Volume 3
General Technical Adminstrative - Safety Assurance System

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VOLUME 3 GENERAL TECHNICAL ADMINISTRATION

CHAPTER 1 THE GENERAL PROCESS FOR APPROVAL OR ACCEPTANCE OF AIR OPERATOR APPLICATIONS

Section 1 General

3-1 GENERAL.

A.Generic Process. The general process of approval or acceptance of certain operations, programs, documents, procedures, methods, or systems is an orderly method used by Flight Standards (FS) inspectors to ensure that such items meet regulatory standards and provide for safe operating practices. Applying a modular, generic process to many types of approval or acceptance tasks can help this process. The process consists of five distinct, yet related, phases and can result in approving or not approving, accepting or not accepting, an operator's proposal. It is important for an inspector to understand that the process described in this section is not all-inclusive but rather a tool to use with good judgment in conducting day-to-day duties and responsibilities (see Figure 3-1, Approval/Acceptance Process Flow Diagram).

B. Understanding Terms. This guidance explains the terms "acceptable to," "accepted by," "approved," and "authorized." In addition, it explains the term "substantial change" as it relates to methods, programs, systems, and processes. These terms are used in or in conjunction with Federal Aviation Administration (FAA) regulations and guidance material to address whether an action, procedure, process, etc., satisfies the FAA's regulations, and whether the FAA must affirmatively make a determination to that effect. The terms, as explained below, are used across FS.

1) "Acceptable to" the FAA or the Administrator. This term means that the item at issue must be submitted to the FAA with reference to some standard or publication as the basis for the intended application, procedure, method, etc. Assessment of the item at issue by the FAA prior to use is normally not required. In exercising its oversight responsibilities, the FAA may make case-specific determinations as to a particular item's acceptability. A person or certificate holder should be able to reference some standard or publication as the basis for the acceptability of the intended application, procedure, method, etc. The standard or publication used should be an accepted industry practice previously found acceptable by the FAA, or, at a minimum, the person using it should be able to articulate a clear and reasonable basis for the action taken being an acceptable practice or procedure. This could include, but is not limited to, a practice or procedure contained in an FAA-issued advisory circular (AC) or other published guidance, information contained in the Original Equipment Manufacturer (OEM) published procedures for performing a maintenance task, or relevant information from an ASTM International standard. When a regulation requires that a submission must be "acceptable to" the FAA as a precondition for the FAA to act, the FAA may exercise discretion as to whether the determination must be made before or after the FAA acts. For example, operations specifications (OpSpec), which contain authorizations, typically necessitate an item to be acceptable to the FAA before the FAA issues the authorization.

NOTE: A person should be able to demonstrate, if called upon to do so, that the method, technique, practice, etc., would in fact be acceptable to the FAA. For example, it would not be an acceptable practice for a maintenance provider to torque bolts by "feel" when Title 14 of the Code of Federal Regulations (14 CFR) part 43, § 43.13(a) states that each person performing aircraft maintenance must use "methods, techniques, and practices acceptable to the Administrator." Instead, an acceptable industry practice is to use a properly calibrated torque wrench to ensure the required torque values are achieved. The practice of failing to use a torque wrench and hoping for the best would be a practice the FAA would not find acceptable.

2) "Accepted by" the FAA or the Administrator. This term appears infrequently in the FAA's regulations. Where the term is used, it means that the item at issue must be submitted to the FAA for review and acceptance prior to use. By whatever means the FAA's acceptance of an item is communicated to the submitter, the acceptance means that the item meets the FAA's applicable criteria, and that the FAA has no objection to the submitted item. Unless the context of the situation clearly provides otherwise, "accepted by" the FAA does not simply mean receipt by the FAA (i.e., that the item was given to a representative of the FAA and that person received (accepted) it on behalf of the FAA).

NOTE: If an operator implements an item that should have been submitted for FAA review and acceptance, but was not submitted, that circumstance alone does not mean the person would be in violation of the underlying regulation requiring the item to be "acceptable." That determination would require an independent analysis of acceptability. At a minimum, however, the person may be in violation of a regulation requiring that the item be submitted.

3) FAA "Approved." Title 14 CFR part 1, § 1.1 defines "approved" as "unless used with reference to another person, means approved by the FAA or any person to whom the FAA has delegated its authority in the matter concerned, or approved under the provisions of a bilateral agreement between the United States and a foreign country or jurisdiction."

