

VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 1 THE GENERIC PROCESS FOR CERTIFICATING ORGANIZATIONS

Section 1 General Information and the Certification Process

2-1. GENERAL INFORMATION. The purpose of the certification process is to provide a means by which prospective air operators or air agencies are authorized to conduct business in a manner which complies with all applicable regulations, the Federal Aviation Act (FA Act) of 1958, and Federal Aviation Administration (FAA) directives. The process is designed to preclude the certification of applicants who are unwilling or unable to comply with the regulations or to conform to safe operating practices.

2-2. GUIDANCE FOR THE PROCESS. This chapter delineates the certification process in detail. It standardizes the process and replaces previous guidance, including regional supplements.

2-3. CERTIFICATION INTRODUCTION. The following guidance will result in the operator's compliance with the FA Act and applicable regulations. The applicant will not be certificated until the certificate-holding district office is assured that the applicant is capable of complying with the regulations.

2-4. THE CERTIFICATION PROCESS. The certification process is a series of steps outlined in five phases:

- Preapplication
- Formal Application
- Document Compliance
- Demonstration and Inspection
- Certification

A. Inspector Assessment. The complexity of the certification process is based on the inspector's assessment of the applicant's proposed operation. For simple certifications, some steps can be condensed or eliminated.

B. Differences Among Applicants. Some applicants may lack a basic understanding of what is required for certification. Other applicants may propose a complex operation, but be well prepared and knowledgeable. Because of the variety in proposed operations and differences in applicant knowledge, the process must be thorough enough and flexible enough to apply to all possibilities.

2-5. PHASE ONE—PREAPPLICATION. Initial inquiries about or requests for an application for an air operator or air agency certificate may come from individuals or organizations and may be in writing or in the form of informal meetings with district office personnel.

A. Initial Inquiry. During the initial contact, the applicant will usually have specific questions about the certificate requirements.

1)The Aviation Safety Inspector (ASI) should explain to the applicant all appropriate requirements and discuss pertinent parts of Title 14 of the Code of Federal Regulations (14 CFR) and Advisory Circulars (AC). The ASI should tell the applicant how to obtain current copies of these documents and explain that the applicant should review them carefully before filling out an application.

a) At this point, the ASI should determine if the applicant is sufficiently aware of the certification requirements. The ASI should try to gauge the experience level of the applicant to determine how formal the process must be. If the applicant wishes to continue with the process, the ASI will provide the applicant with copies of the appropriate application form.

b) The applicant will receive a random, computer-generated number. Obtaining certificate numbers is covered in Volume 2, Chapter 1, Section 3, Obtaining and Constructing Certificate/Designator Numbers.

2)If the applicant is proposing a complex operation (i.e., a large number of complex aircraft or an operation conducted in several district office jurisdictions) or seems unclear about the specific requirements, the ASI may ask the applicant to describe the intended operation in writing.

a) In such an instance, an applicant for a 14 CFR part 125 certificate is given FAA Form 8400-6, Preapplication Statement of Intent (PASI), to fill out and return for review.

b) Applicants for 14 CFR part 133, 137, 141, 145, or 147 certificates could be asked to submit a letter of intent, detailing the operation they wish to undertake, the equipment they have available, the facilities they plan to use, pilot qualifications if applicable and the approximate date when they plan to begin operation.

c) The scope of the proposed operation may also require that the applicant (or representative) come to the district office for a preapplication meeting in addition to submitting a Preapplication Statement of Intent or letter of intent. If there is any question about the need for such a meeting, the ASI should consult with the office manager or unit supervisor.

3)An applicant who is already familiar with the certification process (i.e., a pilot who has worked for a certificated air operator or air agency and wishes to start a similar business) may simply submit a completed application form during the initial contact with the district office. The applicant may present the application in person along with any manuals and other documents that might be required. This will usually occur only when the applicant's operation is of limited complexity.

