

VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 4 THE CERTIFICATION PROCESS—TITLE 14 CFR PART 135

Section 2 Phase 2—Formal Application

2-366. RECEIPT OF FORMAL APPLICATION. When the formal application is received, the applicant should be informed that the Federal Aviation Administration (FAA) will need 10 working days to review the submission.

2-367. INITIAL REVIEW OF THE FORMAL APPLICATION. Upon receipt of a formal application, the certification team must initially review it and make a determination of its acceptability within 10 working days. The certification project manager (CPM) will notify the applicant of the results informally, followed by prompt written notification of acceptance or rejection of the formal application. (The CPM shall document both of these contacts with the applicant in the Program Tracking and Reporting Subsystem (PTRS).) The initial review serves the following two purposes:

A. Purpose One. It verifies that at least those items required for formal application have been submitted. The required items to pass Gate II are as follows:

1) The application must contain the formal letter requesting certification, which includes the information described in section 1, paragraph 2-347.

2) The application must contain the required formal attachments described in section 1, paragraph 2-348. These requirements are also listed in the certification job aids (see Figures 2-12 and 2-13).

NOTE: If any of the items required for the formal application are missing or are incomplete, the entire formal application must be rejected. It should be returned to the applicant with a letter stating the reasons for its rejection following completion of the initial review. See Figure 2-15 for an example of a rejection letter.

B. Purpose Two. The initial review also permits a determination of whether the submitted material represents a feasible proposal and is of sufficient quality to allow for a productive formal application meeting and to proceed with the certification process. The following paragraphs are provided as direction and guidance for this initial review.

2-368. SCHEDULE OF EVENTS ATTACHMENT. The schedule of events is a list of each major item, activity, program, aircraft and/or facility acquisition. It also sets milestones for accomplishment or submission of the listed items. The schedule of events, when accepted, becomes the basis for agreement between the applicant and the certification team to accomplish the certification project. The applicant's ability to plan and carry out a realistic schedule of events will be a major factor in determining the applicant's fitness to hold a certificate.

Therefore, when reviewing the schedule of events, the certification team must carefully consider the feasibility of the proposed schedule with respect to the following criteria:

- Logic of sequence
- Timeliness of events
- Completeness of events
- Inspector or other FAA resource availability

A. Logic of Sequence. Many activities and events listed in the schedule must occur before other activities and events. For example, aircraft systems training cannot begin until the FAA-approved flight manual is available or the company aircraft operating manual has been reviewed and accepted/approved; the aircraft conformity inspection must be completed before the emergency evacuation demonstration. The team should use the certification job aid as a tool to ensure that the applicant's proposed schedule of events is logical in terms of event sequence.

B. Timeliness of Events. The schedule of events must be reasonable and realistically provide sufficient time for the certification team to review the applicant's various documents, manuals, and proposals.

C. Completeness of Events. The number and kinds of submissions made by the applicant for evaluation and acceptance or approval varies according to the complexity of the proposed operation. Specific manuals and other documents that are required for a particular type of applicant are annotated in the schedule of events and the certification job aid. The CPM should use the job aid to ensure that all required manuals and documents have been included in the schedule of events.

D. Inspector or Other Resource Availability. Availability and capability of personnel resources is another element of concern when determining whether a schedule of events can be met. The CPM must determine, for example, that appropriately qualified inspectors are available for the conduct of extensive manual reviews consistent with the proposed schedule of events. Also, the CPM must ascertain the qualifications of the available inspectors with respect to the proposed operation. The CPM will also coordinate participation by other resources, such as security or medical, as required.

2-369. COMPLIANCE STATEMENT ATTACHMENT. The CPM must review the compliance statement within 10 working days to determine that it complies with the form and content prescribed in section 1, paragraph 2-348 and that the applicant has proceeded in an appropriate manner. The compliance statement must then be given a detailed review and be accepted before the applicant may pass to Gate II.

2-370. COMPANY GENERAL MANUAL ATTACHMENTS. The CPM must give the company general operation and maintenance manual attachments a cursory review, first to determine that the type of information described in section 1, paragraph 2-348 has been submitted. Second, the CPM must determine that the overall content and scope of the manual

material indicates that the applicant is proceeding in an appropriate manner and in compliance with the regulations. These completed manual submissions provide early indications of the quality of the applicant's manual program. An in-depth review and evaluation and the acceptance, approval, or rejection of the manual will be accomplished in the document compliance phase.