NOTE: The FAA affirms approval by letter, stamp of approval, issuance of OpSpecs, or some other official means. This affirmation signifies the FAA's or an FAA-delegated person's assessment of the "item at issue" is complete and the FAA accepts and authorizes its incorporation and use.

4) FAA "Authorization." This term refers to the Issuance of OpSpecs, training specifications (TSpec), management specifications (MSpec), Letters of Authorization (LOA) and Letters of Deviation Authority (LODA) that identify acceptable methods of compliance adapted to a specific certificate holder or operator's class, size of aircraft, and type and kinds of operations.

5) "Substantial Change." This is a change that materially alters the content of an established procedure that qualifies for a particular operation. Determining whether a change is substantial is a fact-specific inquiry.

C. Understanding the Process. The following guidance provides aid in understanding and applying this process. It is essential to understand that this process may result in a decision to not approve or not accept an operator's proposal. This process will assist in making either positive or negative determinations.

D. Supplemental Procedures. This general process applies to many tasks described throughout the order. Each section describing an approval or acceptance task supplements the general process by outlining specific requirements for each phase.

E. Tracking Operational Applications. The FAA principal inspector (PI) will provide status reports at certain milestones to applicants for operational approvals (OpSpecs, TSpecs, MSpecs, LOAs, and Special Areas of Operation (SAO)). At a minimum, the PI must provide a status report to the applicant:

- Within 5 days of a request for status by the applicant;
- Upon a change in status of the application (e.g., return to the applicant for correction, resubmission to the FAA after correction, or prolonged delays in an application due to a user demonstration phase); and
- Upon providing final decision.

3-2 PHASE ONE. The first phase starts when an operator, a person, an aviation interest group, or the FAA inquires about or states a need for a change in some aspect of an aviation activity. Phase one is initiated by one of the following actions:

A. Applicant Initiation. A person or operator conveys to the FAA a need that is related to its operation. This need may be a requirement for FAA approval or acceptance. The operator initiates the process by inquiring about the correct procedures to receive approval or acceptance from the FAA for the change. During initial inquiries, it is important for the FAA and the operator to become familiar with the subject matter. If, for example, an operator requests an operational approval, the PI must take the following actions:

1) Become thoroughly familiar with existing FAA policy and approval requirements;

2) Become familiar with the appropriate technical material;

3) Accurately assess the character and scope of the proposal;

4) Determine if a demonstration is required;

5) Determine the need for any coordination requirements;

6) Ensure that the operator has a clear understanding of the minimum requirements that constitute an acceptable submission, including that the submission should be in digital format;

7) Determine the date the operator intends to implement the proposal; and

8) Provide all references and access to applicable job aids and/or electronic Learning Management System (eLMS) course transcripts.

B. FAA Initiation. Phase one may also begin when the FAA conveys to the operator or person the required approval or acceptance related to its operation. For example, a PI may require an operator to publish, in the approved company aircraft operating manual, information on low-speed buffet. The operator must research and understand that subject area before submitting a proposal to the FAA for evaluation. The PI should act in an advisory capacity to the operator during the preparation of the submission. Such advice may include:

- The necessity for a deviation, authorization, waiver, or exemption;
- The necessity for required demonstrations;
- Clarification of 14 CFR parts or order information;
- Sources of specific technical information; and
- Acceptable standards for submission.

C. Operator Responsibility. The common element, regardless of whether the initiated action comes from an operator or the FAA, is the effort expended by the operator.

NOTE: It is essential (particularly in phase one) for the operator to have a clear understanding that, although the PI may provide advice and guidance to the company, the development of the final product submitted to the FAA is solely the responsibility of the operator.

D. FAA/Applicant Communication. In phase one, the PI must ensure that the operator clearly understands the form, content, and documents required for the submission to be acceptable to the FAA. The PI is required to inform the operator of the need and benefits of submitting required documents as early as possible, and of their responsibility to advise the FAA of any significant changes in the proposal within the timeframe defined by the responsible Flight Standards office, certification project manager (CPM), or PI. Illustrated below is phase one of the process:

1) The operator makes an inquiry or request to the FAA, or the FAA requires the operator to take an action.

2) The FAA and operator develop understanding of subject area.

3) The operator understands form, content, and documents required for acceptable submission, preferably in an electronic submission.

3-3 PHASETWO. Phase two begins when the operator formally submits a proposal for FAA evaluation.