B. Certification Team Assignment. The district office manager will assign sufficient ASIs to a certification team. One team member will be designated as a Certification Project Manager (CPM). The CPM will not only coordinate certification matters with the applicant, but will also ensure that the unit supervisor is kept fully informed of the project's current status (e.g.,

during staff meetings). Team members must strive at all times to maintain a professional and responsive relationship with the applicant. From the time of its appointment, the certification team handles all matters pertaining to the applicant, regardless of whom the applicant initially contacted.

C. CPM Qualifications, Duties, and Responsibilities. For appointment as a CPM, experience as a principal inspector is desirable. However, other inspectors are acceptable depending on the situation and at the discretion of the district office manager. The duties and responsibilities of the CPM include the following:

1)The CPM coordinates certification matters with the applicant and ensures that the unit supervisor is kept fully informed of the project's current status.

2)The CPM serves as the primary contact with the applicant. The CPM ensures each certification task is completed in an acceptable and timely manner and that all certification matters are thoroughly coordinated with each team member.

3)The CPM schedules and conducts preapplication and formal application meetings with the applicant.

4)The CPM notifies the unit supervisors and district office manager of any information that may significantly impact or delay certification or that may attract media or political interest. Periodic meetings will ensure everyone concerned is kept informed of the status of the certification. If the CPM cannot attend a scheduled meeting, the CPM appoints a team member to act as CPM.

D. Preapplication Meeting. If, after its assignment to the project, the certification team has determined that a preapplication meeting is necessary, the CPM or team leader shall contact the applicant to arrange the meeting as soon as practicable.

1)The meeting should include, but not be limited to, the following:

- A review of the PASI or letter of intent to verify that all information is complete and accurate
- A review of applicable 14 CFR parts and ACs (and how to obtain them, if not already accomplished)
- A review and discussion of the certification procedures to ensure that the applicant understands what is expected
- A review of what is required on the application and what is to be submitted with the application
- Provision of a certification job aid to the applicant
- An indication of which ASIs will conduct which aspects of the certification

2)Operator certification tasks throughout volume 2 provide guidance on preapplication meetings for the different types of air operator or air agency certificates.

E. Terminating the Preapplication Phase. The Preapplication Phase ends when the certification team is satisfied that the applicant is prepared to proceed with formal application. If the applicant is not ready, the team should advise the applicant of the problems and work with the applicant to arrive at solutions or terminate the certification process.

F. Initial Inquiry. During the initial contact, the applicant may have specific questions about the requirements for the type of certificate in which the applicant is interested.

G. District Office. If necessary, refer the applicant to the correct district office.

2-6. PHASE TWO—FORMAL APPLICATION. An applicant's presentation of an application package and the district office's review of it is considered the Formal Application Phase.

A. Receipt of Formal Application Package. On receipt of the formal application package, the applicant will be informed that the FAA needs a specific period of time to review it. Discussions of its acceptability should be avoided at this time. The applicant should be advised that further discussion will not be productive until the certification team has reviewed the formal application. The applicant should be advised that the certification team will contact him/her within 5 working days concerning the application package's acceptability and to arrange for a formal application meeting. A formal application meeting is arranged only if the team determines there is a need for the meeting.

B. Application Package Initial Review. Upon receipt of a formal application package, the certification team must initially review it and make a determination of its acceptability. The package generally consists of:

- Copies of the application form (or letter of formal application for a part 125 applicant)
- Documentation that the applicant has or can obtain use of an aircraft and appropriate facilities, if applicable
- Any partial or complete manuals, if applicable
- Curricula or personnel training programs, if applicable
- A schedule of events (see below)

1) For a 14 CFR part 121, 135, 145, or 125 certification, a schedule of events must be submitted with the application. However, for 14 CFR part 133, 137, 141, 142, or 147 applicants, a schedule of events is necessary only for an applicant who proposes a large operation where multiple meetings and demonstrations may be required. It is up to the certification team to determine if the applicant's proposed operation warrants a schedule of events.

2) If a schedule of events is requested from the applicant, the certification team must consider the feasibility of the proposed schedule with respect to logic of sequence, timeliness of events, completeness of events, and inspector availability. Sample schedules of events for each type of certification are found in applicable chapters of volume 2.