2-371. COMPANY TRAINING CURRICULUM ATTACHMENTS. The CPM must review the training curriculum attachments to determine that each of the curriculum segments listed in section 1, paragraph 2-348 have been submitted for each applicable crewmember position. Each curriculum must be reviewed to determine that basic regulatory requirements are being met and that the applicant is proceeding in an appropriate manner with the development of the applicant's training programs. A detailed review and initial approval of the training curriculums will be accomplished in the document compliance phase after the applicant has finalized all training arrangements, including instructor lesson plans. The applicant may not start training in a curriculum until that curriculum has been initially approved.

2-372. MANAGEMENT QUALIFICATIONS ATTACHMENTS (RESUMES).

Management qualifications must be reviewed by the certification team to determine that there is a resume for each required management position and that these resumes contain the basic information necessary to determine regulatory compliance. The depth of review should be only to determine that there are no obvious omissions or significant discrepancies. An example of a significant discrepancy might be that the regulation requires an individual to hold an airline transport pilot (ATP) certificate, but the resume shows that the individual holds only a commercial pilot certificate. A detailed review of the management qualifications and effectiveness must be accomplished during the document compliance and the demonstration and inspection phases. For more information, see section 1, paragraph 2-348.

2-373. DOCUMENTS OF PURCHASE, CONTRACTS, AND LEASE ATTACHMENTS.

The CPM must review these documents to determine that they include the types of information described in section 1, paragraph 2-348. The documents should be reviewed for obvious omissions or significant discrepancies. Examples of obvious omissions might be the lack of documents indicating intent to acquire an aircraft or to arrange for a station facility. A significant discrepancy might be a document that reflects a contractual arrangement with another organization to perform a type of maintenance when it is known that the other organization is not qualified to perform that type of maintenance. These documents will not necessarily receive further review during the certification process since the aircraft, facilities, and services referenced in the documents will be the items inspected for acceptance or approval. It is not necessary or desirable for a separate document to exist for every item the applicant will have to acquire. However, there should be sufficient evidence to show that the applicant has made definitive arrangements to acquire the major items needed for certification.

2-374. INITIAL DETERMINATION OF FORMAL APPLICATION ACCEPTABILITY.

A. Prior to Formal Application Meeting. The decision whether to accept the formal application before the formal application meeting and to proceed with the certification process by scheduling a meeting with the applicant must be tempered with good judgment and a reasonably flexible attitude. Results of informal meetings, reviews, and observations of the

applicant's capabilities during the preapplication phase should supplement the decision-making process. Other factors such as working relationships and understanding established during the preapplication phase should also be considered. However, the decision must be based primarily on the results of the initial review of the formal application and attachments. The decision to proceed is predicated on receipt of all required documents in the formal application and an initial approval of the contents.

B. During the Formal Application Meeting. Normally, if an applicant has been thoroughly briefed and has acquired a good understanding of the requirements during the preapplication phase, the formal application should be of sufficient quality that any discrepancies, omissions, and/or "open" questions can be resolved during the formal application meeting. For example, if the chronology of the schedule of events needs to be adjusted for logic of sequence, timeliness, or to accommodate inspector resource requirements, such adjustments can normally be accomplished during the meeting. Often minor and occasionally some significant discrepancies or omissions in manual material, training curriculums, and/or the compliance statement can be resolved during the formal application meeting. Questions about management qualifications and documents substantiating the acquisition of aircraft, facilities, and services can often be answered during this meeting.

C. Scheduling the Formal Application Meeting. If the CPM and the certification team decide to proceed with the certification process, the CPM must contact the applicant and schedule the formal application meeting. The applicant must be informed that attendance of key management personnel is required.

2-375. THE FORMAL APPLICATION MEETING.

A. Purpose. The purpose of this meeting is to resolve any questions on the part of either party and to establish a common resolve for future proceedings of the application process. The CPM is responsible for conducting the formal application meeting. Except for unanticipated circumstances, all members of the certification team must be present. Normally, the PCM should open the meeting with the applicant, all of the applicant's key management personnel, and the certification team present.

B. Topics. The CPM should encourage the applicant and the applicant's key management personnel to present any questions they may have concerning the forthcoming certification process. The CPM and certification team members should provide candid answers and discuss freely all aspects of the certification process. The detailed schedule of events should be discussed, and any needed revisions should be negotiated prior to proceeding. Before concluding the formal application meeting, the CPM must make certain that the applicant clearly understands the following:

- 1) Notification of acceptance of the formal application package does not in any way constitute acceptance or approval of the separate attachments. The attachments will be reviewed further, and additional corrective actions will be required, following which, the applicant will be expected to take such corrective action. Acceptance or approval of each attachment will be indicated separately at a later date during the certification process.

