65, 91, 121, 125, 129, 135, and 145.
- Volume 1, Chapter 3, Section 1, Safety Assurance System: Responsibilities of Aviation Safety Inspectors.
- Volume 2, Chapter 11, Certification of a Part 145 Repair Station (for the certification process documents for certifying a part 145 repair station).
- Volume 6, Chapter 9, Section 11, Safety Assurance System: Inspect a Part 145 Repair Station's Quality Control System.
- Volume 6, Chapter 9, Section 14, Safety Assurance System: Inspect, Review, and Approve a Part 145 Repair Station's Training Program.
- Volume 10, Safety Assurance System Policy and Procedures.
- Federal Aviation Administration (FAA) Order 8120.16, Suspected Unapproved Parts Program.
- Advisory Circular (AC) 43-10, United States—Canadian Bilateral Aviation Safety Agreement Maintenance Implementation Procedures.

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- AC 120-78, Electronic Signatures, Electronic Recordkeeping, and Electronic Manuals.
- AC 145-9, Guide for Developing and Evaluating Repair Station and Quality Control Manuals.
- AC 145-10, Repair Station Training Program.
- United States Agreements with Other Aviation Authorities (AA).

B. Forms. None.

C. Job Aids. None.

6-1756 PROCEDURES.

A. Review Applicable Information. When evaluating a manual, use the ED DCT. If this task is performed as a revision, only the revised portion of the manual must be submitted.

B. Before Inspection. Before the inspection, the aviation safety inspector (ASI) should carefully review the following:

- Repair station training program and manual.
- Safety Performance Analysis System (SPAS).
- Certificate-holding district office (CHDO) file.
- RSM/QCM. The PI or ASI should be familiar with the policies and procedures contained therein.

NOTE: There are some recommendations included in this order referenced from AC 145-9 that the regulations do not require. They have been included to assist the inspector and certificate holder/applicant in developing a more complete description of the repair station's overall functions, responsibilities, and QC procedures.

C. Inspect Air Agency Repair Station Manual (RSM).

1) The manuals submitted by a certificate holder or applicant may be separate or may be combined into a single manual. The format should be consistent and must include all § 145.209 regulatory requirements, and portions required by §§ 145.163 and 145.211. The ASI must ensure that the manuals accurately reflect the procedures used in the performance of maintenance, preventive maintenance, or alterations. It is expected that, to fully describe the repair station's inspection/quality system, there will be some procedures that may not be regulatory.

2) The RSM identifies personnel authorized to make and approve changes to the RSM.

3) Repair stations properly distribute and incorporate revisions. One way to verify this is by sampling RSMs throughout the facility.

4) All RSM copies and the CHDO copy are at the same revision level.

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NOTE: Federal regulations do not require that the FAA review and accept revisions before implementation, provided the repair station follows the revision procedures in its manual. The repair station should have a procedure in its manual to recall revisions if the FAA finds a revision unacceptable.

5) A certificated repair station's (CRS) current RSM/QCM must be accessible for use by repair station personnel. All repair station employees on all shifts must have access to the manual, regardless of the media used (electronic, CD-ROM, etc.).

NOTE: When the RSM at repair stations outside the United States is located in the work area and is in the national language, the repair station must provide to the FAA inspection team a supervisor or other person who can read the national language version to the team. In this way, the team can confirm that the national language RSM has the same information as the English language version. National language usage is an option for repair stations outside the United States. If a repair station elects to use the national language, it must provide a method for the FAA to confirm that the material is accurate.

NOTE: Verify the repair station located outside the United States has provided the FAA with an English language version of its RSM.

D. Hazardous Materials (hazmat). Each repair station that meets the definition of a hazmat employer under Title 49 of the Code of Federal Regulations (49 CFR) part 171, § 171.8 must have a hazmat training program that meets the training requirements of 49 CFR part 172 subpart H. The hazmat training manual should be a separate manual for approval under 49 CFR part 172 subpart H and not included as a requirement of the FAA training manual required by § 145.163.

NOTE: PIs should ensure that repair stations are aware of the 49 CFR regulations governing hazmat transportation. Any hazmat training manual received from a repair station must be submitted to the Office of Security and Hazardous Materials Safety (ASH) through the Hazardous Materials Branch Manager (HMBM). The definitions of "hazmat employer" and "hazmat employee" can be found in 49 CFR part 171, § 171.8.

E. Service Difficulty Reports (SDR) and Suspected Unapproved Parts (SUP).

1) The manual should include the following:

- Procedures for submitting an SDR.
- Procedures for detecting and reporting SUPs. Refer to Order 8120.16 for reporting criteria and reporting instructions.

2) A CRS must report to the FAA within 96 hours after it discovers any serious failure, malfunction, or defect of an article in accordance with § 145.221, and in a format acceptable to the FAA. This is usually in the form of an SDR. If the repair station performs maintenance, preventive maintenance, or alterations for an air carrier, the manual should also contain procedures on how it will notify the operator when submitting reports. The reporting

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requirement of part 121, § 121.703(d) will be served when an aircraft is scheduled out of service (OTS) for more than 72 hours due to maintenance, preventive maintenance, or alteration activities. Occurrences and deficiencies must be reported 96 hours after the work on the aircraft is approved for return to service, unless the condition has been reported under another part or section of 14 CFR (e.g., 14 CFR part 21, § 21.3 or § 145.221). The report required must include as much of the following information as is available:

- Aircraft registration number;
- Type, make, and model of the article;
- Date of the discovery of the failure, malfunction, or defect;
- Nature of the failure, malfunction, or defect;
- Time since last overhaul, if applicable;
- Apparent cause of the failure, malfunction, or defect; and
- Other pertinent information that is necessary for more complete identification, determination of seriousness, or corrective action.

F. Review the QCM. Verify that:

1) Repair station personnel have access to the QCM.

2) Technical data referenced in the manual is current.

3) Forms listed in the manual are current, and the repair station is only using quality system forms listed in the manual.

4) Copies of the QCM are at the same revision level as the CHDO copy.

G. Review the Training Manual. Repair stations vary drastically in size, so an inspector can expect differences in repair station training programs. The training program must be appropriate to its organization and the work it performs. A repair station may document its training program in the RSM or in a separate document. An advantage to having the training program in a separate document is that it separates an approved training program from a nonapproved RSM/QCM.

1) If the training program is a separate document, verify it is approved and current.

2) If the training program is part of the RSM, verify that the section of the manual is an approved document and that the section is current.

NOTE: The ASI approves the program, but not the curriculum, course outline, lesson plans, or instructors.

3) For additional guidance, see Volume 6, Chapter 9, Section 14, and refer to AC 145-10.

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H. Check the Air Carrier/Operators Manuals. Some repair stations perform maintenance, preventive maintenance, or alterations for air carriers and air operators conducting operations under 14 CFR parts 121, 125, 129, and 135. When this is the case, the repair station must perform maintenance per the air carrier's Continuous Airworthiness Maintenance Program (CAMP), the maintenance manual, or both.

1) Verify that the repair station has the information necessary to comply with this requirement. The repair station can base this information on contractual documents from the air carrier by clearly stating the source of the data (either the manufacturer or the air carrier) by which the repair station performs requested maintenance, along with other requirements of its program or maintenance manual. If the repair station uses sections of an air carrier maintenance program or manual, verify that they are controlled and current copies.

2) If the repair station performs an inspection for a certificate holder conducting operations under part 125, the repair station must perform inspections per the operator's approved inspection program (AIP). Again, the operator must define requirements on contractual documents and must give the repair station sections of the operator's inspection program. If the repair station uses such sections, verify that it is a controlled and current copy.

I. Repair Stations Working Under an Agreement.

1) For a CRS that is located in a country with which the United States has a Bilateral Aviation Safety Agreement (BASA)/Maintenance Implementation Procedures (MIP), or is under the Agreement Between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety and associated Maintenance Annex Guidance (MAG), the repair station's training program is addressed in accordance with that agreement. If FAA review and approval of a repair station training program is required, then the FAA approval requirement will be addressed as a "special condition" (SC) and addressed in the text of the applicable agreement. For example, if the training program review and approval is not identified as a "special condition" in the BASA/MIP or MAG, it has been determined that there is no difference in the applicable regulation and, therefore, does not require further approval by either Technical Agent (TA) (Civil Aviation Authority (CAA)).

2) Verify the use of the supplements. If the repair station has a current certificate, or approval from a country with whom the FAA has a BASA/MIP, verify the repair station is following the additional requirements listed in the supplement.

J. Review Electronic Manual(s).

1) A CRS must provide to its CHDO the current RSM/QCM in a format acceptable to the FAA. If the manuals or manual submitted are in electronic media format, they must be compatible with FAA electronic capabilities and free of any programs that would adversely affect that capability.

2) For electronic manual systems, the following concerns should be reviewed during the inspection:

a) Security and Access. Determine that:

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- Only authorized personnel may make changes to the manual,
- The manual software protects access via passwords,
- The repair station has trained employees to access the manual on the network, and
- Supervisors and inspectors have access to the manual.

b) Revisions. Determine if:

- The user knows the manual has been revised and what content was changed, and
- Personnel verify the currency of individual disks/storage media before use.

6-1757 REPAIR STATION AUTHORIZATION TO MAINTAIN CANADIAN AIRCRAFT.

A. Maintenance, Preventive Maintenance, and Modifications. The repair station may perform maintenance, preventive maintenance, and modifications to Canadian certificated aircraft that are located within the United States. To perform this work, the repair station must continue to comply with part 145 and the SCs imposed by the BASA/MIPs.

B. Implementing Required Procedures. The MIP agreement requires U.S. air agencies and Canadian Approved Maintenance Organizations (AMO) to develop and implement stringent controls and procedures at their repair stations. These procedures must become a part of the RSM or a supplement to the manual. The requirements for the supplement are contained in the current United States–Canadian BASA/MIPs.

C. Transport Canada Civil Aviation (TCCA) Inspections. The repair station must allow TCCA, or the FAA on behalf of TCCA, to inspect it for continued compliance with part 145 and MIP SCs. The repair station must make its manual and the required supplement available for inspection. Investigations and enforcement by the TCCA may be undertaken in accordance with TCCA rules and directives. The repair station must cooperate with any investigation or enforcement action.

D. Canadian Supplement. A repair station performing maintenance, preventive maintenance, or modifications on aircraft that are operated in commercial air service under part VII of the Canadian Aviation Regulations (CARs) must have an accepted Canadian supplement to their RSM/QCM, according to the MIP between the governments of the United States and Canada. The MIP is at http://www.faa.gov/aircraft/repair/media/mip_can.pdf.

NOTE: The PMI will accept the Canadian supplement or revision to the appropriate manual sections by sending the repair station a letter indicating the date, the document, manual, or revision number, and an acceptance statement. The ASI should sign the transmittal document. If the repair station elects to embed their Canadian MIP requirements in their manual, the acceptance conveyance letter must quote each section of the manual where the Canadian requirements are found. The ASI is only accepting the Canadian requirements of the manual.

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6-1758 TASK OUTCOMES.

A. Complete the Task. Follow Volume 10 guidance for Module 4, Data Collection; PIs follow Module 5, Analysis, Assessment, and Action (AAA).

B. Document the Task. Place all supporting paperwork in the certificate holder's office file. Follow SAS guidance for Module 4, Data Reporting. Update SAS Configuration Module 1 Vitals Information, as required.

C. Compliance Action. Follow the process contained in Volume 14, Chapter 1, Section 2 to identify the root cause that led to any deviations from rules, standards, or procedures; resolve them, and return the repair station to full compliance.

6-1759 FUTURE ACTIVITIES. Follow Volume 10 to plan future risk-based surveillance in SAS.

RESERVED. Paragraphs 6-1760 through 6-1772.

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VOLUME 6 SURVEILLANCE

CHAPTER 11 OTHER SURVEILLANCE

Section 14 Safety Assurance System: Conducting Records Reviews and Aircraft Inspections Mandated by the Aging Airplane Rules for Parts 121, 129, and 135

6-2486 REPORTING SYSTEM(S).

A. Program Tracking and Reporting Subsystem (PTRS). For Title 14 of the Code of Federal Regulations (14 CFR) parts 121, 129, and 135, use PTRS activity codes 3634, 5634, 3647, and 5647. If reviewing reports submitted by a Designated Airworthiness Representative (DAR)/Organization Designation Authority (ODA), use PTRS activity codes 3646 and 5646.

