

CHAPTER 2. THE CERTIFICATION PROCESS--FEDERAL AVIATION REGULATIONS PART 121 AND 135

SECTION 1. PREAPPLICATION PHASE

55. GENERAL.

A. *Direction and Guidance.* This chapter provides direction and guidance on the certification process of Federal Aviation Regulations (FAR) Parts 121 and 135 air operators. This process, if followed, will lead to successful compliance with Title 49, United States Code (U.S.C.) (formerly the Federal Aviation Act (FAA Act) of 1958) and the FAR. Under no circumstances will an applicant be certificated until flight standards district offices (FSDO) and regional flight standards division (RFSD) offices are confident that the prospective certificate holder is capable of fulfilling the required responsibilities, and willing to comply with the FAR in an appropriate and continuing manner. The certification process employs a Gate System that requires the completion of certain items prior to continuation of the process.

NOTE: Small, less complex operators, who are required to comply with FAR Part 135 may be eligible to use a modified certification process. The modified process will usually be quicker and require fewer operator and Federal Aviation Administration (FAA) resources. The certification process described in this chapter must be thoroughly understood before any attempt is made to use the selected practices that modify the small operator certification process. These selected practices are discussed in chapter 3, section 4.

B. *Certification of Air Carriers.* Most applicants requesting certification to operate under FAR Parts 121 and/or 135 will request to be certificated as an air carrier. The certification process described in this chapter and in Advisory Circular (AC) 120-49, "Certification of Air Carriers," is for an applicant seeking an air carrier certificate. The process, however, is essentially the same for applicants seeking an operating certificate to conduct operations under FAR Parts 121 or 135 as an intrastate common carrier or as a FAR Part 135 private carrier (commercial operator). The certification process must be applied equally to either type of applicant. The FSDO should provide the AC, with a brief explanation of the differences, to applicants requesting an operating certificate. See

volume 2, chapter 1, section 2, of this handbook for information about different certificates.

57. 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 FSDO personnel. Requests for applications may come from inexperienced and poorly prepared individuals, from well prepared and financially sound organizations, or from individuals and organizations ranging between these extremes.

B. *Applicant Orientation.* Upon initial contact, FSDO personnel should advise the applicant that a certification orientation video tape and AC 120-49 are available for review in the FSDO. The FAA should provide the applicant with the following, as amended: the AC index, AC 00-2.7, "Advisory Circular Checklist"; FAA Form 8400-6, "Preapplication Statement of Intent" (PASI); and AC 120-49. The FAA should give the applicant information on how to obtain the FAR; FAA Order 8300.10, "Airworthiness Inspector's Handbook"; and FAA Order 8400.10. The information in these documents will assist the applicant in the certification process.

NOTE: FSDO personnel should instruct the applicant to complete the PASI in accordance with the instructions in Appendix 1 of AC 120-49 and to submit the completed PASI to the FSDO.

C. *Preliminary Discussion.* After the applicant has reviewed the orientation video tape and AC 120-49, the assigned FSDO inspector should briefly explain the requirements of the FAA that the applicant must meet in the certification process. The inspector should ask the applicant to schedule an appointment for further discussions, allowing enough time for the applicant to thoroughly review and understand the requirements of AC 120-49. The applicant should plan to bring key management personnel and the completed resumes to the preapplication meeting.

NOTE: Management qualifications must be reviewed by the certification team (see para-

graph 61) 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 will be accomplished during the document compliance and the demonstration and inspection phases.

59. FAA FORM 8400-6, "PREAPPLICATION STATEMENT OF INTENT" (PASI).

A. *Purposes of a PASI.* Often, an operator will request information about certification as an air carrier, but the operator is not fully aware of the regulatory requirements and the costs involved. The completed PASI denotes an intent by the applicant to continue the certification process. It also allows the FAA to plan activities and prepare to commit resources.