2) If the applicant is unable to meet the schedule of events, the FAA will still need equivalent amounts of time, as agreed upon during the meeting, to make the necessary reviews and inspections. Consequently, the proposed start-up date could be delayed.

2-376. FINAL DETERMINATION OF FORMAL APPLICATION ACCEPTABILITY. If the formal application meeting is successful, a letter acknowledging receipt and acceptance of the formal application must be prepared and forwarded to the applicant as soon as possible, but not later than 5 working days after the meeting. See Figure 2-16 for an example of an acceptance letter.

RESERVED. Paragraphs 2-377 through 2-395.

Figure 2 – 12, Part 135 Certification Job Aid and Schedule of Events

PTRS Code/ Input	II. Formal Application Phase	Date(s) Received	Date(s) Returned for Changes	Date Accepted	Insp. Initials
	A. REVIEW APPLICANT'S SUBMISSIONS 1. FORMAL APPLICATION LETTER				
	a. Full and official name (legal)				
	b. Mailing address				
	c. Primary operating location (principal operations base)				
	d. Name and address of applicants agent for service				
	e. Key Management Personnel Names				
	2. FORMAL APPLICATION ATTACHMENTS				
	a. Schedule of events				
	b. Initial compliance statement				
	c. Company general manuals (Operations and Maintenance)				
	d. New Hire Training Curriculums, to include: <ul style="list-style-type: none"> • Basic Indoctrination • Crewmember Emergency Training • Pilot—Ground & Flight Training to include: Initial, Upgrade, Transition, Differences & 				

	Recurrent, as applicable • Flight Attendant Ground Training to include: Initial, Transition & Recurrent, as applicable * • HAZMAT Training • Initial/Transition Check Airmen Training • Initial/Transition Flight Instructor Training • Security Training				
	e. Management qualification resumes				
	f. Doc's of purchase/contract/lease/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 IF SCHEDULE OF EVENTS NOT MET				
	D. ISSUE LETTER ACCEPTING/REJECTING APPLICATION				
REMARKS:					

	III. Document Compliance Phase				
	A. EVALUATE APPLICABLE TRAINING PROGRAMS 1. TRAINING CURRICULUMS				
	a. Basic Indoctrination				
	b. Crewmember Emergency Training				
	c. Pilot Initial Ground & Flight Training				
	d. Pilot Recurrent Training				
	e. Pilot Transition/Upgrade/Differences Training				
	f. Flight Attendant Initial Ground Training (as applicable) *				
	g. Flight Attendant Transition/Recurrent Training (as applicable) *				
	h. Security Training				
	i. Hazardous Materials				
	j. Check Airman/Flight Instructor				
	k. Maintenance Personnel				
	B. EVALUATE MANAGEMENT QUALIFICATIONS				
	1. DIRECTOR OF OPERATIONS (Principal Owner/Principal Ops Official *)				
	2. CHIEF PILOT *				
	3. DIRECTOR OF MAINTENANCE *				
	4. REQUEST FOR DEVIATION LETTER(S) (Section 119.71(f))				
	C. EVALUATE APPLICABLE MANUALS NOTE: See section 135.23 for a detailed list of requirements.				
	1. GENERAL OPERATIONS MANUAL				
	a. Management Persons Required				

	Under Section 119.69(a)				
	b. Applicable OpSpec Sections				
	c. Emergency Plan/Accident Notification				
	d. PIC knowledge of: required airworthiness inspections, reporting and recording of mechanical irregularities, MEL/Logbook knowledge and out station maintenance/servicing				
	e. Procedures for the release for, or continuation of, flight with inoperable or unserviceable equipment				
	2. GENERAL MAINTENANCE MANUAL				
	3.FAA-APPROVED AIRPLANE FLIGHT MANUAL				
	4. AIRCRAFT CHECKLISTS				
	a. Normal				
	b. Abnormal				
	c. Emergency				
	5. FLIGHT ATTENDANT MANUAL (as applicable)				
	6. DESTINATION AIRPORT ANALYSIS (as applicable) *				
	7. MINIMUM EQUIPMENT LIST				
	8. CONFIGURATION DEVIATION LIST (as applicable)				
	9. MAINTENANCE TECHNICAL MANUALS (as applicable):				
	a. Airframe/Powerplant				
	b. Structural Repair				
	c. Parts Catalogue				
	d. Inspection Procedures				
	e. Manufacturer's or Vendor's Manual				
	f. Wiring Manual				
	g. Overhaul Manual				