B. Safety Assurance System (SAS). This section is related to SAS Elements 4.2.1 (AW) Maintenance/Inspection Requirements and 4.6.2 (AW) Maintenance Special Emphasis Programs, but not reported in SAS.

6-2487 OBJECTIVE. This section provides guidance on conducting aging airplane inspections and records reviews to accomplish the requirements of the Aging Airplane Safety Final Rule and the Aging Aircraft Safety Act of 1991 (the Act). The Act requires the Administrator to make inspections and to review the maintenance and other records of certain aircraft to decide whether they are maintained in an Airworthy condition. To accomplish this, the aviation safety inspector (ASI) will conduct structural spot inspections and aircraft records surveillance, as deemed appropriate. The air carrier, to accomplish the required aircraft records reviews and inspections, may use DARs and/or ODAs.

NOTE: For the purpose of this function, “the Administrator” is defined as ASIs, DARs, ODAs, or other persons so designated to accomplish these inspections.

6-2488 GENERAL.

A. Basic Requirement. The basic requirement is to inspect each aircraft and review its records; however, a sampling of these tasks and records for each airplane, along with routine surveillance of a certificate holder’s maintenance program, will ensure that each airplane and its age-sensitive components are properly maintained. This guidance is applicable to each airplane operated under part 121 (except those airplanes operated solely within the state of Alaska); part 135 multiengine, in scheduled service (except those airplanes operated solely within the state of Alaska); and U.S.-registered, part 129 multiengine aircraft. Special coordinating instructions for aircraft operated under part 135 on-demand rules can be found in subparagraph 6-2493A. Aircraft and records inspections are reported in PTRS for all 14 CFR parts.

B. General.

1) Records Review. The ASI/DAR/ODA will review/sample the following records for each airplane described in subparagraph A above to ensure confidence that the carrier is maintaining adequate/reliable records:

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a) Total years in service.

b) Total flight hours of the airframe.

c) Total flight cycles of the airframe.

d) Date of last records review and inspection required by part 121, § 121.1105; part 129, § 129.105; and part 135, § 135.422.

e) Current status of life-limited parts of the airframe.

f) Time since last overhaul of all structural components required to be overhauled on a specific time basis.

g) Current inspection status of the airplane, including the time since the last inspection required by the inspection program under which the airplane is maintained.

h) Current status of the following, including method of compliance:

- Airworthiness Directives (AD), and
- Inspections and procedures required by § 121.1109 and § 129.109.

NOTE: The effective date of these rules is December 20, 2010.

i) A list of major structural alterations.

j) A report of major structural repairs and the current inspection status of those repairs.

2) Aircraft Inspections. The intent of the Act will be met by accomplishing structural spot inspections as outlined in Volume 6, Chapter 2, Section 6, Safety Assurance System: Conduct Spot Inspection of a Program Manager/Operator's Aircraft.

3) Federal Aviation Administration (FAA) Inspection Personnel. FAA ASIs who perform these inspections must possess a Mechanic Certificate with an airframe rating. It is important that ASIs are familiar with the type of aircraft and records system of the air carrier before performing these inspections. ASIs possess various degrees and types of experience. An ASI who needs additional information or guidance should coordinate with personnel experienced in that particular specialty. This can be accomplished through on-the-job training (OJT) provided by the office with responsibility for oversight of the air carrier the ASI will be inspecting.

4) Coordination Requirements.

a) It is essential for the certificate-holding district office (CHDO)/certificate management office (CMO) to coordinate with the operators and geographic inspectors to ensure that no unnecessary delays are incurred as a result of records reviews and aircraft inspections if inspections are to be accomplished using geographic ASIs.

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b) Geographic inspectors may be needed to assist the CHDO/CMO in performing these inspections/reviews. Coordination is required to transmit all inspection results and/or recommendations to the CHDO/CMO including a list of discrepancies found.

c) The CHDO/CMO will be responsible for notifying the certificate holder that the inspection/review has been completed.

6-2489 INITIAL NOTIFICATION AND PLANNING.

A. Initial Notification.

1) Sixty-Day Notification to the FAA. The rules require that the operators notify the FAA at least 60 days before the airplane and its records will be available for inspection and review. Operators should be encouraged to provide advanced planning schedules of aircraft undergoing heavy maintenance. Principal maintenance inspectors (PMI) should work closely with their operator during this period to address any issues that could delay the records review and inspection or prevent the airplane from returning to service as scheduled.

2) Unforeseen Scheduling Conflict. The rules provide for a 90-day extension to the 7-year interval for repetitive records reviews and aircraft inspections. Should an unforeseen operator scheduling conflict occur, the CHDO/CMO may approve an extension of up to 90 days, provided the operator presents written justification for the scheduling conflict. Electronic, facsimile, or other forms of notification may be accepted. Operators should be encouraged to provide ample time for the CHDO/CMO to respond to the extension request.

NOTE: Extensions may only be approved for the 7-year repetitive inspection intervals. In all cases, the initial compliance threshold to the applicable rule must be met.

NOTE: An extension can only be granted by the CHDO/CMO.

B. Heavy Maintenance Check. The Act states that the records reviews and inspections will be carried out as part of the operator's heavy maintenance check. For the purpose of complying with this statute, a heavy maintenance check is defined as a "C" check or segment thereof, a "D" check or segment thereof, or other scheduled maintenance visits where structural inspections are accomplished.

C. Planning. The records review(s) can be, and usually will be, accomplished separately from the aircraft inspection. This is because many operators perform maintenance in one location while the records may be maintained in a different location. If the records review and aircraft inspection are conducted separately, the operator should provide a summary of any additional records entries at the time of the aircraft inspection, such as ADs accomplished and major repairs accomplished.

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D. Records Reviews and Inspections. Records reviews and airplane inspections for parts 121, 129, and 135 scheduled operators will be similar.

1) Records Review.

a) The operator may provide actual "hardcopies" of the records or summaries of compliance as per its approved recordkeeping program.

b) The ASI/DAR/ODA should plan to sample the records to verify accuracy.

2) Aircraft Inspection.

a) Confirm the aircraft is available. Schedule the inspection when the aircraft has been sufficiently prepared for inspection (i.e., opened/cleaned).

b) The ASI should be familiar with the aircraft type and inspection program the aircraft is maintained under.

c) Based on the records review and the planned maintenance, the ASI/DAR/ODA should select several structural inspection items to sample, if practical. Included in the items selected for sampling should be job task cards that indicate the:

- Task,
- Method of compliance,
- Tooling required, and
- Required signoffs.

3) Air Carrier Notification. The CHDO/CMO must notify the operator that the records reviews and inspections are complete. Because the aircraft records reviews and/or inspections may be accomplished by different inspectors in different geographic locations, coordination of these efforts is essential. Final notification to the operator will be made by the CHDO/CMO.

6-2490 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites.

- Familiarity with the aircraft type and inspection program the aircraft is maintained under.
- FAA Course 27100061, Flight Standards Aging Airplane Safety Rule (AASR).

B. Coordination. This task requires coordination between ASIs, DARs, and ODAs. It also requires coordination between CHDO/CMO and operators/geographic units.

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6-2491 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions). FAA Order 8900.1, Volume 6, Surveillance:

- Chapter 2, Parts 121, 135, and 91K Inspections,
  - Section 6, Safety Assurance System: Conduct Spot Inspection of a Program Manager/Operator's Aircraft,
  - Section 35, Safety Assurance System: Inspect Section 135.411(a)(1) (Nine or Less) Certificate Holder's Maintenance Records, and
  - Section 36, Safety Assurance System: Inspect Parts 91K and 121/135 (10 or More) Operator's Maintenance Records; and
- Chapter 4, Part 129 Inspections: Monitor Maintenance Program for U.S.-Registered Aircraft Operated by a Foreign Operator Under Part 129; and
- Chapter 11, Section 24, Safety Assurance System: Evaluate/Inspect Parts 121 and 129 Operators' Electrical Wiring Interconnection Systems Maintenance Program.

B. Forms. None.

C. Job Aids. None.

6-2492 MAINTENANCE RECORDS REVIEW.

A. Receive the Records. The certificate holder will coordinate with the FAA to provide the location and the status of the records required by §§ 121.1105, 129.105, and 135.422. Volume 6, Chapter 2, Sections 6, 35, and 36; and Volume 6, Chapter 4 provide necessary guidance for evaluating the required air carrier maintenance records.

B. Conduct the Review. The ASI/DAR/ODA will review/sample the records identified in subparagraph 6-2488B1).

NOTE: The records review and airplane inspection may be carried out by different ASIs/DARs/ODAs in different locations. This will require coordination among the inspectors to ensure discrepancies noted in either the records review or the airplane inspection are investigated to ensure compliance with regulations.

6-2493 AIRCRAFT INSPECTIONS.

A. Plan the Inspection. The ASI will coordinate with the certificate holder as to the scope and extent of the planned inspection. Volume 6, Chapter 2, Section 6 provides necessary guidance for accomplishing structural spot inspections.

1) The ASI/DAR/ODA should select structural inspections, Electrical Wiring Interconnection Systems (EWIS), Corrosion Prevention and Control Programs (CPCP) tasks, or major repairs/modifications that are scheduled to be accomplished during this maintenance visit. If possible, supporting documentation for these tasks should be obtained before conducting the planned inspection.

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2) While performing these inspections, every effort should be made to avoid interfering with, or inconveniencing, the planned/scheduled maintenance.

B. Observe Maintenance Tasks. Observe maintenance tasks to ensure that:

- Work instructions provide sufficient detail to accomplish the scope of the required maintenance task;
- Required tooling and materials are available and used; and
- Work is accomplished by properly trained and qualified personnel.

6-2494 TASK OUTCOMES.

A. Complete the PTRS Record. Complete the PTRS record to track the accomplishment of these inspections. Use activity code 3647 or 5647 for the aircraft inspection and 3634 or 5634 for the records review. Use activity code 3646 or 5646 when reviewing reports submitted by a DAR/ODA. Enter "AGINGRIR" in the "National Use" block of section I. In section IV, the "Comment" block, record airplane times, cycles, inspection status, and other required data.

B. Complete the Task. Successful completion of this task will result in the following:

1) The cognizant PMI will be notified of any significant findings.

2) ASIs, designees, or the operator will notify the cognizant PMI electronically or verbally upon completion of the records review or aircraft inspection so that no delay will be incurred in notifying the operator.

3) The PMI will notify the certificate holder of any findings through standard office procedures.

4) The PMI will notify the certificate holder that the records review and inspection have been accomplished for a specific airplane. This will be accomplished via electronic, facsimile, or other accepted forms of notification.

NOTE: Because records reviews and the structural spot inspections may be completed on different dates, therefore the date of notification to the operator of completion of the records and aircraft inspection will be used to determine the due date of the next required inspection.

5) If DARs/ODAs accomplished the records reviews and aircraft inspections, they shall submit a report to the CHDO/CMO indicating the aircraft inspected. This report may be provided directly from the DAR/ODA or from the operator. The information provided must include the following:

- Identification number of the aircraft,
- Total years in service,

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- Total flight hours of the airframe, and
- Date of last records review and inspection required by the aging airplane rules.

6-2495 FUTURE ACTIVITIES. ASIs assigned to parts 121, 129, and 135 certificate holders will accomplish structural spot inspections and aircraft records surveillance, as required by the Act.

RESERVED. Paragraphs 6-2496 through 6-2515.

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VOLUME 6 SURVEILLANCE

CHAPTER 11 OTHER SURVEILLANCE

Section 19 Safety Assurance System: Monitor Approved Avionics Software Changes

6-2616 REPORTING SYSTEM(S).

A. Program Tracking and Reporting Subsystem (PTRS). Use PTRS activity codes 5414/5416.

B. Safety Assurance System (SAS) Automation. This section is related to SAS Element 4.3.4 (AW) Major Repairs and Major Alterations.

6-2617 OBJECTIVE. This task provides guidance for the control and monitoring of avionics air carrier software changes to line replaceable units (LRU).

6-2618 GENERAL.

A. Definition. Partitioned System: A hardware/software system that is designed to separate safety-related functions from other functions. This ensures that no action in a non-safety-related function can cause a failure in a safety-related function.