B. *Processing the PASI.* The FSDO manager uses the PASI to evaluate the complexity of the proposed operation and to determine whether trained and experienced inspectors are available in the FSDO to certify the applicant. The FSDO will forward the completed PASI to the RFSD for determination of certificate-holding district office (CHDO) assignment. The PASI is used by the CHDO to obtain and record the precertification number received from the Regulatory Support Division, Operational Systems Branch, AFS-620. It is also used to initiate the FSDO files such as the Program Tracking and Reporting Subsystem (PTRS) and the Vital Information Subsystem (VIS) Air Operator File on the potential applicant.

C. *District Office Review of PASI*

(1) *Review Upon Receipt.* Upon receipt of a signed PASI, the FSDO will review the form to ensure that there is sufficient information to further process the preapplication. The FSDO will ascertain that the proposed operation is consistent with the FAR Part under which the applicant will be required to operate.

(2) *Unacceptable PASI.* If the PASI is unacceptable, the reasons for its unacceptability must be described in section 2 of the form and returned to the applicant. The FSDO shall 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. A copy of the rejected PASI shall be retained in the FSDO files.

(3) *Acceptance of a PASI.* When the PASI is acceptable, the FSDO shall complete section 2 of the form. Within 5 working days, the "Action" box of section 2 shall be checked, and the PASI shall be forwarded to the RFSD. The RFSD shall process the PASI within 5 working days of receipt.

NOTE: After assignment as the CHDO by the RFSD, the CHDO shall, by phone or other electronic means, transmit the information in the PASI to AFS-620 (see chapter 1, section 4). AFS-620 will provide a precertification number and the CHDO will create a precertification shell record in the CHDO's VIS and the National VIS.

D. *RFSD Review of PASI.* The RFSD must ensure that FSDO staffing is consistent with the aviation environment. The PASI is used by the RFSD to assess FSDO workload and forecast staffing and training needs. The RFSD assessment at this time also determines the capability of the FSDO to conduct the certification project. The RFSD then coordinates with the Flight Standards National Field Office, AFS-500. Team members from the National Certification Team (NCT) may be assigned by AFS-500 to assist the proposed CHDO in the project as required. Within 5 working days of receiving a PASI marked "Action" or an electronically transmitted template message of a PASI, the RFSD shall process it as follows.

NOTE: NCT members are selected to form a resource pool that is available to assist the CHDO certification team during the certification process. NCT members assigned to a CHDO team are under the direction of the CPM. Assignments will be coordinated between the CHDO, the regional flight standards division (RFSD), and AFS-500.

(1) *Designation of a CHDO.* Based on the information in the PASI, the RFSD must determine which FSDO should be assigned the certification project and CHDO responsibilities. For those applicants that propose significant portions of their operations in more than one region (such as maintenance, training, flight operations), AFS-500 will coordinate assignment of certificate oversight responsibilities with the applicable regions.

NOTE: Additional guidance concerning the assignment of CHDO responsibilities is provided in chapter 1, section 3.

(2) *Notification of CHDO and the Applicant.* When the FSDO assignment has been determined, the RFSD will complete section 3 of the PASI and return or forward it to the FSDO assigned certification

responsibilities for the prospective applicant. If the CHDO assigned certification responsibilities is not the office that originally processed the PASI, the RFSD shall notify AFS-500 and both FSDO's of the disposition of the PASI. If necessary, AFS-500 will coordinate transfer between regions. In addition, the RFSD shall notify the prospective applicant of the change and provide the following information:

- Name, address, and telephone number of the assigned FSDO
- Name of the FSDO manager or the name of a prearranged contact within the assigned FSDO
- An explanation for assignment of the applicant to a FSDO other than the office the applicant initially contacted
- A statement to the effect that all future contacts concerning the certification process should be with the newly assigned FSDO

NOTE: The RFSD must first determine the CHDO assignment. Then, at the request of the CHDO, the precertification number is assigned by AFS-620.