	10. FUELING/REFUELING PROCEDURES				
	11. FLIGHT LOCATING (as applicable)				
	12. WEIGHT AND BALANCE LIMITATIONS				
	13. HAZARDOUS MATERIAL RECOGNITION AND/OR ACCEPTANCE				
	14. SECURITY PROGRAM				
	15. CONTINUOUS AIRWORTHINESS MAINT. PROG. (if applicable)				
REMARKS:					
	D. OTHER EVALUATIONS (as applicable) *				
	1. AIRCRAFT LEASE				
	2. MAINTENANCE CONTRACTS/AGREEMENTS				
	3. SERVICING CONTRACTS/AGREEMENTS				
	4. EXEMPTION/DEVIATION REQUESTS/ JUSTIFICATION				
	5. AIRCRAFT PROVING OR VALITDATION TEST PLAN (if applicable)				
	6. ENVIRONMENTAL ASSESSMENT				
	7. FINAL COMPLIANCE STATEMENT				
	8. INITIATE OPSPECS PREPARATION DATA SHEET				
	9. TRAINING CONTRACTS				
	10. DEICING/ANTI ICING				
	11. EXIT ROW SEATING (20-30 seat on-demand or commuter 10 or more seats) *				
	12. ANTIDRUG AND ALCOHOL MISUSE PREVENTION PROGRAM				
REMARKS:					

	IV. Demonstration & Inspection Phase				
	A. EVALUATE APPLICANT CONDUCTING TRAINING				
	1. TRAINING FACILITIES				
	2. TRAINING SCHEDULES				
	3. FLIGHT CREWMEMBER TRAINING				
	a. Basic Indoctrination				
	b. Emergency Training				
	c. Ground Training				
	d. Flight Training				
	4. CHECK AIRMAN/FLIGHT INSTRUCTOR				
	5. FLIGHT ATTENDANT TRAINING *				
	a. Basic Indoctrination				
	b. Emergency Training				
	c. Ground Training				
	6. HAZARDOUS MATERIALS				
	7. SECURITY TRAINING				
	8. MAINTENANCE TRAINING				
	a. Mechanics/Repairmen				
	b. Inspection Personnel				
	c. Ground Handling/Serviceing				
	9. Station Personnel				
REMARKS:					
	B. CREWMEMBER TESTING AND/OR CERTIFICATION				
	1. PILOTS				
	2. FLIGHT ATTENDANTS *				
REMARKS:					

	C. AIRCRAFT CONFORMITY INSPECTION				
	D. MAIN OPERATIONS BASE				
	E. MAIN MAINTENANCE BASE				
	F. RECORDKEEPING:				
	1. Crewmember:				
	a. Training				
	b. Flight & Rest Times				
	c. Qualifications				
	G. MAINTENANCE:				
	1. Aircraft Records				
	2. Personnel Training				
	3. Personnel Duty Time Limitations				
	H. FLIGHT/TRIP RECORDS				
	I. EMERGENCY AND EMERGENCY EVACUATION DUTIES AND PROCEDURES				
	J. AIRCRAFT PROVING TEST(S) AS APPLICABLE				
	K. VALIDATION TEST(S) AS APPLICABLE				
	L. PROOF OF DOT ECONOMIC AUTHORITY (AIR CARRIERS ONLY)				
REMARKS:					
	V. Certification Phase				
	A. APPROVE OPERATIONS SPECIFICATIONS				
	B. PRESENT CERTIFICATE & OPSPECS TO CERTIFICATE HOLDER				
REMARKS:					
	C. PREPARE CERTIFICATION REPORT				
	1. ASSEMBLE REPORT				
	a. Preapplication Statement of Intent				

	b. Certification Job Aid				
	c. Formal Application Letter				
	d. Schedule of Events				
	e. Final Compliance Statement				
	f. Proving/Validation Test Evaluation Report				
	g. Copy of Operations Specifications				
	h. Copy of Certificate				
	i. Summary of Difficulties				
	j. Suggestions to Improve Certification Process				
	2. DISTRIBUTE REPORT				
REMARKS:					
	D. DEVELOP POSTCERTIFICATION SURVEILLANCE PROGRAM				
	1. WITHIN GEOGRAPHICAL AREA				
	2. OUTSIDE GEOGRAPHICAL AREA				
REMARKS:					
*—Denotes processes/steps that may not be required of single pilot, single pilot-in-command, or basic part 135 operators					