B. Postcertification Software Changes. Postcertification software changes can be required when the following occurs:

- System functional capability changes.
- Design errors are discovered during service.

1) When making a postcertification software change, care must be taken as even the smallest change can lead to “secondary errors” in the software. Secondary errors are errors that were not present or whose effects were not detected when the system was first certificated.

2) Because only changes to safety-related software will be treated as a major alteration, it is necessary to predetermine what software will be affected by the change.

3) Most current system designs use a software program which is not partitioned. Use of a nonpartitioned system makes it necessary to determine if the proposed changes affect safe aircraft operation by evaluating the functions performed by the system. Public address systems, passenger entertainment, and galleys are examples of systems which do not affect safety.

4) Care must be taken to ensure that partitioning actually exists, especially when implemented in software. When partitioning does exist, changes may be made to non-safety-related software without Federal Aviation Administration (FAA) approval of the methods used for verification and validation.

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C. Design Changes. If an air carrier wishes to design changes to the object code (software) of an LRU, it must establish and comply with a software verification and validation program equivalent to that described by FAA Order 8110.49, Software Approval Guidelines.

1) A software verification and validation program is not necessary if the air carrier only wishes to modify LRU by incorporating software which has been previously approved by the FAA.

2) The level of sophistication and effort needed for original design changes made to the resident software differs from that needed for the incorporation of a preapproved software change. A preapproved software change can be accomplished by:

- Installing a new memory device which contains the approved object code, or
- Loading the approved object code into a programmable device contained within the LRU.

D. Maintenance Program. The principal avionics inspector (PAI) has responsibility for the approval of the certificate holder's avionics maintenance program. The maintenance program must provide for the proper maintenance/inspection of all avionics equipment and components, including complete systems. Components of a comprehensive software management program are defined in Advisory Circular (AC) 43-216, Software Management During Aircraft Maintenance.

1) Changes to the software which performs functions affecting the safe operation of the aircraft should be treated as major alterations. All other software changes should be treated as minor alterations.

2) The certificate holder must establish that partitioning exists prior to making changes to software which does not affect safety when such software is contained in a system which does affect safety.

3) When a software change has been previously approved, a certificate holder may modify equipment by incorporating the software change, even when the software change is related to aircraft safety.

6-2619 COORDINATION REQUIREMENTS. This task requires coordination with the certificate holder, Aircraft Certification Office (ACO), and manufacturer.

6-2620 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Volume 1, Chapter 3, Section 1, Safety Assurance System: Responsibilities of Aviation Safety Inspectors.
- Volume 4, Chapter 9, Section 1, Perform Field Approval of Major Repairs and Major Alterations.
- Volume 10, Safety Assurance System Policy and Procedures.
- Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure.

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- FAA Order 8110.49, Software Approval Guidelines.
- Title 14 of the Code of Federal Regulations (14 CFR) Parts 21, 43, 91, 121, 125, 129, and 135.
- AC 43-216, Software Management During Aircraft Maintenance.

NOTE: When the certificate holder accepts an industry specification or standard as the means of complying with the regulation, the standard becomes, in effect, a part of the certificate holder's manual. The certificate holder should have available a copy of any specification it references in its manual.

B. Forms. FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

C. Job Aids. None.

6-2621 PROCEDURES.

A. Review the Certificate Holder's Manual. Review applicable manuals, including the certificate holder's maintenance manual, to ensure the following:

1) The manufacturer's Service Bulletin (SB) describing the change is FAA-approved.

2) The manufacturer's recommended Automatic Test Equipment (ATE)/approved equivalent/manual test equipment and test data are current and capable of performing the required tests.

3) Procedures are described for transferring the software from the medium provided by the manufacturer to the LRU memory devices.

4) Procedures are described for checks ensuring that no errors are introduced by the transfer when memory devices are reprogrammed.

5) The manual clearly states that avionics software changes performing functions that affect the safe operation of the aircraft will be limited to the following:

- Those described in the avionics manufacturer's FAA-approved SBs.
- Those for which the certificate holder has obtained FAA approval.

6) Controls exist to prevent unauthorized software changes and that changes are performed in accordance with the procedures described therein.

7) Any change to software is reflected in an appropriate revision to the identification of the LRU in accordance with the criteria of Order 8110.49.

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B. Review the Training Records. Ensure that the certificate holder's training records list those persons:

- Trained in the procedures, tools, and testing necessary to incorporate the new software.
- Qualified to make the inspections when the work is completed and the units are returned to service.

NOTE: Factory training may be necessary before using new procedures and tools to incorporate software, depending on the complexity of the tasks involved.

C. Approve Certificate Holder-Designed Software Changes Requiring FAA Engineering Assistance.

1) For changes that affect aircraft safety, contact the appropriate ACO and request engineering review and approval of the verification and validation methods to be used by the certificate holder during the design and test of the new software.

2) For changes that do not affect aircraft safety in a system which has been partitioned, accomplish the following:

- Contact the appropriate ACO and request verification to confirm that partitioning exists.
- Ensure that the software changes will not affect the functions which affect aircraft safety.

6-2622 TASK OUTCOMES.

A. Conduct Debriefing. Brief the certificate holder on the inspection results. Discuss all deficiencies, certificate holder corrective actions, and FAA actions. The aviation safety inspector (ASI) can find instructions for conducting briefings in Volume 1, Chapter 3, Section 1.

B. Determine Compliance and Enforcement Action. Investigate and gather the facts that led to any identified deficiencies. When debriefing the certificate holder, share information, discuss the facts, and identify the underlying root causes that led to the deficiencies. Review the certificate holder's corrective actions and validate their effectiveness. Follow the process contained in Volume 14, Chapter 1, Section 2 to determine the appropriate FAA action.

1) Compliance Action (CA) is the primary means of addressing safety concerns and regulatory noncompliance.

2) Enforcement action, when necessary, is formal administrative and legal action.

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C. Complete the Task. Follow Volume 10 guidance for Module 4, Data Collection and Data Reporting. Upload items of proof supporting your "Inspector Actions Taken" into the Data Collection Tool (DCT).

1) Principal inspectors (PI) follow procedures for Module 5, Analysis, Assessment, and Action, and upload supporting documents for actions into the Action Item Tracking Tool (AITT). File any required supporting paperwork in the certificate holder's office file.

2) Update the Vitals tab in the SAS Configuration Module, as required.

6-2623 FUTURE ACTIVITIES. Follow Volume 10 guidance to plan future risk-based surveillance in SAS.

RESERVED. Paragraphs 6-2624 through 6-2640.

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VOLUME 8 GENERAL TECHNICAL FUNCTIONS

CHAPTER 2 TECHNICAL GROUPS, BOARDS, AND NATIONAL RESOURCES

Section 5 Flight Standardization Boards

Source Basis:
- **Administrative.**

8-105 GENERAL. This section contains information for inspectors about the purpose, composition, and responsibilities of Flight Standardization Boards (FSB) and about resources available to inspectors through the FSBs. This section also contains guidance for inspectors who may be invited to serve as members of an FSB.

8-106 ESTABLISHMENT OF AN FSB. The Aircraft Evaluation Division decides when to establish an FSB. FSBs are usually established for large turbojet and turbopropeller aircraft and Special Federal Aviation Regulation (SFAR) 41 airplanes. FSBs are not usually established for Title 14 of the Code of Federal Regulations (14 CFR) parts 23 and 27 aircraft, unless the aircraft have unique design, flight, or handling characteristics.

8-107 COMPOSITION OF AN FSB. An FSB is usually composed of a chairperson from the Aircraft Evaluation Division, Flight Standards Operations inspectors, a representative of the Office of Safety Standards, and various technical advisors, as follows:

A. Chairperson. The chairperson is usually an Aircraft Evaluation Division Operations specialist assigned to the aircraft certification project.

B. Operations Inspectors. FSB members are usually Operations inspectors who will be involved with the initial operational approval of the aircraft.

C. Office of Safety Standards Representative. FSB membership may also include a representative from either the Air Transportation Division, the Flight Technologies and Procedures Division, or the General Aviation and Commercial Division, as appropriate. This representative helps ensure that Federal Aviation Administration (FAA) policy is considered by the FSB.

D. Technical Advisors. At the discretion of the chairperson, technical advisors from other Aircraft Evaluation Group (AEG) boards may be invited to attend.

8-108 RESPONSIBILITIES OF THE FSB. The FSB's primary responsibilities are to determine the requirements for pilot type ratings, to develop minimum training recommendations, and to ensure initial flightcrew member competency in accordance with the current edition of Advisory Circular (AC) 120-53, Guidance for Conducting and Use of Flight Standardization Board Evaluations. This information is published in a report that is sent to the Air Transportation Division for coordination. After approval, it is to be used by the principal operations inspector (POI) as guidance in approving operator training, checking, and currency programs. The FSB report is posted on the Flight Standards Information Management System (FSIMS) under "Publications." Specific functions of the FSB are as follows:

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A. Determination of Pilot Type Ratings. The FSB determines the requirement for a pilot type rating for aircraft usually during certification flight tests.

B. Development of Training Objectives. The FSB develops training objectives for normal and emergency procedures and maneuvers and reviews flight simulation training device (FSTD) requirements.

C. Training Recommendations. The FSB publishes recommendations for use by POIs during approval of an operator's training program. In developing training objectives and procedures, the FSB considers unique requirements of an aircraft such as the fly-by-wire electronic flight control system and the side-stick controller of the Airbus 320.

D. Development of Master Differences Requirements (MDR) Tables. During FSB evaluations, MDR tables may be developed for related aircraft to be used by POIs during review and approval of operator's differences or related aircraft differences training.

E. Initial Training/Checking. FSB members usually conduct initial training and checking of the manufacturer's pilots and FAA Operations inspectors.

F. Review of Existing Training Programs. When required, the FSB may review training programs for existing aircraft to evaluate the effectiveness of the training.

G. Accidents. In case of an accident, FSB members may be consulted on training or crewmember competency issues involving aircraft assigned to the board.

8-109 RESPONSIBILITIES OF FSB MEMBERS. The FSB chairperson and members have the following responsibilities:

H. FSB Chairperson. The chairperson is required to attend the pre-type certification board meeting and is responsible for scheduling meetings during the certification process.

I. FSB Members. Members attend scheduled meetings and participate in formulating the FSB report.

8-110 FSB REPORT. The AEG branch manager approves the FSB report and the Air Transportation Division manager grants final approval for publication. FSB reports are posted on FSIMS under "Publications" where they are available to FAA offices and the public. The FSB report should contain the recommended minimum training requirements that Operations inspectors may use when evaluating operator training programs.

A. Report Considerations. FSB reports are based on a variety of factors, including private sector comments, flight test evaluation, and in-service experience.

B. Final Determinations and Findings. The FSB may hold public meetings and invite private sector groups to attend, after which the FSB will make a final determination and issue recommendations.

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C. Contents of the FSB Report. The following are elements of an FSB report:

1) Record of Revisions;

2) Introduction;

3) Highlights of Change;

4) Background;

5) Acronyms;

6) Definitions;

7) Pilot Type Rating;

8) Related Aircraft;

9) Pilot Training;

10) Pilot Checking;

11) Pilot Currency;

12) Operational Suitability;

13) Miscellaneous;

14) Appendix 1, Differences Legends;

15) Appendix 2, Master Differences Requirements Table; and

16) Appendix 3, Differences Tables.

NOTE: The FSB report contains only recommended minimum training requirements. Further guidance on training program approval is found in Volume 3, Chapters 19 and 21.

8-111 TRAINING REQUIREMENTS FOR RELATED AIRCRAFT. In determining the need for training requirements for related aircraft, the FSB requests a revised training program from the manufacturer and evaluates differences between the base aircraft and the related aircraft based on factors such as design and operational or procedural differences. Advancements in technology that affect flight deck automation and aircraft systems are also considered. In addition, the FSB may collect and review background materials such as the original training programs and the aircraft's operating history, including accidents or incidents. If the FSB determines that training is required for the related aircraft, the operator should usually modify training programs for the base aircraft and establish a differences or related aircraft differences training program to address the related aircraft.

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8-112 USE OF FSTDs. When new equipment is installed on the aircraft, FSTDs should be updated to reflect the correct configuration. The FSB, in coordination with the National Simulator Program (NSP), will determine whether FSTDs are adequate for meeting regulatory and training requirements.