61. WITHDRAWN--CHG 11.

63. WITHDRAWN--CHG 11.

65. ASSIGNMENT OF CERTIFICATION TEAM.

A. *Selection of Team Members.* When the FSDO is assigned as the CHDO and a precertification number is received, the manager shall select a team for the certification project. The team shall consist of at least an operations, a maintenance, and an avionics inspector and, as required, members of the NCT. Generally, these inspectors will be the principal inspectors assigned to the applicant once the certification process is completed. An operations inspector qualified for each of the aircraft proposed to be used shall be assigned to the team if the prospective principal operations inspector (POI) is not qualified for the aircraft.

B. *Designation of Certification Project Manager (CPM).* The manager of the CHDO will designate one member of the certification team to serve as the CPM. The person designated as CPM should have completed appropriate training and should have previous experience in the certification of an air carrier either under FAR Part 121 or 135, as appropriate. It is desirable that a person with principal inspector experience be designated as the CPM; however,

67. RESPONSIBILITIES OF CPM AND THE CERTIFICATION TEAM.

A. *Responsibilities of the CPM.* The CPM and other certification team members shall conduct themselves in a professional and responsive manner with the applicant. The CPM shall serve as the primary spokesperson for the FAA throughout the certification process. Consequently, the CPM must thoroughly coordinate all certification matters with all other specialists assigned to the certification project. The CPM shall be responsible for ensuring that all certification job functions are completed. All correspondence, both to and from the applicant, shall be coordinated with the CPM. The CPM must notify the CHDO manager of any information that may significantly affect or delay the certification project. The CPM must ensure that individuals involved with the certification project and the CHDO manager are kept fully informed of the current status of the certification. The schedule of events and certification job aids (see figures 2.1.1.1. through 2.1.1.3. in chapter 1) should be used as guides for the conduct of these status meetings.

B. *Responsibilities of the Certification Team Members.* Each team member shall respond to requests for assistance made by the CPM and keep the CPM informed of the status of the certification. Any discrepancy that may delay the certification effort must be brought immediately to the attention of the CPM.

C. *Responsibilities of the CHDO Manager.* The CHDO manager shall keep the RFSD informed of any unusual aspects of the certification process or of those aspects that may attract the attention of local or national political entities or the media. The CHDO manager shall coordinate with the RFSD when intra/interregional coordination is required. However, routine certification job function coordination between FSDO's is appropriate and encouraged.

D. *Responsibilities of the Applicant.* The applicant must develop and complete all required programs and documents for submission with the formal application.

69. PREAPPLICATION MEETING.

A. *General.* In preparation for the meeting, the assigned inspector should remind the applicant that the key management personnel should attend the preapplication meeting and should be prepared to discuss, in general terms, specific aspects of the applicant's proposed operation. The inspector should discuss the certification process in depth. Emphasis should be placed on the expectations of the FAA, what the applicant should expect from the FAA, and the

sequence of events. The requirements of the Gate System (see figure 2.2.1.2.) 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.

NOTE: At the end of the meeting, the inspector will give the applicant a certification package (see figure 2.2.1.3.). Upon completion of Gate One, FSDO personnel, when available, will advise and counsel the applicant on document preparation for Gate Two. Gate Three requirements shall be completed prior to commencement of proving tests. All requirements of each Gate must be completed before proceeding through the certification process to the next Gate.

B. *Package of Precertification Information.* The preapplication meeting between the CPM, other certification team members, and the applicant sets the tone for the rest of the certification process. Therefore, it is important that the CPM be thoroughly prepared to conduct the meeting. The CPM should review the PASI and assemble a precertification information package to be given to the applicant. The precertification information package shall consist of at least the following:

- AC 120-49, if not previously provided
- Applicable certification job aid
- Sample schedule of events format
- Applicable sample of operations specifications
- Other publications or documents that the CPM considers appropriate (See figure 2.2.1.4. for a job aid on cabin safety)

C. *Briefing of the Applicant.* At the preapplication meeting, the applicant and any key personnel attending the meeting should be briefed in as much detail as necessary to ensure that they understand the certification process using the certification job aid and the schedule of events format as guides to facilitate the discussion and to ensure that all elements of the certification process are covered. The applicant should be encouraged to ask questions about any area of the process not clearly understood.