A. Operator's Proposal. The PI's first action in phase two is to review the operator's proposal to ensure it is clear and that they provided all the specified documentation from phase one. The required information must be complete and detailed enough to permit a

thorough evaluation of the operator's capability and competence to fully satisfy the applicable regulations, national policy, and safe operating practices. Phase two does not include a detailed operational and technical evaluation, or analysis of the submitted information (see phase three in paragraph 3-4). However, the PI must examine the submission in sufficient detail to assess the completeness of the required information.

B. Incomplete or Unacceptable Proposal. If the operator's submission is not complete or the quality is obviously unacceptable, the PI must notify the operator in writing of the unacceptable submission and return it to the operator immediately with a written explanation of the deficiencies before conducting any further review or evaluation. In complex cases, a meeting with the operator and their key personnel may be necessary to resolve issues and agree on a mutually acceptable solution. If there is no mutually acceptable solution, the PI must terminate the meeting, inform the operator that the submission is unacceptable, and return the submission. If all parties are able to reach an agreement on measures to correct omissions or deficiencies, and the applicable PIs determine the submission is acceptable, the PI must notify the operator officially in writing, and phase three will begin. Illustrated below is phase two of the process:

1) The operator submits the proposal.

2) The FAA makes an initial examination of the documents for completeness (with respect to requirements established in phase one).

3) The FAA either:

- Determines the submission is unacceptable and returns the submitted proposal, or
- Advances the application to phase three.

C. Online Posting. The PI who receives the application will upload an electronic version in accordance with subparagraph 3-4D.

3-4 PHASE THREE.

A. Detailed Analysis. Phase three is the FAA's detailed analysis, review, and evaluation of the operator's proposal. These actions may take place entirely within a responsible Flight Standards office, at the site of operations, or at both facilities. Phase three of the FAA evaluation focuses on the form, content, and technical quality of the submitted proposal to determine if the information meets the following criteria:

- Is not contrary to any applicable 14 CFR,
- Is not contrary to the direction provided in this order or other safety-related documents, and
  Provides for safe operating practices.

B. Evaluation Criteria. Criteria for evaluating the formal submission are available in the applicable chapters of this order. The PI must ensure that the documents adequately establish

the operator's capability and competence to safely conduct operations in accordance with the submitted proposal.

C. Addressing Deficiencies. During phase three, the FAA PI must address any deficiencies in the submitted material before proceeding to subsequent phases. Discussion with the operator may be sufficient to resolve certain discrepancies or questions, or to obtain additional information. It may be necessary to return certain sections of the submission to the operator for specific changes. However, when a PI determines that, for specific reasons, the material is deficient or unacceptable, the PI must immediately terminate this phase and officially notify the operator in writing and return the submission with an appropriate explanation. If the results of the evaluation are acceptable and a demonstration is required, the PI may need to grant some form of conditional, initial, or provisional approval to the proposal before continuing with the process. The PI must officially address this in writing to the operator.

D. Online Posting of Application. The Operations Approval Portal System (OAPS) is designed to increase the speed and efficiency of the application process by utilizing online capabilities. It allows for instantaneous posting, tracking, and updating of operational applications. It also provides FS with a mechanism to determine the status of an application more rapidly and accurately. For operational approval applications that require higher level concurrence, the PI who received the application will upload an electronic version to https://oaps.faa.gov. This site includes guidance on the use of the applications tracker and the levels of concurrence required for each type of Next Generation Air Transportation System (NextGen) application.

E. Online Updates. The PI will update (to include date of notification) the Operational Approval Coordination. At a minimum, these updates will be whenever the PI notifies the applicant as listed in subparagraph 3-1E.

NOTE: It is important for the PI involved to keep the operator advised of the status of their proposal. If the PI takes no other action, or if the submission is deficient and not returned in a preestablished timeframe, the applicant may wrongly assume that the FAA has tacitly accepted the submission and is continuing with the process. The PI must officially notify the applicant in writing of significant events such as return of deficient submissions or the applicant meeting in the criteria of an evaluation process.

F. Phase Four Planning. An important aspect of phase three is for the FAA PI to begin planning the conduct of phase four. While evaluating the operator's formal submission, PIs should begin to formulate and finalize plans to observe and evaluate the operator's ability to perform before the actual demonstrations begin. Illustrated below is phase three of the process:

1) The FAA evaluates the formal submission for compliance with 14 CFR, the directions provided in this order, other safety-related documents, and safe operating practices.