RESERVED. Paragraphs 8-113 through 8-127.

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VOLUME 13 FLIGHT STANDARDS DESIGNEES

CHAPTER 1 AIR TRANSPORTATION DESIGNATED EXAMINERS

Section2 Managing Programs

Source Basis:

- **Section 183.1, Scope.**
- **Section 183.11, Selection.**
- **Section 183.13, Certification.**
- **Section 183.15, Duration of Certificates.**
- **Section 183.17, Reports.**
- **Section 183.23, Pilot Examiners.**
- **Section 183.25, Technical Personnel Examiners.**
- **Administrative.**

13-24 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES. Operations: 1551, 1552, 1553, 1554, 1555, 1559, 1561, 1562, 1563, 1564, 1595, 1664, 1665, 1666, 1668, 1669, 1670, 1671, 1672, and 1673.

13-25 OBJECTIVE. This section provides specific inspector guidance on the selection, appointment, oversight, training, renewal, and termination of designees in the Aircrew Designated Examiner (ADE) program, including aircrew program designees (APD), as well as inspector guidance on certain aspects of the Training Center Evaluator (TCE) program and the Designated Aircraft Dispatch Examiner (DADE) program.

13-26 GENERAL.

A. Selection of Examiners.

1) This paragraph applies to the selection of examiners in the ADE program. Preferred sources for examiner candidates are:

- Airmen who are actively engaged in the activity for which examinations are to be conducted, and
- Retired or former inspectors.

2) Prior experience as a designated examiner or aviation safety inspector (ASI) may be considered to meet the examiner requirement for check pilot experience.

NOTE: Selection criteria for TCEs are located in Volume 3, Chapter 54, Section 2. Selection criteria for DADEs are located in Volume 13, Chapter 3.

B. Qualifications of APDs. Candidates must have the following qualifications:

1) A recommendation from the operator that includes a résumé of training and professional experience;

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2) A good record as a pilot and flight instructor and a good record of compliance with Title 14 of the Code of Federal Regulations (14 CFR) (isolated and unrelated violations or incidents are not disqualifying);

3) Approval as a check pilot for the operator in its 14 CFR part 121 or 135 training program;

4) A reputation for integrity and dependability in the industry and the community;

5) An Airline Transport Pilot (ATP) Certificate and applicable type rating for pilot examiners. Examiners authorized to conduct evaluations in aircraft must possess at least a third class medical certificate. A medical certificate is not required for simulator evaluators;

6) Successful completion of the operator's approved training program in which the candidate will be authorized to conduct evaluations for the issuance of certificates; and

7) Satisfactory completion of a formal ground school conducted by the Federal Aviation Administration (FAA) that includes the subjects contained in paragraph 13-33.

NOTE: See Volume 13, Chapter 2, Section 3 for more detail regarding APD qualifications. See Volume 3, Chapter 54, Section 2 for more detail regarding TCE qualifications.

C. Qualifications of Candidates Other Than Pilots. Examiner candidates who are not pilots must have the following qualifications:

1) Designated Flight Engineer Examiner (DFEE) candidates must have successfully completed the operator's approved training program in which the candidate will be authorized to conduct evaluations for the issuance of certificates, or the training program conducted by the training center and the appropriate training in the differences between the operator's approved training program and that of the training center;

2) DFEE and aircraft dispatcher examiner candidates must have satisfactorily completed a formal ground school conducted by the FAA that includes the subjects contained in paragraph 13-33;

3) Hold the appropriate airman certificate and rating(s), if applicable;

4) Status as a check Flight Engineer (FE) or dispatcher supervisor, as appropriate, in the operator's training program;

5) A recommendation from the operator that includes a résumé of training and professional experience; and

6) A good record of compliance with 14 CFR (isolated and unrelated violations or incidents are not disqualifying).

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D. Oversight. Effective oversight of designated examiners is founded on a strategy of risk management (RM) in which oversight by a certificate holder, as well as the FAA, includes a continual process of weighing the harm potential of any hazard against the likelihood of its occurrence, and taking appropriate preventive action. The FAA must allocate sufficient resources, including manpower and funds, to ensure effective management and efficient oversight of any designee. Flight Standards District Office (FSDO) and certificate management office (CMO) managers continually evaluate the effectiveness of their respective designee processes, and are responsible for prompt response and feedback to designees. Evaluations should be data-driven and based upon objective evidence, and any decisions must be documented.

13-27 DESIGNATED EXAMINERS ABROAD. An examiner may be designated to serve at locations outside of the United States, provided the designated examiner will examine only U.S. citizens or applicants trained under a training center's approved program, or individuals employed as flightcrew members of a part 121 or 135 air carrier and trained under that operator's approved training program. An FAA inspector must adequately supervise the designated examiner's activities. Principal operations inspectors (POI) may depend upon inspectors provided by International Field Offices (IFO) or by a Safety Assurance office for this supervision. A person who is not a U.S. citizen may be designated as an examiner abroad only when the need cannot be filled by a U.S. citizen and the individual has met the U.S. certification requirements for the examining authority requested.

13-28 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of applicable 14 CFR parts 61, 63, 65, 91, 121, 135, 142, and 183 regulations and FAA policies, and qualification as an ASI (Operations) with designee oversight responsibilities.

B. Coordination. This task may require coordination between the managing FAA office and/or the Air Transportation Division.

13-29 REFERENCES, FORMS, AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 1, 61, 63, 91, 121, 135, 142, and 183.
- Title 49 of the United States Code (49 U.S.C.).
- PTRS Procedures Manual (PPM).

B. Forms:

- FAA Form 8000-5, Certificate of Designation.
- FAA Form 8000-36, PTRS Data Sheet.
- FAA Form 8060-4, Temporary Airman Certificate.
- FAA Form 8060-5, Notice of Disapproval of Application.
- FAA Form 8430-9, Certificate of Authority.
- FAA Form 8710-6, Examiner Designation and Qualification Records.

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C. Job Aids. None.

13-30 DESIGNEE APPLICATION. Examiner candidates must submit the following before designation:

A. Qualifications. A completed statement of professional qualifications on FAA Form 8710-6. The specialist will review the candidate's qualifications to ensure that the candidate meets the requirements and standards for an examiner designation.

B. Certificate of Authority (COA). A copy of a completed and current FAA Form 8430-9 (see Figure 13-2, FAA Form 8430-9, Certificate of Authority), if the candidate currently holds an examiner designation(s) and examiner letters of authority (LOA) issued to the candidate.

C. Letters of Approval. Copies of any current check pilot or check FE letters of approval issued to the candidate.

13-31 PROCESSING INITIAL EXAMINER DESIGNATIONS. Specialists will ensure that all the requirements for an examiner designation have been met and will prepare the necessary paperwork as follows:

A. PTRS Codes (Part 183):

- 1551—Pilot Examiner—Large/Turbine (Airline Transport Pilot Examiner (ATPE)/Designated Pilot Examiner (DPE)).
- 1552—Pilot Examiner—Other (DPE).
- 1553—Pilot Proficiency Examiner (PPE).
- 1555—Aircraft Dispatcher.
- 1559—TCE.
- 1561—Flight Engineer Examiner (FEE).
- 1562—APD.

B. FAA Form 8710-6. After the examiner applicant has completed and signed the front of FAA Form 8710-6, the specialist will complete the form as follows:

1) On the back of the form under the block labeled "Additional Qualifications," enter the certificates, ratings, and aircraft type, as applicable, for which the designated examiner is authorized to conduct certification tests.

2) Check both sides of the form for accuracy and completeness.

3) Enter the type of designation, "APD/DFEE" or "TCE," followed by the certificate and airplane type in the space labeled, "Type of Designation," below the district office/CMO action block (e.g., ATP/AMEL B-727).

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4) Enter the designated examiner's Airman Certificate number and designation identification in the space labeled, "Certificate of Authority Issued" in the space titled "No." If the examiner candidate is to be an APD for an air carrier, use the designator for that air carrier. If the candidate is to be a TCE, use the designator for the training center.

5) Enter the expiration date, which is normally the last day of the month in the following year corresponding to the month of designation. Special circumstances may call for an earlier expiration date.

6) Enter the applicable FSDO in the "DO to Serve Under" block.

7) Sign the "Inspector's Signature" block.

C. Examiner Designation Numbers. For APDs and TCEs, the airman's certificate number, coupled with the applicable four-character air carrier or training center designator, may be used in all instances when an examiner designation number may be called for. If the examiner candidate is to be an APD for an air carrier, use the designator for that air carrier. If the candidate is to be a TCE, use the designator for the training center (e.g., an APD for Delta Air Lines, Inc. (DALA) would be 123456789DALA).

D. Other Forms. Specialists will prepare FAA Form 8000-5 (see Figure 13-3, FAA Form 8000-5, Certificate of Designation), and FAA Form 8430-9 (see Figure 13-2). The originals of these forms will be issued to the designated examiner. Copies will be retained in the appropriate designee file.

E. Approval Authority. The office manager, POI, Training Center Program Manager (TCPM), or an inspector authorized to act for these individuals will indicate approval of each examiner candidate by completing the first line of the district office/CMO action block on FAA Form 8710-6, and by signing the LOA and the appropriate spaces on FAA Forms 8710-6, 8430-9, and 8000-5.

F. LOA. The inspector approving the candidate's designation as an examiner will prepare the LOA. The LOA serves two purposes:

- It specifies the exact authority conveyed to the examiner by the designation, which may not be possible to include on FAA Form 8430-9 due to space limitations; and
- It provides a record of approval and a basis for subsequent amendment and dissemination of information to affected FAA offices, which may be transmitted via email.

13-32 DESIGNEE FILE. The managing Flight Standards office must maintain a file on each of its designees. The records may be maintained electronically if the electronic recordkeeping system meets the requirements of the current edition of FAA Order 1350.14, Records

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Management, and the FAA Records Management Manual. The file must comply with Order 1350.14, and for standardization must contain the following information:

NOTE: If any of these items are unavailable, the FAA office should include a written notation to that effect in the designee file.

- A copy of the current LOA;
- FAA Form 8000-5, Certificate of Designation, for the most recent designation;
- FAA Form 8430-9, Certificate of Authority, for the most recent designation;
- FAA Form 8710-6, Examiner Designation and Qualification Record, for the original designation and the most recent renewal;
- Violations history, if any, available from the Enforcement Information System (EIS);
- Records of surveillance/inspection of the designee (e.g., copy of PTRS record); and
- Records of discussion or counseling.

NOTE: Electronic FAA records which may be accessed through the FAA's electronic records systems (e.g., PTRS, Safety Performance Analysis System (SPAS), Enhanced Flight Standards Automation System (eFSAS), and enhanced Vital Information Database (eVID) need not be duplicated and maintained in the designee's file folder. However, it should be noted that PTRS alone does not retain records to meet this requirement in full.

13-33 EXAMINER CANDIDATE TRAINING AND OBSERVATION. The specialist will ensure that examiner candidates are trained and observed in their functions prior to designation. TCEs must complete the employing center's approved instructor and TCE training as well as the training described in this section.

A. Candidate Training. Examiner candidates must be trained in certification policies, procedures, and standards. The specialist must ensure that the candidate is trained in the following specific areas:

1) The knowledge, abilities, and skill requirements for the original issuance of the certificate and added ratings, as applicable;

2) The procedures, methods, and techniques associated with administering the required certification tests;

3) Examiner responsibilities, authority, and limitations under 14 CFR and applicable FAA orders;

4) The use of FAA forms and job aids associated with the particular examiner function; and

5) Administrative procedures and relationships with supervisory inspectors.

NOTE: See Volume 13, Chapter 3 for DADE training requirements.
See Volume 3, Chapter 54 for TCE training requirements.

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B. Representing the FAA. Inspectors will stress to examiner candidates that in performing the functions of an examiner, they are representatives of the Administrator. Candidates must understand that matters such as company loyalties, economic conditions, union affiliations, and seniority are not relevant to the certification of airmen.

C. FAA Observation of the Candidate. After the examiner candidate has been trained, a qualified inspector will observe the examiner candidate conducting a complete certification test consisting of oral, simulator, and aircraft portions (or practical evaluation), as applicable. The following methods of observation may be used, in descending order of preference:

1) Actual Certification Evaluation. The preferred method is that the inspector observes an examiner conducting all portions of an actual certification test.