D. *Verifying Information on the PASI.* The first item for discussion should be verification of the information on the PASI, 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 PASI. If the changes significantly affect the anticipated scope and/or type of operation, a copy of

the revised PASI shall be forwarded to the RFSD. If the changes indicate the need for reassignment of certification responsibilities to another FSDO, the RFSD shall notify, without delay, the affected FSDO's so that the certification project can be reassigned. In this situation, it may be appropriate to terminate the preapplication meeting.

E. *Informing the Applicant of Pertinent Regulations.* It is essential that the applicant understand which regulations are applicable to the proposed operation. A list of regulations appropriate to various types of operations is in AC 120-49. The applicant should be advised to acquire and become familiar with the FAR and other AC's pertinent to the proposed operation. A list of FAR and AC's pertinent to various types of operations are in Appendixes 2 and 3 of AC 120-49. The applicant and the applicant's personnel must be made aware of their responsibilities during the certification process. It is to their benefit to submit required items as soon as they become available, in order to meet Gate One requirements, and to notify the FSDO immediately of any problems or changes in the proposed operation.

F. *Appropriate Department of Transportation (DOT) Economic Authority.* As stated by FAR §§ 121.27, 121.51, or 135.13, the applicant should be advised that it is the applicant's responsibility to apply for and obtain the appropriate DOT economic authority. The inspector should further advise the applicant that the FAA will not proceed with the certification process until Gate One requirements have been fully met (see figure 2.2.1.2.). In addition, the FAA will not proceed beyond Gate Two until the applicant provides the "Order to Show Cause" from DOT; or, in the case of a commuter air carrier, a fitness determination under Title 14, Part 204, of the Code of Federal Regulations (14 CFR 204); or, in the case of an on-demand air operator, a DOT registration as required by 14 CFR 298. The FAA will not issue the operations specifications until DOT economic authority is obtained.

71. INSTRUCTIONS TO THE APPLICANT ON THE FORMAL APPLICATION.

A. *Requirements of Formal Application.* It is essential during the preapplication meeting that the applicant has a clear understanding of the form, content, and documents required for the formal application. The applicant shall be informed that the formal application must be submitted to the assigned FSDO and, after initial review, notification of its acceptance or rejection will be provided by letter within 10 working days. The applicant should be encouraged to submit the formal application as far in advance as possible of the intended starting date.

NOTE: The inspector should inform the applicant that while FAA inspectors will furnish informal guidance and advice during the preparation of required documents and manuals, the production of acceptable documents and manuals is solely the responsibility of the applicant.

B. Formal Application Letter. The formal application letter serves as the vehicle to transmit the package of documents required to pass through Gate Two. The inspector shall inform the applicant that the formal application must be a letter containing a statement that the letter serves as a formal application for either an air carrier certificate or an operating certificate. The letter must contain the full and official name of the applicant. This letter must be signed by the owner when applying as an individual or sole proprietorship, all partners when applying as a partnership, or an authorized officer(s) when applying as an organization such as a company or a corporation. The letter shall contain the physical location address of the applicant's intended primary operating location. The applicant's mailing address shall be included in the formal application letter if different than its letterhead. This letter shall also include the full name and address of the applicant's agent for service as required by section 46103(c) of the U.S.C. (formerly section 1005(b) of the FA Act). Additionally, the letter will confirm the identity of key management personnel such as the general manager, director of operations, director of maintenance, chief pilot, and chief inspector, as applicable. When a request for deviation from the qualification requirements of management personnel is anticipated, it should be noted in the formal application letter. However, the request for the deviation and the justification for that deviation shall be made in a separate letter. See figure 2.2.1.5. for a sample of a formal application letter.

73. APPLICATION ATTACHMENTS. The formal application letter must be accompanied with at least the attachments described in the following subparagraphs. The applicant must understand that this letter and these attachments will be the minimum information acceptable for meeting the requirements of FAR § § 121.26, 121.47, and 135.11.