Figure 2 – 13, Part 135 Certification Job Aid for Cabin Safety

CABIN SAFETY INSPECTOR: _____	PRECERTIFICATION NO. _____
I. PREAPPLICATION PHASE:	
A. Attend Preapplication meeting. Applicant's representative responsible for the flight attendant and cabin safety material. NAME: _____	
B. Inform the applicant about how to obtain the following:	
1. AC 121-24C (as amended) Passenger Safety Information Briefing & Briefing Cards (14 CFR section 135.117)	
2. Exit Seating (if applicable) (14 CFR section 135.129)	
3. Flight Attendant/Cabin Safety Sections: volume 3, chapters 23, 32, and 33.	
4. Preparation of Flight Attendant Manual Job Aid (volume 3, chapter 32, section 13, Figure 3-124.)	
5. Flight Attendant Training Job Aid (volume 3, chapter 23, section 2, Figure 3-107.)	

6. Title 14 CFR part 382, Nondiscrimination on the Basis of Handicap in Air Travel		
7. Title 14 CFR part 252, Smoking Aboard Aircraft		
II. FORMAL APPLICATION PHASE:		
	Date(s) Received	Dates Accepted
A. Formal Application attachments, to include:		
1. Flight Attendant Training Programs, to include Initial, Transition & Recurrent (as applicable)		
2. Flight Attendant Manual		
3. Applicable crewmember recordkeeping documentation		
4. Exit Seat Program		
5. Passenger Briefing Cards		
6. Compliance Statements (Cabin safety related)		
7. Schedule of Events (Cabin Safety related)		
III. DOCUMENT COMPLIANCE PHASE		
A. Evaluate Applicable Manuals		
1. Flight Attendant Manual		
2. Flight Attendant Training Manual		
3. Security Program		
4. Hazardous Materials Recognition Program		
5. Passenger Briefing Cards, as applicable		
B. OTHER EVALUATIONS (as applicable)		
1. Exit Row Seating (20-30 seat on-demand or commuter 10 or more seats)		
2. Emergency and emergency evacuation duties and procedures		
3. Training Contracts (as applicable)		
4. Proving and Validation Tests (as applicable)		
IV. DEMONSTRATION & INSPECTION PHASE		
A. EVALUATE APPLICANT CONDUCTING TRAINING		
1. Flight Attendant Training Facilities		
2. Flight Attendant Training Schedules		
3. Flight Attendant Training, to include: Basic Indoctrination, Ground, HAZMAT, Emergency & Security		
4. Recordkeeping, to include: Training, Currency & Flight/Rest Times		
5. Proving and Validation Tests (as applicable)		

V. CERTIFICATION PHASE		
Coordinate with other Principal Inspectors to issue OpSpecs		

Figure 2 – 15, Rejection of Formal Application-Missing or Incomplete Documents

[FAA Letterhead]

[Date]

Mr. Rockwell J. Jones
 President and CEO, MidSouth Airlines
 601 Sky Harbor Blvd.
 Little Rock, Arkansas 72202

Dear Mr. Jones:

This office has reviewed your formal application for an Air Carrier Certificate, dated _____. We find it necessary to return your application because of deficiencies in the following areas:

1. Resumes of Harvey Anderson, Director of Operations; and S. F. Whippley, Director of Maintenance; were not included in you application.

2. The Compliance Statement is incomplete. For example, part 135 section 135.117 (Briefing of Passengers before Flight) was not addressed. Methods of compliance with this regulatory section are described in your company's general manual attachment and should be appropriately referenced in the compliance statement. As previously discussed, all applicable regulatory sections must be addresses in the compliance statement.

3. The minimum equipment list (MEL) does not contain maintenance and operations procedures as required on the master minimum equipment list.

We are returning your letter of application with all attachments. It will be necessary to submit a new formal application when you have corrected all discrepancies noted above and any other omissions that exist. Please contact us if we can be of any further assistance in clarifying the minimum requirements for your formal application.

Sincerely,

John T. Smith
 Certification Project Manager

Figure 2 – 16, Acceptance of Formal Application

[FAA Letterhead]

[Date]

Mr. Rockwell J. Jones
President and CEO, MidSouth Airlines
601 Sky Harbor Blvd.
Little Rock, Arkansas 72202

Dear Mr. Jones:

Your formal application has been reviewed and found acceptable. Acceptance of the application does not convey specific approval of the attachments. Specific approvals or acceptance of the attachments will be appropriately conveyed after a detailed evaluation by the Federal Aviation Administration (FAA) certification team.

We look forward to working with your personnel in the continuation of the certification process.

Sincerely,

John T. Smith
Certification Project Manager