2) Simulated Certification Evaluation. When circumstances make the observation of an actual certification test impractical, inspectors may observe the examiner candidate conducting a competency or proficiency check as if the check were being conducted for certification.

3) Other Methods. Other methods, such as the inspector acting as the applicant, may be used when the preferred methods are not practical.

NOTE: The requirements for valid TCE observations are clarified and explained further in Volume 3, Chapter 54, Section 2, which supersedes the requirements for observation noted in this section.

D. Recording Examiner Training. Specialists who conduct training for an examiner candidate will complete FAA Form 8000-36, using activity code 1586 for each TCE candidate trained and 1595 for each other examiner candidate trained. The inspector will use FAA Form 8000-36, Section IV and J783, to identify the type of training activities that are conducted.

13-34 OVERSIGHT AND SUPPORT OF DESIGNATED EXAMINERS. Specialists are responsible for the oversight and support of designated examiners. However, any FAA employee working with the designee has the responsibility to provide input to the specialist on the performance of the designee. The following guidance applies:

A. Meeting with Examiners. Specialists will ensure competent performance by each designated examiner in respect to handling of applicants, maintenance of desired test standards, and accurate completion and processing of certification paperwork. Designated examiners should be encouraged to contact their specialists to resolve questions or difficulties. Sufficient contact is essential and will include regular and special meetings and annual briefings, as follows:

1) Regular Safety Standardization Meetings. Specialists will conduct regularly scheduled meetings, at least annually, with designated examiners for the purpose of maintaining desirable standards and effective working relationships. These meetings will be recorded in the PTRS.

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2) Special Safety Standardization Meetings. Specialists will call special meetings whenever a significant change affects the process of FAA airman certification in respect to air transportation examiners.

3) Annual FAA Briefing of Examiner. Each designated examiner must attend an annual briefing, conducted by a specialist, that specifically addresses the functions of a designated examiner. This briefing may be accomplished in conjunction with a safety standardization meeting, but must be accomplished as a condition of renewal.

B. Examiner Supplies and Materials. Specialists will ensure that each designated examiner has access to the materials necessary for the examiner's tasks. The following materials will be made available before designation of any candidate, and revisions to the materials will be made readily accessible to the designee thereafter:

- Volume 3, Chapter 20;
- Volume 5;
- Appropriate Job Aids;
- FAA Form 8060-4;
- FAA Form 8060-5; and
- FAA Form 8000-36.

13-35 SHARED OVERSIGHT OF EXAMINERS. A check pilot may be designated as more than one type of designated examiner or as a designated examiner for more than one operator. In such a case, more than one inspector may supervise a designated examiner. The following guidance applies:

A. Supervisory Responsibilities. POIs and managers should delegate responsibility for supervising all of a designated examiner's activities to a single inspector when practical. It may be necessary, however, for the supervisory responsibility to be divided in accordance with the activities the designated examiner is authorized to perform. For example, a check pilot might be approved as an APD by authority of a FSDO in Florida; under that authority the examiner might conduct B747 type ratings for an operator whose certificate is held in that state. The same person might also be DPE for General Aviation (GA) by authority in Colorado. In such a case, the examiner would be supervised by an Aircrew Program Manager (APM) in Florida for B747 activities and by an appropriately rated inspector in Colorado for GA activities.

B. Responsibility for Maintaining Designee Files. An inspector must be assigned the responsibility for maintaining a particular designated examiner's file. When more than one FSDO is involved, a file should normally be maintained by each office for which the designated examiner performs air transportation functions.

C. Procedure for Granting Additional Examination Authority. The training and observations required for an examiner's second designation must be completed before the designated inspector can amend the examiner's FAA Form 8710-6, FAA Form 8000-5, FAA Form 8430-9, and LOA.

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1) When the authority is requested for an examiner to be designated for a second operator, the examiner candidate must complete qualification as a check pilot for the second operator as a precondition of designation.

2) The inspector tasked with performing any required observations of the designated examiner is responsible for notifying the inspector who maintains the designated examiner's file once the observations have been completed and the check pilot designation has been made for the second operator.

D. Expiration Date. All designations expire on the expiration date on FAA Form 8710-6, FAA Form 8430-9, and the LOA, which is normally the last day of the month in the following year corresponding to the month of designation. Title 14 CFR part 183 calls for a 1 year term to expiration. Special circumstances may call for an earlier expiration date, but not a later one.

13-36 AMENDMENT OF DESIGNATED EXAMINER DESIGNATIONS.

A. Authority. The manager responsible for maintaining a designated examiner's records file may amend an examiner's FAA Forms 8000-5, 8710-6, and 8430-9 and LOA at any appropriate time. An amendment is appropriate when any of the following elements of a designated examiner's certification authority is changed:

- Designation,
- Certificate,
- Aircraft type,
- Operator, or
- Training center.

B. Amendment Procedure. When an FAA Form 8000-5 is amended, the inspector must cancel any previously issued form by marking the words "CANCELED" across the face of the certificate and issue a new one. When FAA Form 8000-5 is amended to include more than one designation, FAA Form 8710-6 must also be amended. The specialist will enter an adequate description of each designation in the "Additional Qualifications Limitations" block. FAA Form 8430-9 will be changed as well to reflect the additional authorizations. When more than one FSDO or CMO is involved, the office supervising each activity must be listed on this certificate. The specialist will show the additional authorities and limitations on the LOA and forward copies to the affected offices.

C. Administrative Steps. The administrative steps for the issuance of an amended Certificate of Designation are the same as those outlined for initial designation. (See paragraph 13-31.)

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13-37 RENEWAL OF DESIGNATIONS.

A. PTRS Codes (Part 183):

- 1551—Pilot Examiner—Large/Turbine (ATPE/DPE).
- 1552—Pilot Examiner—Other (DPE).
- 1553—PPE.
- 1555—Aircraft Dispatcher.
- 1559—TCE.
- 1561—FEE.
- 1562—APD.

B. Need for Renewal. Before renewal, each managing Flight Standards office must determine that there is an ongoing need to renew the designation and that the office has the ability to continue managing the designee.

C. Expiration. An examiner designation expires no later than the last day of the month in the following year corresponding to the month of original issue or most recent renewal. The renewal process will normally be accomplished during the 2 months preceding or in the month that the designation will expire.

NOTE: An examiner designation issued on January 15, 2009, would expire on January 31, 2010. The renewal process would normally be conducted in the period from November through January, completing the process no later than the end of January.

D. Renewal Process. The examiner will not conduct any evaluations after the expiration date if he or she has not been renewed and issued a new FAA Form 8430-9. If the renewal process is not completed within 30 days following the expiration date, the examiner may be reinstated using the same process used for initial designation. At expiration, a designation does not continue in force. The inspector should ensure that the need for a designated examiner continues to exist before considering renewal. If conditions necessitating an examiner continue to exist, the examiner's designation is normally renewed in the month corresponding to the month of original issue or most recent renewal. Inspectors should use the following procedures:

1) Required Forms. The inspector assigned to the designated examiner will renew the designation after satisfactory completion of the required annual observation and required annual briefing. The following forms will be updated:

- A new FAA Form 8000-36. Initiate this form to record the renewal action after all actions have been completed.
- FAA Form 8430-9,
- FAA Form 8710-6, and
- LOA.

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2) Annual FAA Observation of Check.

a) PTRS codes (part 183):

- 1664—Pilot Examiner—Large/Turbine (ATPE/DPE).
- 1665—Pilot Examiner—Other (DPE).
- 1666—PPE.
- 1668—FEE.
- 1669—Aircraft Dispatcher.
- 1672—APD.
- 1673—TCE.

b) Within the 3 calendar-months before expiration, the examiner will be observed conducting a complete check. In the case of pilot examiners (e.g., APD, TCE), this evaluation will include observation of oral, simulator, and aircraft evaluation activities, as applicable. The observation will be conducted by the specialist, or by another appropriately rated inspector appointed by the specialist.

c) For renewal purposes, inspectors may observe designated examiners conducting the following activities, in descending order of preference:

- A certification check,
- A proficiency check, or
- A competency check.

NOTE: The requirements for valid TCE observations are clarified and explained further in Volume 3, Chapter 54, Section 2, which supersedes the requirements for observation noted in this section.

NOTE: If the necessary observations cannot be accomplished within the required timeframe, the inspector should evaluate the continued need for an evaluator, or if the opportunity exists to perform the observation early, then the renewal can take place early, by resetting the designee with a new expiration date.

d) Similarly, participation in a line observation program and demonstration of instructional proficiency need to be accomplished on only one of the operators. When an individual is authorized to evaluate personnel of more than one operator, the observations should be rotated among the operators' programs. On the other hand, an APD for the B747 who is concurrently a DPE for gliders needs at least two annual FAA observations, one in each activity.

e) The designated examiner is responsible for scheduling each required annual FAA observation and each annual briefing far enough in advance to ensure that they may be accomplished before expiration. A designated examiner who is beyond expiration may not conduct any certification activity on behalf of the Administrator until all annual requirements are met and the renewal has been completed.

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f) Each designated examiner must attend an annual briefing, conducted by an inspector, that specifically addresses the functions of a designated examiner. This briefing may be accomplished in conjunction with a safety standardization meeting. The briefing should cover the following:

- Designee's roles and responsibilities,
- Paperwork discrepancies,
- Applicable changes to 14 CFR,
- New FAA policy and procedures,
- Conduct of the practical test,
- Review and updating test scenarios,
- Feedback on approved training courses,
- Foreign student applicants, and
- Regional and national issues (trends, best practices, etc.).

13-38 PROCESSING DESIGNATED EXAMINER CERTIFICATION PAPERWORK. Part 183, § 183.17 requires that designated examiners make reports as prescribed by the Administrator. Designated examiners will forward airman certification paperwork to the designated FSDO for review, processing, and transmittal to the Airmen Certification Branch. When a multiple designation with more than one supervising office is involved, certification paperwork will be sent to the supervising office for each designation. This paperwork will only be submitted to, and processed by, the specified office; it may not be accepted by other offices.

A. Designated Examiner Responsibilities. Designated examiners must complete the airman certification paperwork in accordance with the requirements of Volume 13. The paperwork must be accurate, complete, and timely. Designated examiners must complete the PTRS datasheets for each test conducted. Satisfactory fulfillment of this responsibility is a requirement for renewed designation as an examiner.

B. Specialist Responsibilities. Specialists are responsible for training designated examiners on correct documentation. Specialists should provide the designated examiners with ample PTRS datasheets and should ensure that as much information as possible is overprinted on these forms. Inspectors may overprint forms or job aids in any convenient manner, such as by pen, pencil, or copy machine.

13-39 REVIEW OF DESIGNATED EXAMINER DECISIONS. If an airman is dissatisfied with a designated examiner's decision, the airman may appeal to the specialist for a retest. The airman must submit the appeal in writing and indicate the reasons for protesting the designated examiner's decision. The responsible inspector will review the matter and decide if retesting is appropriate. If the inspector grants a retest, a new application must be completed by the airman, and the entire test must be accomplished again with an FAA inspector.

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13-40 TERMINATION. Termination is the action by the FAA to not renew or to rescind a designee's authority at any time for any reason the Administrator considers appropriate.

NOTE: ASIs should keep in mind that a termination of designation may be appealed by the designee. Therefore, documentation relating to designee deficiencies or termination should be included in the designee's file.

A. Types of Termination. There are two types of designee termination:

1) Termination for cause is a negative finding based on a designee's performance. (See Figure 13-4, Sample Letter of Termination (For Cause).)

2) Termination not-for-cause can be for any reason not specific to a designee's performance (e.g., lack of need for the designee by the FAA office or voluntary surrender). (See Figure 13-5, Sample Letter of Termination (Not-for-Cause).)

B. Examples of Deficiencies. The following are examples of deficiencies in a designee's performance of duties:

1) Unsatisfactory performance in any phase of designee duties or responsibilities, including the inability to accept or carry out the managing FAA office's instructions;

2) Any actions by the designee that may reflect poorly on the FAA, such as misuse of the designation or failure to maintain a reputation for integrity and dependability in the industry and the community;

3) The inability of the designee to work constructively with the FAA office personnel or the public;

4) Evidence that the designee's general and/or professional qualifications and requirements were not met at the time of the original designation or at any time thereafter;

5) A designee's inability to demonstrate satisfactory performance during a knowledge and skill evaluation or during an initial or recurrent training seminar; or

6) A designee's failure to maintain, or inability to demonstrate, qualifications for any certificate, rating, or examiner designation held.