- a) Many of the activities or events listed in the schedule must occur before other activities or events.
- b) The schedule of events must provide realistically sufficient time for the certification team to review the applicant's various documents, manuals, and proposals.
- c) The number of and kinds of submissions made by the applicant for evaluation and acceptance or approval may vary according to the complexity of the proposed operation.
- d) A concern in meeting the schedule of events is inspector availability.
- e) Sufficient, qualified inspectors must be available to ensure timely completion of the steps in the certification process.

C. Formal Application Meeting. If the certification team determines the need for a formal application meeting, all members of the certification team must be present. During the meeting the certification team and the applicant review the application package and resolve any discrepancies.

1) If mutual agreements cannot be reached on any discrepancies, the team should terminate the meeting and inform the applicant that the application package is not acceptable. The application package must then be returned to the applicant with a letter explaining the reasons for the rejection.

2) When agreement has been reached on corrective action for deficiencies, the team should then encourage the applicant to present questions concerning the certification.

3) Before the conclusion of the formal application meeting, the team must make certain the applicant clearly understands the following:

a) The applicant will be notified in writing in the event the application is rejected. This notification should be made within 5 days after the formal application meeting. A telephone call concerning the application rejection shall be made to the applicant as soon as the determination is made; indicating that written notification will follow.

b) If the application is acceptable, the certification process continues with an in-depth examination of the application and associated documents during the document compliance phase. In some cases, telephone confirmation to the applicant is sufficient; however, written confirmation is recommended. A letter accepting an application is necessary because the 60-day time limit begins upon receipt of the application in an acceptable form.

c) Acceptance of the application does not constitute acceptance or approval of any attached documents. Attachments will be reviewed, and the applicant will be expected to take corrective action, if required. Acceptance or approval of each attachment should be indicated separately.

D. Application Rejection. Rejection of an application is a sensitive issue since the applicant may have already expended funds and resources. It is important for the team to

document thoroughly the reasons for the rejection. The reasons should clearly indicate that to proceed with the certification process would not be productive unless the applicant is willing to make the team's suggested corrections. Reasons for rejection might include lack of agreement on appropriate courses of action or evidence that the applicant does not understand regulatory requirements and the certification process. In the event of rejection, the application and documents submitted are returned to the applicant with a letter of rejection.

E. Terminating the Formal Application Phase. If the certification team accepts the application package, the Formal Application Phase of the certification process ends, and the Document Compliance Phase begins.

2-7. PHASE THREE—DOCUMENT COMPLIANCE. The document compliance phase is that part of the certification process where the applicant's manuals and other documents are reviewed and either approved or rejected. The certification team usually conducts this phase in the district office.

A. Approval or Acceptance of Documents. During the Document Compliance Phase of the certification process, attached documents are approved or accepted. After initial certification, revisions or amendments to these documents may also be submitted for approval or acceptance. The team must determine which documents are *approved* and which are *accepted*.

1) Documents that require FAA approval are specifically listed in the regulations. Other documents are accepted; however, not all other documents have to be accepted.

2) Documents submitted for acceptance should relate to areas which are safety related or in which the FAA has a significant interest.

3) Some documents submitted for approval or acceptance may require coordination with other organizations within the FAA.

4) Operating manuals may require approval by operations, maintenance, and avionics. Certification project managers must ensure that all appropriate approvals have been obtained before certification.

5) It may be necessary to approve a document in segments or indicate initial approval pending other required events. An initial approval should not continue for an extended period of time. The CPM should establish a plan to evaluate deficiencies and document reasons for not granting final approval.

B. Approval Documentation. When all requirements and standards have been met, the operator should be notified that the documents have been approved. The approving inspector indicates approval.

C. Acceptance Documentation. Documents that are submitted for acceptance by an operator or applicant are accepted with a letter of confirmation from the CPM or appropriate principal inspector.