A. Schedule of Events. The applicant needs to understand that the schedule of events is a key document to be presented with the formal application. The schedule of events is a list of items, activities, programs, aircraft and/or facility acquisitions that the applicant must accomplish or make ready for FAA inspection before certification. The schedule of events will include the applicant's best

The applicant shall be informed that the schedule of events must be constructed in a logical and sequential manner. The schedule of events must also provide for a reasonable amount of time for the FAA to review and accept or approve each item or event, before scheduling other items or events that are dependent on such acceptance or approval. The applicant should be informed that failure to accomplish an item or event in a satisfactory or timely manner in accordance with the schedule of events could result in a delay in certification. The applicant should be advised that if deficiencies are detected during the review of manuals and other documents, they will be returned for amendment or correction. Such action may also cause additional delays in the certification process. Figure 2.1.1.3. in chapter 1 provides a sample format for a schedule of events. The applicant should be encouraged to use this format; however, other formats may be acceptable if they provide information necessary for the certification team to ensure that the applicant is proceeding in an appropriate manner.

B. Company General Manuals. This attachment to the formal application may be in the form of one or more manuals or volumes. These manuals must contain information about the applicant's organization, general policies, duties, responsibilities of personnel, operational control policy, and procedures. In practice, these manuals are often known as the General Operations Manual (GOM) and the General Maintenance Manual (GMM). The applicant's entire manual, as required by FAR § 121.133 or FAR § 135.21, must be completely developed at the time of formal application to satisfy the requirements of Gate Two. The applicant should ensure that the manuals are in compliance with at least the following FAR sections, as applicable to the applicant's operation:

(1) FAR Part 121.

- FAR § 121.135(a)(2)--Easy to revise
- FAR § 121.135(a)(3)--Revision control, each page dated
- FAR § 121.135(b)(1)--Company general policies
- FAR § 121.135(b)(2)--Duties and responsibilities of employees
- FAR § 121.135(b)(3)--References to appropriate regulations
- FAR § 121.135(b)(4)--Flight dispatching and operational control
- FAR § 121.135(b)(12)--Flightcrew succession of command

- FAR § 121.135(b)(14)--Procedures for operating in adverse weather
- FAR § 121.135(b)(15)--Airman training
- FAR § 121.135(b)(16)--Procedures for maintenance, preventative maintenance
- FAR § 121.135(b)(18)--Procedures for refueling
- FAR § 121.135(b)(21)--Pilot and dispatcher route and airport qualification procedures
- FAR § 121.135(b)(22)--Accident notification procedures
- FAR § 121.369(a)--Organization and maintenance arrangements
- FAR § 121.369(b)(4)--Required inspection items
- FAR § 121.369(b)(6)--Inspection procedures
- FAR § 121.369(b)(7)--Inspection limitations
- FAR § 121.369(b)(8)--Authority to countermand decisions
- FAR § 121.369(b)(9)--Procedures to ensure that inspections are completed
- FAR § 121.369(c)--Records retention system
- FAR § 121.709(b)--Airworthiness release and aircraft log entry procedures

2. FAR Part 135.

- FAR § 135.23(a)--Management personnel and responsibilities
- FAR § 135.23(b)--Weight and balance procedures
- FAR § 135.23(d)--Accident notification procedures
- FAR § 135.23(e)--Procedures for pilot knowledge of airworthiness status
- FAR § 135.23(f)--Procedures for recording mechanical irregularities
- FAR § 135.23(g)--Procedures for determining maintenance corrective action
- FAR § 135.23(h)--Procedures for obtaining maintenance without previous arrangements
- FAR § 135.23(j)--Procedures for refueling