C. Documentation. The managing FAA office will document deficiencies in performance in the designee file. Any correspondence relating to the designee's deficiencies, including but not limited to corrective action taken or a record of additional training, should be included as well.

13-41 TERMINATION AND APPEAL PROCEDURES.

A. Decision to Terminate. Designations are terminated under the general conditions contained in 49 U.S.C. § 44702. The appointing FAA office manager makes the decision to terminate a designee. (See the examples of deficiencies cited in subparagraph 13-40B.)

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B. Notification. The FAA office manager's decision regarding the termination of a designation will be provided to the designee in writing, and the reasons cited will be as specific as possible. Upon notification of termination, the designee must immediately cease the exercise of his or her designee privileges.

C. Documentation. If the managing FAA office terminates a designation, the following actions must also take place:

1) The ASI will ensure that the eVID and/or the Designee Information Network (DIN) is updated and should notify any other FAA offices with jurisdictional oversight of other designations held by the individual; and

2) The designee file will be updated to reflect the appropriate designation status (e.g., termination, appeal pending, reinstatement).

D. Appeal of Termination.

1) The following types of terminations cannot be appealed:

- Termination based on lack of need or the inability of the FAA office to manage the designee,
- Termination based on the loss of a prerequisite certification,
- Termination based on the designee's failure to meet training requirements,
- Termination based on the fact that a designee is no longer employed by the air carrier/training center, or
- Termination based on the employing air carrier/training center's decision to no longer use an employee as an APD/TCE.

2) If the designee wishes to appeal his or her termination, the designee must make the request in writing within 14 calendar-days of receipt of the written notification of the FAA office manager's decision by sending a letter to the FAA office manager to request an appeal.

3) The FAA office manager will forward the appeal request to the Regulatory Support Division.

4) The Regulatory Support Division manager or delegate overseeing the appeal will convene an appeal panel composed of three members:

- A Regulatory Support Division representative;
- An Air Transportation Division representative; and
- A Flight Standards office manager not associated with the office that terminated the designee.

5) The appeal panel will review the termination decision and make a final decision within 45 calendar-days of the appeal.

6) The designee will be notified in writing of the appeal panel's decision within 15 calendar-days of the appeal panel's decision.

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NOTE: The appeal panel's decision is final.

7) All documentation (e.g., outcome, members of the appeal panel, communication with the designee or the Safety Assurance office) associated with the appeal must be forwarded to the managing FAA office for inclusion in the designee's file.

E. PTRS. The inspector closes the PTRS record. In addition to the standard PTRS code for termination (1565), one of the following key words should be entered in the "Comment" section to describe the reason for termination:

- 786—Voluntary [Not-for-Cause].
- 787—Involuntary-Need [Not-for-Cause].
- 788—Involuntary-Performance [For Cause].
- 789—Involuntary-Other [For Cause].

F. Update Designee File. After completion of this task, the specialist must update the designee file to include:

- A copy of the designee's documentation evidencing the voluntary surrender of the designation;
- Documentation of the termination of the designee's authority, including supporting documentation; or
- Documentation of the outcome of the designee's appeal to the appeal panel, including reinstatement, if applicable.

Figure 13-2. FAA Form 8430-9, Certificate of Authority

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DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF AUTHORITY

DESIGNATION NO.
SW-17-1234

NAME
Jim Little

DESIGNATION EXPIRES
9-94

DESIGNEE'S SIGNATURE

Is authorized to act in the capacity of a
PE - Airplane

AT FIXED BASE OF OPERATION
Little Rock, Arkansas, District

for the Administrator

09-23-93
(DATE)

Don Brown
(SIGNATURE)

FAA FORM 8430-9 (1-70)

The bearer has received all pertinent instructions and is authorized to act in the capacity set forth on this Certificate of Authority while under the supervision of the following district office or offices:

Office	Date	Inspector's signature
LIT FSDO	9-23-93	Don Brown
BTR FSDO	10-15-93	A. L. Jones

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Figure 13-3. FAA Form 8000-5, Certificate of Designation

U.S. Department of Transportation
Federal Aviation Administration

Certificate of Designation

Reposing special trust and confidence in the integrity, diligence, and discretion of

who has been found to have the necessary knowledge, skill, experience, interest, and impartial judgment to merit special public responsibility, I hereby designate as

with authorization to act in accordance with the regulations and procedures prescribed by the Federal Aviation Administration relating to this designation.

Issued at *By Direction of the Administrator*

Dated _____

Certificate No. _____

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Figure 13-4. Sample Letter of Termination (For Cause)

FAA Letterhead

CERTIFIED MAIL

[Date]
Designee Number: [designee's number]
[Designee's name and address]

Dear [Designee's Name]:

This letter is to inform you that your Federal Aviation Administration (FAA) designation as a [type of designee, e.g., DPE or TCE] is terminated pursuant to [14 CFR § 183.15(b)(4)/14 CFR § 183.15(b)(6)/49 U.S.C. § 44702(d)(2)]. [You must immediately cease exercising the privileges of your designation.] OR [Pursuant to our (telephone conference/meeting) on (date), you were to cease exercising the privileges of your designation on (date).]

Your designation is being terminated [for not performing your duties under your designation] OR [because you no longer meet the eligibility requirements for the designation]. [Cite the reference to the regulation(s)/policy that was violated/noncompliant.]

You may submit a request for appeal in writing to this office no later than 14 calendar-days from the date of receipt of this letter. At that time, you should include any evidence or statement concerning this matter with your written request for appeal. You will be notified of the outcome of the appeal within 60 calendar-days after our receipt of your written request for appeal.

Sincerely,

[Safety Assurance Office Manager/National Program Office Manager signature]

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Figure 13-5. Sample Letter of Termination (Not-for-Cause)

FAA Letterhead

CERTIFIED MAIL

[Date]
Designee Number: [designee's number]
[Designee's name and address]

Dear [Designee's Name]:

This letter is to inform you that your Federal Aviation Administration (FAA) designation as a [type of designee, for example DPE or TCE] is terminated pursuant to [14 CFR § 183.15(b)(1)/14 CFR § 183.15(b)(5)/49 U.S.C. § 44702(d)(2).] [You must immediately cease exercising the privileges of your designation.] OR [Pursuant to our (telephone conference/meeting) on (date), you were to cease exercising the privileges of your designation on (date).]

Your designation is being terminated because [you voluntarily surrendered your designation authority on (date)] OR [this office is no longer in need of your assistance].

This termination is not for cause and may not be appealed. We appreciate your service to the FAA.

Sincerely,

[Safety Assurance Office Manager/National Program Office Manager signature]

RESERVED. Paragraphs 13-42 through 13-53.

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VOLUME 13 FLIGHT STANDARDS DESIGNEES

CHAPTER 3 DESIGNATED AIRCRAFT DISPATCHER EXAMINER

Section 2 Duties and Responsibilities of the Designee

13-171 PURPOSE. This section outlines the duties and responsibilities of a Designated Aircraft Dispatcher Examiner (DADE).

13-172 REGULATORY FOUNDATION FOR DADE AUTHORIZATION. When the Federal Aviation Administration (FAA) determines there is a need in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 183, § 183.11, a Flight Standards office may authorize a DADE to leverage the FAA workforce and provide certification services as a representative of the Administrator. DADEs must exercise the privileges of their designation within the limitations set forth in their letter of authority (LOA). In accordance with § 183.25(f), DADEs are Technical Personnel Examiners (TPE) and are subject to all pertinent FAA policies, procedures, and guidance in FAA orders, including this one, while exercising the privileges of their authorization.

13-173 REFERENCES AND JOB AIDS.

A. References (current editions):

- Title 14 CFR Parts 65, 121, and 183.
- Title 49 of the United States Code (49 U.S.C.).

B. Job Aids:

- Figure 13-17, DADE Checklist.
- Figure 13-18, Sample Practical Test Tracking Form.

13-173 ADDITIONAL POLICY.

A. DADE.

1) Volume 13, Chapter 3, Section 1 contains directives and guidance on the process of selecting and authorizing a DADE.

2) Volume 13, Chapter 3, Section 3 contains directives and guidance regarding DADE training.

3) Volume 13, Chapter 3, Section 4 contains directives and guidance regarding the oversight and surveillance of DADEs.

B. Certification of Aircraft Dispatchers. Volume 5, Chapter 5, Section 10 contains guidance specific to the certification of aircraft dispatchers and the Aircraft Dispatcher Certification Test.

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C. English Language Requirements. The current edition of Advisory Circular (AC) 60-28, FAA English Language Standard for an FAA Certificate Issued Under 14 CFR Parts 61, 63, 65, and 107, contains requirements and guidelines related to English language skills for aircraft dispatchers certificated under part 65.

D. Aircraft Dispatcher Certification Courses. Volume 3, Chapter 63, Sections 1 through 3 contain guidance related to the oversight of Aircraft Dispatcher Certification Courses.

E. Information for Course Operators. The current edition of AC 65-34, FAA-Approved Aircraft Dispatcher Certification Courses, contains information for potential and existing Aircraft Dispatcher Certification Course operators.

F. Integrated Airman Certification and Rating Application (IACRA). Information related to IACRA can be found at https://iacra.faa.gov.

13-175 DADE MATERIALS.

A. Materials. During initial training, the managing office will provide the DADE with the current editions of the following materials, at the discretion of the managing specialist. For those DADEs and specialists who will be using IACRA, many of the materials listed below will not be necessary.

- FAA Form 8000-36, Program Tracking and Reporting Subsystem Data Sheet.
- FAA Form 8060-4, Temporary Airman Certificate.
- FAA Form 8060-5, Notice of Disapproval of Application.
- FAA Form 8400-3, Application for an Airman Certificate and/or Rating.
- FAA-S-8081-10, Aircraft Dispatcher Practical Test Standards.

B. Access to Appropriate Information. Each DADE must have access to current versions of 14 CFR, FAA orders, and ACs, as well as any other appropriate information determined by the managing specialist, that are applicable to aircraft dispatcher certification. DADEs must have direct access to a computer with Internet access for the purpose of obtaining this information.

C. Use of IACRA. The IACRA application is a web-based program that automates the airman certification application process. The managing specialist will determine if the use of IACRA by the DADE is appropriate.

13-176 DESIGNATION IS A PRIVILEGE. Designation is a privilege, not a right, and as such may be terminated at any time. In accordance with 49 U.S.C. § 44702, the Administrator may rescind a designation at any time for any reason deemed appropriate.

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13-177 SPECIFIC PRIVILEGES. In accordance with § 183.25(f), a DADE may:

- Accept FAA Form 8400-3;
- Conduct the Aircraft Dispatcher Practical Test; and
- At the discretion of the local Flight Standards inspector (managing specialist), issue temporary Aircraft Dispatcher Certificates to qualified applicants.

13-178 DADE RESPONSIBILITIES.

A. Represent the FAA Positively. A DADE must represent the Administrator in a manner that reflects positively on the FAA.

B. Honor Appointments. A DADE should honor appointments made with the public and with the FAA and be as prompt as possible.

C. Give Undivided Attention to the Applicant. A DADE must give undivided attention to the applicant throughout the conduct of the test. Do not leave the applicant unattended.

D. Keep Discussion Private and Confidential. A DADE must ensure that discussion with the applicant following the conduct of the Aircraft Dispatcher Practical Test is private and confidential.

E. Maintain a High Degree of Knowledge and Skill. A DADE must maintain a high degree of knowledge and skill in all areas and subjects set forth in part 65 appendix A and the Aircraft Dispatcher Practical Test Standards (PTS).

F. Follow Federal Regulations and FAA Policy. When exercising the privileges of a DADE appointment, the DADE must adhere to Federal regulations and FAA policy set forth in FAA orders.

G. Develop a Plan of Action. A DADE must develop and use a plan of action for each Aircraft Dispatcher Practical Test administered by the DADE.

H. Administer Each Practical Test in English. A DADE must conduct the Aircraft Dispatcher Practical Test entirely in the English language. The use of a translator during the test is not permitted.

I. Charge a Reasonable Fee. The DADE is responsible to charge each applicant a reasonable fee. Prior to administering the test, a DADE must explain any fee charged and must ensure each applicant understands the fees, including those incurred for retesting after failure.