D. Revisions or Amendments. When an approved or accepted document is revised or amended, only that portion affected by the proposed change needs to be evaluated, provided there is no effect on other portions or other documents.

E. Required Documents. The required documents vary with the type of certificate applied for. Details for each certificate type's required documents are within this volume:

- Part 91K—chapter 5, section 2, paragraphs 2-557 and 2-596 through 2-597
- Part 121—chapter 3, section 2, paragraph 2-317
- Part 125—chapter 6, section 2, paragraph 2-681
- Part 133—chapter 7, section 1, paragraph 2-936
- Part 135—chapter 4, section 3, paragraph 2-397
- Part 137—chapter 8, section 1, paragraphs 2-971 and 2-979
- Part 141—chapter 9, section 1, paragraph 2-1071
- Part 142—chapter 10
- Part 145—chapter 11, section 2, paragraph 2-1220
- Part 147—chapter 12, section 1, paragraphs 2-1416 and 2-1423

F. Unacceptable Documents. If any of the documents are unacceptable, they are returned to the applicant. The team sends the applicant a letter of rejection stating the reasons for rejection and recommendations for obtaining approval.

G. Applicant Profile. The team obtains a profile of the applicant and personnel using the Enforcement Information System (EIS) and the Accident/Incident Data Subsystem (AIDS). This profile may determine if the certification process should continue.

H. Completing the Document Compliance Phase. When required documents are approved or accepted, the Document Compliance Phase is completed. The certification process continues in the Demonstration and Inspection Phase. The Document Compliance Phase and the Demonstration and Inspection Phase may overlap.

2-8. PHASE FOUR—DEMONSTRATION AND INSPECTION. In the Demonstration and Inspection Phase, the certification team inspects the applicant's facilities and equipment and observes personnel in the performance of their duties. Emphasis in this phase is on compliance with regulations and safe operating practices.

A. Regulatory Compliance. During the evaluation the team shall determine the applicant's ability to comply with all applicable sections of the regulations.

B. Determination of Approval or Disapproval. Throughout the demonstration and inspection phase, the team ensures that all aspects of the applicant's required demonstrations are observed and that a determination of approval or disapproval for each is made.

C. Handling Deficiencies. If the applicant's activities or other items are deficient, appropriate corrective action must be taken. If the deficiencies cannot be corrected, the team should advise the applicant that it is impractical to continue the certification process.

D. Specific Guidance. Specific guidance for this phase of each certificate type is within this volume:

- Part 91K—chapter 5, section 5
- Part 121—chapter 3, section 2, paragraphs 2-319 and 2-320
- Part 125—chapter 6, section 2, paragraph 2-682
- Part 133—chapter 7, section 1, paragraph 2-937
- Part 135—chapter 4, section 4
- Part 137—chapter 8, section 1, paragraphs 2-972 and 2-980
- Part 141—chapter 9, section 2 (paragraphs 2-1101 through 2-1102) and section 3 (paragraph 2-1129)
- Part 142—chapter 10
- Part 145—chapter 11, section 2, paragraph 2-1221
- Part 147—chapter 12, section 1 (paragraphs 2-1417 and 2-1424) and section 3 (paragraphs 2-1480 through 2-1484 and paragraph 2-1487)

E. Unsatisfactory Demonstration. If a demonstration of compliance is unsatisfactory, the certification team must discuss with the applicant how to correct the problem. Reinspection should be scheduled as necessary. The team may follow up with a letter indicating the nature of the failure and its corrective action. Deficiencies must be corrected before the process can continue.

F. Satisfactory Demonstrations. If the applicant's demonstrations are satisfactory, the certification team issues appropriate documentation.

G. Terminating the Demonstration and Inspection Phase. When all demonstrations are satisfactorily completed, the Demonstration and Inspection Phase is ended, and the applicant is ready for issuance of the certificate.

2-9. PHASE FIVE—CERTIFICATION.

A. Obtaining Certificate Numbers. The CPM is responsible for ensuring that a certificate number is obtained from the Aviation Data Systems Branch, AFS-620, in Oklahoma City, Oklahoma. An inspector on the certification team should telephone AFS-620 when a precertification number for a part 125 applicant or a certificate number is required.