- FAR § 135.23(k)--Passenger briefing procedures
- FAR § 135.23(l)--Flight-locating procedures
- FAR § 135.23(n)--Pilot en route qualifications procedures
- FAR § 135.427(a)--Organization and maintenance arrangements
- FAR § 135.427(b)(4)--Required Inspection Items
- FAR § 135.427(b)(6)--Inspection procedures
- FAR § 135.427(b)(7)--Inspection limitations
- FAR § 135.427(b)(8)--Authority to countermand decisions
- FAR § 135.427(b)(9)--Procedures to ensure that inspections are completed
- FAR § 135.427(c)--Records retention system

C. *Company Training Curriculums.* The company training curriculum must be attached to the formal application. The company training curriculum must include at least the following curriculum segments for each applicable crewmember or dispatcher position:

- Basic indoctrination training
- Emergency training
- Initial aircraft ground training
- Initial aircraft flight training

D. *Management Qualification Resumes.* This attachment shall include resumes that meet the requirements of FAR Parts 121 and 135, as appropriate, and contain information on the qualifications, certificates, ratings, and experience of personnel selected for the following positions, or equivalent:

- General manager (when applicable)
- Director of operations
- Director of maintenance
- Chief pilot
- Chief inspector (when applicable)

(1) The applicant shall be informed that the effectiveness of the applicant's management personnel will be observed throughout the certification process. If, during the preapplication meeting, it becomes

apparent that a proposed management candidate does not meet the required experience outlined in the appropriate FAR, the applicant should be informed that the applicant may apply for a deviation for the prospective certificate holder to employ that person if equivalent aeronautical experience is shown by documentation. This request for a deviation must be made to the FSDO as soon as practical to enable the individual who will hold the position to be involved early in the certification process.

(2) If an applicant intends to request approval for a deviation from required management personnel (fewer or different personnel), this request must be made by letter. The applicant must show the ability to perform operations safely under the fewer or different positions requested. Justification must take into account the size and scope of the operation as well as the qualifications of intended personnel. It must also be shown that the persons can be expected to effectively perform the functions associated with the subject positions in accordance with the FAR and the procedures outlined in the proposed manual. If the CHDO approves fewer or different positions, this approval will be made part of the operations specifications.

(3) Normally, full-time management employees are expected for FAR Part 135 operations. However, depending on the size, scope, and complexity of the operation, part-time management personnel may be accepted by the CHDO. Full-time management personnel are required for all FAR Part 121 operations.

E. *Documents of Purchase, Contracts, and Leases.*

This attachment should provide evidence that the applicant has acquired aircraft, facilities, and services to conduct the type of operation proposed. This evidence may be in the form of proof of formal purchases, leases, or contractual arrangements. These documents should provide evidence that the applicant is, in good faith, committed to making arrangement for aircraft, supporting facilities, and services as necessary for the proposed operation. Examples of the types of equipment, facilities, and services that should be addressed in these documents, contracts, or leases include the following:

- Aircraft
- Station facilities and services
- Weather and Notices to Airmen (NOTAM) gathering facilities and services
- Communications facilities and service
- Maintenance facilities and service

- Aeronautical charts and related publications
- Airport analysis and obstruction data
- Contract training or facilities

F. *Compliance Statement.*

(1) Preparation of the compliance statement benefits the applicant by systematically ensuring that all applicable regulatory aspects are appropriately addressed during the certification process. The compliance statement shall be in the form of a complete listing of all appropriate FAR sections (for example, FAR Part 21, 43, 91, 108, 121, or 135) pertinent to the operation the applicant is proposing. This list should reference any applicable subpart and each relevant section of the subpart. Next to each subparagraph, the applicant must provide a specific reference to a manual, or other document, and may provide a brief narrative description that describes how the applicant will comply with each regulation. This statement also serves as a master index to the applicant's manual system to expedite the FAA's review and approval of the operation and manual system. The compliance statement is an important source document during the certification process. After the certification process is completed, the compliance statement should be kept current as changes are incorporated in the applicant's system.

(2) Where the compliance information has been developed (for example, the manual material submitted with the formal application), a manual reference or description of the method of compliance must be entered next to the applicable regulatory section.