13-179 LIMITATIONS. In accordance with Flight Standards policy:

A. A DADE May Not Test Outside of the Area of Responsibility of the Managing Office Without Authorization from the Approving Office Manager. A DADE may not conduct Aircraft Dispatcher Practical Tests at locations outside of the area of responsibility of

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the managing office unless approved by the office manager. This requirement is discussed in greater detail in Volume 13, Chapter 3, Section 1.

B. A DADE May Not Test Applicants Who Have Not Successfully Completed an FAA-Approved Aircraft Dispatcher Certification Course Without Specific Authorization.

1) A DADE may not test an applicant attempting to qualify to take the Aircraft Dispatcher Practical Test based on the experience outlined in part 65, § 65.57(a)(1), (2), or (3) without written authorization from the managing specialist. The specialist will not grant permission without first having determined that the applicant's documentary evidence of experience is satisfactory.

2) A DADE may not test an applicant attempting to qualify to take the Aircraft Dispatcher Practical Test based on the experience outlined in § 65.57(a)(4) without written authorization from the managing specialist who must first obtain written approval, via memo, from the Air Transportation Division (AFS-200).

C. A DADE May Not Test an Applicant Who Fails to Demonstrate the Ability to Read, Speak, Write, and Understand the English Language. DADEs will use the current edition of AC 60-28 to evaluate an applicant's English language skills. If a DADE has concerns about an applicant's English language skills, the DADE may not test the applicant. In this case, the DADE must refer the applicant to the managing specialist for further evaluation prior to conducting the test.

D. A DADE May Not Administer the Test to More Than One Applicant at a Time. A DADE must not administer the Aircraft Dispatcher Practical Test to more than one applicant at a time. For the purposes of this policy, "at a time" means that a DADE must initiate, conduct, and conclude the practical test with an applicant before accepting the application and/or initiating the test with another applicant. An Aircraft Dispatcher Practical Test is concluded when the DADE issues a Temporary Airman Certificate, a Notice of Disapproval, a Letter of Discontinuance, or for an applicant under the age of 23, completes the test and refers the applicant to the managing office for a Letter of Aeronautical Competency.

E. A DADE May Not Administer More Than Two Practical Tests Per Day. A DADE may not administer more than two full practical tests in a single calendar-day (i.e., midnight to midnight). However, in the case where one or more of the tests is a partial test (e.g., due to discontinuance or a retest), a DADE may seek permission from the managing specialist to administer more than two tests in a single calendar-day. Prior to granting permission, the managing specialist will take into account how many hours in total the DADE is estimated to spend testing applicants in a single day. Prolonged periods of time spent administering multiple practical tests in a single day could contribute to fatigue, which could lead to degradation of the quality of testing.

F. A DADE May Not Allow Observers During the Test. A DADE may not allow observers while he or she is administering the Aircraft Dispatcher Practical Test, except as described in Volume 5, Chapter 5, Section 10.

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G. A DADE May Not Exempt an Applicant from any Portion of the Aircraft Dispatcher Practical Test Requirements. DADEs must administer the Aircraft Dispatcher Practical Test in accordance with the full requirements of the PTS.

H. A DADE May Not Provide Instruction to an Applicant in Combination with Administering the Practical Test to the Applicant. A DADE may not instruct the applicant during the test. If an applicant is unable to answer a question or successfully demonstrate a skill, the DADE may not instruct the applicant on the correct way to answer the question or demonstrate the skill.

I. A DADE May Not Temporarily Suspend (Discontinue) a Test to Allow the Applicant to Study. A DADE may not discontinue a test to allow an applicant time to study. If an applicant appears deficient in a particular task or area of knowledge, then the DADE must treat that as unsatisfactory performance and either continue the test if it appears the applicant will be able to pass the test overall, or fail the applicant.

J. A DADE May Not Endorse, Amend, Alter, or Issue any Permanent Airman Certificates. DADEs are prohibited from endorsing, amending, altering, or issuing any permanent Aircraft Dispatcher Certificates. These actions may only be accomplished by a qualified ASI.

K. A DADE May Not Issue any Limitation to an Aircraft Dispatcher Certificate. At no time may a DADE issue any limitation to an Aircraft Dispatcher Certificate.

L. A DADE May Not Issue a Letter of Aeronautical Competency. A DADE may not issue a Letter of Aeronautical Competency. Only the managing office can issue such a letter.

M. A DADE May Not Test an Applicant Trained by the DADE, Except Under the Following Conditions:

1) The DADE's LOA Specifically Allows This Practice. A DADE may not test an applicant to whom the DADE has also administered training, unless specifically authorized in the LOA. When authorized, the managing office will list the name of each FAA-approved Aircraft Dispatcher Certification Course to which the authorization applies.

2) Another Instructor Who Holds an Aircraft Dispatcher Certificate Must Administer All Training in the Practical Dispatch Applications Area of Knowledge. A DADE who is also an instructor may not administer the Aircraft Dispatcher Practical Test to an applicant for an Aircraft Dispatcher Certificate, unless another instructor who holds an Aircraft Dispatcher Certificate has administered the Practical Dispatch Applications area of knowledge training required by part 65 appendix A, section VIII (including all of the topics and subtopics contained therein) and is the recommending instructor (signs the Instructor's Recommendation block on FAA Form 8400-3).

3) A DADE May Not be the Recommending Instructor of an Applicant to Whom the DADE Administers the Aircraft Dispatcher Practical Test. This limitation directly corresponds to the preceding one (subparagraph 2) above).

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13-180 DADES WHO OWN, OPERATE, OR PROVIDE INSTRUCTION FOR AN FAA-APPROVED AIRCRAFT DISPATCHER CERTIFICATION COURSE. A DADE's ownership, operation of, or employment with an FAA-approved Aircraft Dispatcher Certification Course must not interfere with the DADE's primary responsibility, which is being a representative of the Administrator. A DADE must always maintain impartiality and thoroughly evaluate each applicant for an Aircraft Dispatcher Certificate to whom the DADE is administering the Aircraft Dispatcher Practical Test.

13-181 TESTING. All practical tests must be conducted in accordance with the Aircraft Dispatcher PTS. The DADE should notify the managing office of all scheduled tests at least 48 hours in advance. Ultimately the managing specialist will specify the prior notification time in the DADE's LOA.

13-182 TESTING FACILITIES. All DADEs must have access to testing facilities that are equivalent to those required by § 65.65 and Volume 3, Chapter 63, Section 3. Testing facility access is a DADE's responsibility.

13-183 RELOCATION. A DADE who relocates outside of the area of responsibility of the managing office is not guaranteed continued appointment. A DADE's appointment will only be continued if the managing office is able to continue effectively managing the DADE once relocated. In some cases, the managing office may transfer all responsibility of the DADE to a local Flight Standards office located in the area to which the DADE is relocating. However, this type of transfer is contingent upon the local Flight Standards office's need and ability to manage the DADE. Otherwise, the managing office will terminate the designation in accordance with Volume 13, Chapter 3, Section 1, as it relates to "Termination Not-for-Cause," since relocation is not a product of poor performance.

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Figure 13-17. DADE Checklist

Renewal of Authority:

☐ Check to see if renewal is due and apply in writing to the FAA 60-days prior to expiration of your authorization with your intentions regarding renewal.

Scheduling Practical Tests:

☐ Schedule the practical tests with the applicant for the Aircraft Dispatcher Certificate.

☐ Notify the managing specialist of the date the practical test is scheduled, along with the number of applicants (this includes retests).

☐ Prepare written Plan of Action in accordance with PTS for each applicant.

Applicant Eligibility:

☐ Age—The minimum age to qualify to take the Aircraft Dispatcher Practical Test is 21 years old.

☐ Original ADX Knowledge Test results showing satisfactory results (good for 24 calendar-months per 14 CFR part 65, § 65.55).

☐ Complete and sign FAA Form 8400-3, Application for an Airman Certificate and/or Rating.

- ☐ Course certificate or written statement of graduation (valid for 90 days per § 65.70).

Or

- ☐ Meets eligibility requirements of § 65.57(a).

NOTE: Documentary evidence of eligibility must be presented to the FAA managing specialist and permission to test must be granted by the specialist.

☐ Verify and be sure the applicant can read, write, speak, and understand the English language, prior to administering the Aircraft Dispatcher Practical Test.

When the Applicant is Under 23 Years of Age:

Prior to administering the Aircraft Dispatcher Practical Test, inform the applicant of the following:

☐ The applicant is not entitled to a Temporary Airman Certificate until he or she reaches his or her 23rd birthday.

☐ The FAA managing office will issue a Letter of Aeronautical Competency, in lieu of a Temporary Airman Certificate.

☐ The FAA will *not* automatically issue an Aircraft Dispatcher Certificate when the applicant reaches 23 years of age.

☐ The applicant will be required to present the Letter of Aeronautical Competency in person to a Flight Standards office once the applicant has reached the age of 23.

☐ The FAA will require a positive identification check before issuing a Temporary Airman Certificate; therefore, the applicant must bring the appropriate identification.

If Applicant Passes:

Turn in to the FAA:

☐ Program Tracking Reporting Sheet (PTRS) (when required by the managing specialist).

☐ FAA Form 8400-3, with source of establishing ID indicated.

☐ A copy of the written statement of graduation.

☐ The original ADX Knowledge Test Report.

☐ Original, typed Temporary Airman Certificate if 23 years of age or older.

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If Applicant Fails:

- ☐ Return ADX Knowledge Test results and the copy of the written statement of graduation to individual along with a copy of the Notice of Disapproval of Application.

Turn into the FAA:

- ☐ FAA Form 8400-3 with unsatisfactory areas noted.
- ☐ Complete PTRS form (when required by the managing specialist).
- ☐ Notice of Disapproval of Application and list what was unsatisfactory.

Retest:

Turn into the FAA:

- ☐ FAA Form 8400-3. If re-testing less than 30 days from previous test, the form must be signed by certificated aircraft dispatcher instructor recommending retest.
- ☐ A copy of the written statement of graduation (valid for 90 days per § 65.70).
- ☐ The original ADX Knowledge Test Report.
- ☐ Notice of Disapproval of Application or Temporary Airman Certificate, if applicable.

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Figure 13-18. Sample Practical Test Tracking Form

Practical Test Tracking Form

Applicant's Name		**Examination**		**Course Operator**	**Comments**	**Results**	
		Re-exam Yes/No	Date Given			Sat	Unsat
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

RESERVED. Paragraphs 13-184 through 13-200.

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Appendix 14-4. Compliance Action Documentation Review Job Aids

This document consolidates the Compliance Action (CA) data reporting requirements found in Volumes 10 and 14 and the Program Tracking and Reporting Subsystem (PTRS) Procedures Manual (PPM). Policy requires documentation of who, what, where, when, and why, including the Root Cause Analysis (RCA), the corrective actions taken (or to be taken), and any necessary followup to validate that the problem is fixed.

Documentation to address seemingly simple, nonsystemic issues may be in a single PTRS; or, for the Safety Assurance System (SAS), in the Data Collection Tool (DCT) and associated assessment, or in Module 5 alone if initially identified by the principal inspector (PI) through Analysis, Assessment, and Action (AAA).

Complex or systemic issues require details to tell the whole story. For this reason, the importance of linking all of the required parts of CA records together with triggers, comments, and/or references cannot be overemphasized (e.g., referencing related entries in Modules 4 and 5 data blocks, adding references to airman or other PTRS records in SAS, and adding SAS record identifiers in PTRS).

The following phrases may help you with data consistency and quality across all databases. This template language is not mandatory and, if used, additional sentences, information, or modification may be needed to provide a complete and comprehensive report. Note that the term "certificate holder" (CH) has been used below for convenience, but you may refer to any organization or individual.

Investigation: I (*notified* **or** *was notified by*) (*source such as individual, certificate holder (CH) personnel, Air Traffic Control, etc.*) that on (*date*) (*at place* **or** *on flight*) (*identify CH* <u>*and*</u> *additional persons involved*) did not comply with (*safety requirement, regulation,* **or** *statute*) when they failed to (*citation statement*). The FAA became aware on (*date*).

Root Cause Analysis (RCA): This deviation was due to (*list the root cause(s)*).