1) Follow the procedures in vol. 2, ch. 1, sec. 3, for obtaining the certificate number. AFS-620 uses a systematic scheme for the construction of standard certificate numbers.

2) Part 125 certifications require the issuance of a precertification number. When the applicant is certificated as a part 125 operator, the inspector again contacts AFS-620 to change the "P" in the precertification number to a "B," signifying a part 125 operation.

B. Preparation of Certificate. The air operator or air agency certificate, as appropriate, is prepared for the manager's signature. The newly certificated operator cannot conduct any operations until the certificate is issued. The operator may elect to pick up the certificate from the district office in person, or it may be mailed to an address the operator specifies.

C. Certification File. The certification team assembles a certification file. The district office file shall include:

- A copy of the preapplication statement of intent or letter of intent, as appropriate
- A copy of the application
- A copy of the operator's certificate
- A copy of any manuals or approved curricula
- A copy of the completed certification job aid, if applicable
- A copy of the operations specifications, if applicable
- A summary of any difficulties encountered during any phase of the certification or recommendations for future surveillance (Certification Report)
- EIS and AIDS profiles for the applicant and the pilots
- Copies of leases, agreements, and contracts, if applicable
- Compliance statement, if applicable
- Any correspondence between the applicant and the FAA

D. Post Certification Surveillance Plan. After the air operator or air agency is certificated, the certification team establishes a post-certification plan using the national work program guidelines as a basis for inspection and surveillance.

1)When developing the post-certification plan, the certification team may direct additional surveillance during the first few months the operator is in business.

2)The team is responsible for assembling a Certification Report, including the names and titles of each team member. The report shall be signed by the CPM and have a summary of difficulties, if any, encountered during the certification process and any recommendations made by the team. This report may assist in preparing surveillance plans. (See figures 2-1 through 2-4.)

RESERVED. Paragraphs 2-10 through 2-25.

Figure 2-1, Certification Report—Part 125

CERTIFICATION REPORT PART 125

[Name and Address]

Certificate Number: AAAB001A

The certification team consisted of Edward Pendleton, Principal Operations Inspector; Margaret Pelham, Principal Maintenance Inspector; and James Madison Eastham, Principal Avionics Inspector.

The above operator applied for certification on 01-15-97 and was certificated on 03-15-97.

Of the four pilots-in-command (C-46) who applied for the qualification, two failed their first tests, Captain Stevens and Captain Cartwright. In both cases the deficient areas were identified:

- 1) The methods used for circling approaches placed the aircraft too far from the airport because of incorrect aircraft speed and configuration.
- 2) Failure to use the co-pilot during circling approaches which placed the aircraft in a position that would not allow the captain to observe the airport environment
- 3) Not observing sterile cockpit procedures below 10,000 feet
- 4) Failure to be able to identify Hazardous Materials
- 5) Failure to use company established standard call-outs by the pilot not flying.

Although the crew stated that training was covered in these problem areas, it was evident that there was not enough emphasis placed upon them during the training of pilot flight crewmembers. The crew was given additional training. Both Stevens and Cartwright passed their pilot-in-command (PIC) check on the second try.

The company procedure to identify hazardous material is to carry a copy of Title 49 of the Code of Federal Regulations (49 CFR) aboard the aircraft and to refer to it when questionable cargo comes to the attention of any crewmember or ground person. Neither Stevens nor Cartwright were able to identify whether or not three different types of suspected materials were controlled by 49 CFR. Retesting in this area indicated adequate knowledge.

It is recommended that during the post certification phase emphasis be placed on pilot/crew training and testing.

[Certification Project Manager][Date]

Figure 2-2, Certification Report—Part 133

CERTIFICATION REPORT PART 133

[Name and Address]

Certificate Number: BBBL001B

The certification team consisted of Edward Pendleton, Principal Operations Inspector; Margaret Pelham, Principal Maintenance Inspector; and James Madison Eastham, Principal Avionics Inspector.