(3) The list of the specific regulations and subparts, including all subparagraphs, must be presented in the manner of one of the examples described below:

Example 1. Compliance statement.

121.434, "Operating experience":

- (a) GOM p. 217, para. 237
- (1) GOM p. 218, para. 238
- (b) GOM p. 219, para. 240
- (c) Pilot crewmembers must acquire operating experience as follows:
 - (1) GOM p. 220, para. 241, Training Manual, p. 25
 - (2) GOM p. 221, para. 242, Training Manual, p. 26

Example 2. Compliance statement.

121.563, "Reporting mechanical irregularities." The GOM, page 37-5, paragraph 35, instructs the pilot-in-command (PIC) on the requirements for, and methods of completing, the aircraft discrepancy log. The PIC is required to review the log before each flight and to ascertain the status of each previous entry. The GMM page 58-33, paragraph 665(1)(A), instructs maintenance personnel on the requirement to record discrepancies discovered during preflight checks and other types of checks.

75. CONCLUSION OF PREAPPLICATION MEETING. The inspector must ensure that the applicant understands that the formal application, with the previously described attachments, must be complete and acceptable or the entire formal application will be rejected.

A. *Applicant is Adequately Prepared.* At the close of the preapplication meeting, the inspector should determine whether the applicant is prepared to proceed with the certification process. If it appears that the applicant understands the requirements of a formal application and will proceed to that phase, the inspector should encourage the applicant to informally coordinate required documents, as they are developed, with the certification team before formal submission.

B. *Applicant is not Prepared.* If it is evident that the applicant is not adequately prepared to proceed with the certification process, the inspector should advise the applicant of the reasons for concern. When it is apparent that the applicant will not be able to prepare an adequate formal application, the inspector should advise the applicant to request another

preapplication meeting after more complete preparation on the applicant's part. It is appropriate for the inspector to recommend to the applicant one or more of the following actions:

- Further review of the certification orientation video tape and AC 120-49
- A more thorough review of the applicable regulations
- Changes in proposed key management personnel
- Retain the services of a professional aviation consultant
- Cease efforts to become FAA certificated

77. TERMINATION OF THE PREAPPLICATION PROCESS. If at any time during the preapplication phase the applicant formally terminates all efforts toward certification, or the FSDO determines that the applicant will not proceed with the certification process, the PASI will be returned to the applicant. The FSDO will notify the applicant in writing that this action terminates the preapplication process and that the applicant must submit a new PASI in order to initiate the certification process again. The RFSD must be notified of any certification project that is terminated. The CHDO will notify AFS-620, and the pre-certification number will be returned to the centralized certificate number data file. The CHDO should ensure that appropriate VIS entries are accomplished. Should the applicant again request to apply, the procedures described in paragraph 59 of this section will be followed, and a new precertification number will be assigned.

78.-82. RESERVED.

**FIGURE 2.2.1.1.—Continued
FAA FORM 8400-6, “PREAPPLICATION STATEMENT OF INTENT”**

Section 1E. To Be Completed By All Applicants		
<p>10. Additional information that provides a better understanding of the proposed operation or business (attach additional sheets, if necessary)</p>		
<p>11. The statements and information contained on this form denote an intent to apply for FAA certification.</p>		
Signature	Date	Name and Title
Section 2. To Be Completed By the FAA District Office		
Received by (district office):		Date forwarded to Region:
Date:		For: <input type="checkbox"/> Action <input type="checkbox"/> Information Only
<p>Remarks:</p>		
Section 3. To Be Completed By Regional Office		
Received by:		Precertification Number:
Date:		Date coordinated with AVN-120:
District office assigned responsibility:		Date forwarded to district office:
<p>Remarks:</p>		

FIGURE 2.2.1.1.--Continued
FAA FORM 8400-6, "PREAPPLICATION STATEMENT OF INTENT"

INSTRUCTIONS FOR COMPLETING FAA FORM 8400-6

SECTION 1A. This section must be completed by all applicants.