Corrective Action: (*Individual name* <u>*and*</u> *CH position, if applicable*) corrected the (*safety issue* **or** *noncompliance*) when (*state the corrective action and/or refer to attachment if detailed/complex*).

Comments: I used (*additional training, counseling, on-the-spot correction,* **or** *describe other action taken*) to regain (*compliance* **or** *safe operations*). I (*am* **or** *am not*) satisfied the certificate holder's corrective actions fully address the identified cause(s) and (*have* **or** *have not*) reestablished (*compliance* **or** *safe operations*). I recommend (*no further action* **or** *additional follow-up* **or** *reexamination/reinspection* **or** *enforcement*).

Documentation Tips		
Use the above statements whenever possible to promote consistency and enhance data quality.	Human error <u>is not</u> a cause. Identify what caused the human to error (e.g., see FAA Dirty Dozen).	For regulatory issues, ask the CH to provide a RCA, then validate it and document CH and FAA analysis (help the CH develop RCA skills).
SPAS "Good SNAAP Regulations" contain prohibitive/restrictive rules and citation statements.	RCA only needs to be as detailed as the situation warrants.	Reference all communication and items of proof. Upload documents in SAS when appropriate.

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The following three job aids may be useful to aviation safety inspectors (ASI), data evaluation program managers (DEPM), Front Line Managers (FLM), and others to make quality records and perform consistent reviews.

SAS Module 4 Compliance Action (CA) Documentation Review Job Aid			
1.0	**Data Collection Tool (DCT) Entries:**	**Notes**	**Reference**
1.1	**Enter data into the common data fields:** • When did you perform this activity? • Where did you perform this activity? • Who were the points of contact or individuals you observed?	*Document nonregulatory safety concerns and/or recommendations with no apparent regulatory or statutory deviation in the SAS record for the underlying activity that led to identification of the concern.*	10-5-2-9A 14-1-2-7B 14-1-2-9B
1.2	**Document inspector actions taken to address the problem. Document Compliance Action (CA) when the inspector takes action in the "Inspector Action Taken" field (or in the "Supporting Comments" field for ED and RI DCTs):** • What did you do to communicate the problem to the certificate holder? • Who did you tell? • What actions did you take to correct the issue at the point of discovery? • What were the mitigations/CAs taken by the FAA? • What actions, if any, did you take to notify the principal inspector (PI)? • Is any CA PTRS reference in the appropriate format? • See additional documentation details in paragraph 14-1-2-9.	*Document "Corrected on the Spot" ASI actions in the "Inspector Action Taken" field and certificate holder actions in the "Supporting Comments" field.* *Upload and refer to supporting records, pictures, certificates, statements, emails, and letters.* *Create appropriate CA PTRS records for regulatory or statutory deviations by the airmen or individuals involved.*	10-5-2-9A Table 10-5-2A 14-1-2-7B 14-1-2-9G
1.3	**Select all "Response Details" that apply.**	*Explain "Other" choice in "Supporting Comments."*	10-5-2-9A
1.4	**Document additional details in the "Supporting Comments" field:** • What specific (guidance, safety, manual, regulatory, or statutory) requirement was not met? • When did it occur? • Where did it occur? *In addition, include the following if known prior to closing the DCT to support managing the CA in Analysis, Assessment, and Action (AAA):* • What are the results of the Root Cause Analysis (RCA)? (Why did it occur? What caused the error?) • What were the identified hazards or ineffective risk controls? (Include behaviors that led to the problem.) • How was the problem corrected? (Document mitigations/corrective actions taken by the certificate holder.) • Document coordination with the PI/CHDO for complex or long-term followup. • Is any CA PTRS reference in the appropriate format? • See additional documentation details in paragraph 14-1-2-9.	*Explanations must be complete and descriptive so that anyone knowledgeable within the industry can understand the response without requiring additional information.* *Refer to any uploaded documents when explaining your actions. You may refer within "Supporting Comments" to an uploaded attachment that contains the RCA. This technique is useful to support several related unfavorable answers.* *Explain the reason if you select the "PI Alert."* *Explain an "Other" Response Detail choice in "Supporting Comments."* *Include references to related personnel CA PTRS records.*	10-5-2-9A Table 10-5-2C 14-1-2-7 14-1-2-9G 14-1-2-9H
1.5	**DCT is complete, accurate (per the DQG), and submitted within 5 business-days, by the due date, or per PI instructions.** • Comments must include a description of the problem and what actions were taken. • Comments and information should (if known at the time) answer the "Who, What, When, Where, and Why. • Comments must document any immediate corrective action taken by the certificate holder showing the noncompliance ceased. • Some requirements may not be met in Module 4 and must wait until the PI performs additional analysis in Module 5. *It is very important for data collectors to document their communication and coordination with the PI on followup within the DCT so reviewers understand the requirements that will be tracked and accomplished later. Documenting the coordination makes both the data review process and any required followup more efficient and effective. It is equally important for reviewers to use critical thinking to determine what documentation is appropriate to the facts and circumstances known during the data collection. It is expected that personnel will work interdependently with each other and FLMs when questions arise about the amount or level of documentation for a CA in Module 4.*		10-5-2-9D Table 10-5-3A

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SAS Module 5 Compliance Action (CA) Documentation Review Job Aid			
2.0	**Principal Inspector (PI) Analysis, Assessment, and Action (AAA):**		**Reference**
2.1	**ANALYZE:** Review the DCT documented facts, actions, and behaviors. Consider the recorded history of compliance.		10-6-1-9 14-1-2-7
	Are there data quality issues?	If yes, **Return** DCT with explanation.	
	Is there enough data to make an assessment?	If no, **ADD** a DCT to the CAP **or Return** with instructions	
2.2	**ASSESSMENT: 1G "No issues or findings"** is a validation of the system. Do not make an assessment statement, do not select action, and do not make an action statement. You may communicate no issues or findings with the certificate holder, but **do not select** "NOTIFY CERTIFICATE HOLDER." You may upload a *letter or record of conversation.*		10-6-1-9 14-1-2-7 14-1-2-9
	ASSESSMENTS 2Y "Minor nonregulatory," 3Y "Regulatory nonsystemic," or 4R "Regulatory and/or Systemic" require: "ACTION;" "ASSESSMENT DETERMINATION JUSTIFICATION;" and "ACTION JUSTIFICATION."		
2.3	**ACTION:** After a full assessment, the PI chooses the appropriate *action* to document that no followup is required, to gather more data, or to mitigate the risks that led to the issues. The PI may add actions and/or initiate nonregulatory CA for hazards, safety concerns, or recommendations, or when additional followup is necessary. This will be tracked on the AITT. Justification must be provided in the AITT to close the item.		10-6-2-9 14-1-2-7 14-1-2-9
	NOTIFICATION TO CERTIFICATE HOLDER: For letters outlining assessment results or findings, see Volume 1, Chapter 3, Section 1 and Volume 14, Chapter 1, Appendix 14-3, Compliance Action Communication/Correspondence Guidelines.		1-3-1 Appendix 14-3
	3Y Assessments: When the PI determines the risk of reoccurrence is fully addressed and mitigated at the point of discovery, a "REGULATORY COMPLIANCE ACTION" choice must be selected.		10-6-2 Table 10-6-2A 14-1-1-7E 14-1-2-7 14-1-2-9
	3Y or 4R Assessments requiring further action for regulatory issues must have a "REGULATORY COMPLIANCE ACTION" or "INITIATE ENFORCEMENT choice selected.		
	4R Assessments for nonregulatory systemic issues must not have a "REGULATORY COMPLIANCE ACTION" or "INITIATE ENFORCEMENT choice selected.		
	"INITIATE ENFORCEMENT" is required when: the certificate holder is unwilling or unable to comply; a pattern of poor performance is shown; there is a failure to implement agreed upon corrective action(s); or when required by law. Review additional criteria in paragraph 14-1-1-7E.		
2.4	**Review justification statements to ensure they align and support assessment and action choices**		
	"Assessment Determination Justification"	**"Action Justification"**	
	Identify the issue, state the root cause(s) including behaviors, and identify any noncompliance or systemic issues. Close with: • The risk was fully mitigated at the point of discovery; • More data needed to ensure risk is mitigated; or • Underlying issue(s) warrant(s) further correction.	• Notification to the certificate holder explaining issues. • No further action required. • Follow up to ensure the risk is fully mitigated. • Actions needed to examine possible systemic issues. • The behavior/performance requires enforcement.	
2.5	**Manage CA:** The PI must document the results of the Root Cause Analysis (RCA), the identified hazards or ineffective risk controls, and how the problem was corrected.		10-6-2-9 14-1-2-9

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	PTRS Compliance Action (CA) Documentation Review Job Aid	Reference
1.0	Comments must include a documentation of the facts. Documentation must be clear and stand alone in later history searches, showing the noncompliance stopped and that any fixes put in place to prevent recurrence were effective.	14-1-2-9J
1.1	Who was involved with the deviation?	14-1-2-7B, 14-1-2-9F1)
1.2	What specific regulatory or statutory requirement was not met?	14-1-2-9F4)
1.3	When did the deviation occur?	14-1-2-9F4)
1.4	Where did the deviation occur?	14-1-2-9F4)
1.5	Why did the deviation occur? What are the results of the Root Cause Analysis (RCA)? What were the identified hazards or ineffective risk controls, including behaviors, that led to the deviation?	14-1-2-7B, 14-1-2-9F4)
1.6	What was done to communicate or transfer any nonregulatory concerns or potential risks?	14-1-2-7A1), C1)
2.0	Document FAA action and mitigations/corrective actions taken by the airman/organization.	
2.1	Does the PTRS capture the controls, monitoring, and feedback required to mitigate risks and ensure compliance?	14-1-2-7D, 14-1-2-9F4)
2.2	What were the mitigations/corrective actions taken by the airman/organization and the FAA?	14-1-2-7C, 14-1-2-9F4)
2.3	How was the problem corrected?	14-1-2-7D, 14-1-2-9F4)
2.4	Is there sufficient information for future review of what the problem was and how it was fixed?	14-1-2-9F4)
3.0	Record of deviation in PTRS and Multiple Records Requirement.	
3.1	If possible, was a CA PTRS triggered from the primary PTRS surveillance activity? If so, was the triggered record entered in the parent PTRS?	14-1-2-9D
3.2	Was the appropriate CA PTRS activity code (*7** for investigating ASIs or *9** for FAA Safety Team (FAASTeam)) selected for the compliance action and any triggered followup surveillance? Note the followup surveillance should not be documented with an additional CA PTRS but rather with a surveillance (*6**) or other appropriate PTRS activity code.	14-1-2-9E
3.3	Linking triggered records: Within the parent activity PTRS, was a keyword “907” and opinion code “I” comment entered containing the triggered PTRS transmittal ID?	14-1-2-9D
3.4	Are nonregulatory concern comments coded separately with keyword “911” and opinion code “I”?	14-1-2-9B
3.5	Is the date of occurrence entered in the comments if different from the start date?	PPM, page 4-7, Start Date
4.0	Additional Training and Remedial Training (RT).	
4.1	Was the airman’s agreement to participate in RT documented in the Additional Training PTRS?	14-1-2-9F4)h), 14-3-2-9A
4.2	Was the parent PTRS transmittal ID provided to the FAASTeam Program Manager (FPM) and entered in the RT PTRS with keyword “907” and opinion code “I”?	14-3-2-9A
4.3	Was the RT PTRS triggered from the parent PTRS or the transmittal ID provided to the referring ASI and entered in the Additional Training PTRS record with keyword “907” and opinion code “I”?	14-1-2-9F4)h), 14-3-2-9A
4.4	Was the Additional Training CA PTRS kept open until the RT was completed?	14-1-2-9F4)h), 14-3-2-9A
5.0	Trigger followup surveillance activities (only when needed).	
5.1	Did the airman/organization complete all corrective action(s) satisfactorily?	14-1-2-7E, 14-1-2-9H
5.2	If the entity failed to complete an agreed-upon action, were the CA PTRS comments annotated, the CA PTRS terminated, and an Enforcement Action PTRS triggered?	14-1-2-9I
5.3	If agreed-upon corrective actions failed to achieve their intended purpose, were additional corrective actions documented in the PTRS comments?	14-1-2-9H
5.4	When necessary, has the PTRS documented any followup inspection and been closed after confirming compliance?	14-1-2-9H

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