2) When results of the FAA evaluation are unsatisfactory, return the submission to the operator for correction and/or terminate the phase.

3) Begin planning phase four (if required).

4) When results of the FAA evaluation are satisfactory, either:

- Proceed with phase four if a demonstration is required, or
- Proceed to phase five if there is no required demonstration.

3-5 PHASE FOUR.

A.Operator's Demonstration. In phase four, the FAA finalizes plans to observe and evaluate the operator's demonstration of their ability to perform in accordance with the procedures, guidelines, and parameters described in the formal proposal. Phase four is an operational evaluation of the operator's ability to function in accordance with the proposal evaluated in phase three. Some examples of required demonstrations include:

- Training and qualification programs,
- Proving tests,
- Emergency evacuation demonstration,
- All-weather terminal operations, and
- Air navigation operations.

B. Evaluation of Demonstration. The applicable chapters of this order describe the criteria and procedures for evaluating an operator's demonstrated ability. The PI must plan for the conduct and observation of the demonstration to include such factors as participants, evaluation criteria, and sequence of events.

1) During these demonstrations, it is normal for minor discrepancies to occur. Discrepancies are often resolved during the demonstration by obtaining commitments from responsible company officials. The PI responsible for overseeing a demonstration must evaluate each discrepancy in terms of its overall impact on the operator's ability and competence to conduct the proposed operation. The PI must stop the demonstration in phase four if they observe deficiencies or unacceptable levels of performance. The PI must identify the phase of the general process for approval or acceptance, to which the applicant must return, or decide to terminate the process entirely when it is clear that continuation would not result in approval or acceptance.

2) For example, if an emergency evacuation demonstration is unsatisfactory due to equipment failure (e.g., a slide fails to inflate), it may be appropriate to require the operator to reenter the process at phase four and conduct another demonstration. If the demonstration is unacceptable because crewmembers were unable to perform their assigned duties, it may be appropriate to advise the operator that the process is now terminated pending review and evaluation of the operator's emergency training, and that the operator may need to reenter the process at phase two (submit a new proposal).

C. Acceptable Demonstration. If the FAA evaluation of the operator's demonstrated ability is acceptable, the process continues. Illustrated below is phase four of the process:

1) The FAA plans for the conduct and observation of the demonstration.

2) The operator demonstrates ability, so either:

- The demonstration is unsatisfactory, or
- The demonstration is satisfactory.

NOTE: An operator must not be authorized to conduct any particular operation until all airworthiness and operational requirements are met, and the operator is clearly capable of conducting a safe operation in compliance with FAA regulations and safe operating practices.

3-6 PHASE FIVE.

A.Approvalor Acceptance. In phase five, the FAA approves or accepts the operator's proposal. The operator is notified in phase three or four if the proposal is not approved or accepted.

B. Indicating Approval. Approval is granted by letter, by a stamp of approval, by the issuance of OpSpecs/MSpecs/TSpecs/LOA, or by some other official means of conveying approval. Each section of this order that discusses a requirement for approval provides specific guidance concerning approval procedures and documentation. The following are examples of approvals granted by the FAA:

- All-weather terminal operations;
- Training and qualification programs;
- Minimum equipment list (MEL);
- Cockpit checklist (14 CFR part 121);
- Company aircraft operating manual (limitations, performance, and operating procedures); and
- Air navigation operations.

C. Acceptances. Other proposals, submissions, or requests not requiring specific FAA approval but required to be submitted to the FAA are items that are presented for acceptance. Acceptance of an operator's proposal may be accomplished by various means, including a letter, or by taking no action, which indicates there is no FAA objection to the proposal. Methods and procedures used to accept operator proposals or submissions, when appropriate, are discussed in the applicable chapters of this order. Illustrated below is phase five of the process:

1) The FAA approves submission, or

2) The FAA accepts submission.

NOTE: Sometimes FAA approval or acceptance of an operator's proposal may be conditional in nature.

3-7 SUMMARY OF PROCESS. The general operational approval or acceptance process, as described, is referenced (in terms of the five phases) with the specific task requirements for each applicable job function. It is important for the PI to understand the modular concepts inherent in the process, the overall interrelationship of the phases, and that this general process is not all-inclusive, but a tool to be used in the PI's day-to-day duties and responsibilities.