The above operator applied for certification on 01-15-97 and was certificated as an External Load Operator on 03-15-97.

The company operates one Bell 206 helicopter, a BK-117, and a Sikorsky SK-64 and employs four pilots, two aircraft crewmembers, and five trained external load ground personnel.

During the Bell 206 class B external load skill demonstration by pilot P. Stevens, it was noted that he was unable to release the load combination manually. Further inspection revealed that the release mechanism was inoperative and that it may not have been properly serviced in accordance with the FAA Approved Rotorcraft Load Combination Flight Manual procedure. The device was repaired and returned to service by a company mechanic, and the test was continued.

Pilot flight crews had not established procedures for determining 12 month currency for Class D external loads. A procedure was established by each of them.

It is recommended that emphasis be placed on these items during the post certification phase of inspector activity.

[Certification Project Manager][Date]

Figure 2-3, Certification Report—Part 137

CERTIFICATION REPORT PART 137

[Name and Address]

Certificate Number: BBBG001B

The certification team consisted of Edward Pendleton, Principal Operations Inspector; Margaret Pelham, Principal Maintenance Inspector; and James Madison Eastham, Principal Avionics Inspector.

The above operator applied for certification on 01-15-97 and was certificated as an Agricultural Aircraft Operator on 03-15-97. The company operates one Bell 47G3B-2A helicopter, an Aero Commander Snow, and three Grumman AgCats. The company employs four pilots and five trained ground loader personnel.

During the helicopter pilot skill demonstration [section 137.19(e)] by pilot John W. Slade, it was noted that the aircraft had a leaky spray nozzle. Further inspection revealed that the nozzle mechanism was probably inoperative before the flight. The device was repaired and returned to service by a company mechanic and the test was satisfactorily completed. This type of operation could result in non-compliance with regulations if not noticed and corrected by the operator.

Although the helicopter is equipped with shoulder harnesses, it became apparent during the skill test that Mr. Slade may have a tendency not to wear his shoulder harness. This was concluded as a result of the team leader observing the shoulder belts neatly tucked away behind the pilot seat back immediately after the aircraft was landed at the duster strip.

It is recommended that emphasis be placed on these items during the post certification phase of inspector activity.

[Certification Project Manager][Date]

Figure 2-4, Certification Report—Part 141CERTIFICATION REPORT
PART 141

[Name and Address]

Certificate Number: BBBV001B

The certification team consisted of Edward Pendleton, Principal Operations Inspector; Margaret Pelham, Principal Maintenance Inspector; and James Madison Eastham, Principal Avionics Inspector.

The above operator applied for certification on 01-15-97 and was certificated as a Pilot School on 03-15-97.

The company operates three Cessna 152 aircraft, one Cessna 182, and one Cessna 182RG. They employ two full-time instructors, Mr. Craig Adams and Mr. Phil Johnston. Mr. Adams also serves as the Chief Flight Instructor for all courses, and Mr. Johnston is his assistant. Both meet the experience requirements to serve in their respective capacities.

Course approvals are: Private Pilot Certification Airplane Single-Engine Land (ASEL); Commercial Pilot Certification ASEL; Instrument Rating Airplane.

The Training Course Outlines (TCOs) presented for approval by the school were previously approved at Addison Aviation, Inc. and modified with their company name. Adams and Johnson were cautioned to ensure that the TCO is followed and that each student's participation is properly documented. Because this is a new pilot school, future surveys and inspections should place emphasis in this area.

During the certification inspection, discrepancy logs were not available for each aircraft to document any equipment deficiency so that it could be brought to the attention of airworthiness personnel. When this was brought to Mr. Adams' attention, he devised a form that would serve such a purpose and placed it on the clipboard along with the tach sheet. Future surveys should include a check of the aircraft discrepancy log for write-ups and corrective actions.

It is recommended that emphasis be placed on these items during the post certification phase of inspector activity.

[Certification Project Manager][Date]