1. Enter the company's official name and mailing address.
2. This 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, enter "same."
3. Enter the estimated date when operations or services will begin.
4. This information will be used to assign a company identification number. You may indicate up to three, three-letter identifiers, such as ABC, or XYZ. If all choices have been assigned to other operators or agencies, a randomly selected number will be assigned.
5. Enter the names, titles, and telephone numbers of required management personnel. Include the general manager, directors of operations and maintenance, chief pilot, chief inspector, et cetera, as applicable.

SECTION 1B. This section must be completed by all air operator applicants applying under SFAR 38-2.

6. The proposed type of operation must be indicated. Check as many boxes as apply.

SECTION 1C. This section must be completed by all air agency applicants applying under Part 145 and 147

7. The proposed type of agency must be indicated. Check as many boxes as apply.

SECTION 1D. This section must be completed by all air operator applicants applying under SFAR 38-2.

8. Indicate the proposed number and types of aircraft to be operated, as well as the number of passenger seats or, for all-cargo aircraft, payload capacity.
9. Enter 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, list those states. For overseas or international operations, enter each area, country, or geographical area, such as Alaska and Canada.

SECTION 1E. This section must be completed by all applicants.

10. Show any information that would assist FAA personnel in understanding the type and scope of operation or services to be performed by the applicant.
11. The "Preapplication Statement of Intent" (PASI) denotes an intent to seek FAA certification as an air operator or air agency. It must be signed as follows:

Type of Organization

Individual

Partnership

Company, corporation, association, et cetera.

Authorized Signature

FIGURE 2.2.1.1.—Continued
FAA FORM 8400-6, “PREAPPLICATION STATEMENT OF INTENT”

INSTRUCTIONS FOR COMPLETING FAA FORM 8400-6—Continued

NOTE: Corporations should submit documentation that verifies the person named in Block II of the 8400-6 is authorized to sign for the corporation.

Owner

At least one partner

At least one authorized officer

SECTION 2. This section must be completed by the FSDO.

1. Enter the identifier of the office that received the PASI and the date it was received.
2. Indicate the date the PASI was reviewed and forwarded to the region. Show whether RFSD action is required or if the PASI is forwarded for information only.
3. Enter any pertinent comments. If certification is proceeding, show the precertification number (or certificate number, if applicable) and indicate certification is proceeding. The CHDO will enter the precertification number and date obtained, in section 3, block 2, of the PASI. (NOTE: The form has not been updated to reflect this action.) Request any regional support, such as a specific subject matter expert (for example, appropriately rated pilot; experienced airworthiness inspector; cabin safety specialist; dispatch-qualified inspector).

SECTION 3. To be completed by the RFSD if the “Action” box is checked in section 2.

1. Enter the date the PASI is received by the RFSD and the name of the regional specialist processing it.
2. Show the precertification number assigned to the CHDO by AFS-620 and the date. (NOTE: The CHDO will complete this entry. The form has not been updated to reflect this action.)
3. Enter the name of the FSDO assigned to certificate the operator or agency and the date the PASI was forwarded or returned to the assigned office.
4. Enter any pertinent comments. If the FSDO assigned certification responsibility is not the one where initial inquiry was made, enter a remark and the date that each FSDO and the applicant were notified. All coordination by and with AFS-500 will be indicated at this point.

**FIGURE 2.2.1.2.
REQUIREMENTS OF THE GATE SYSTEM**

1. GATE ONE REQUIREMENTS:

- Have Application For DOT Economic Authority
- Facility Selection For Training And Maintenance Completed
- Have Letters Of Intent For Lease Or Purchase Of Aircraft And Facilities
- Submission Of Completed PASI Form
- Submission Of Proposed Schedule Of Events
- Have Key Management Resumes And Personnel Available

2. GATE TWO REQUIREMENTS

- Formal Letter Of Application
- Have Purchased Or Leased Aircraft And Facilities
- Received "Order To Show Cause" From DOT
- Submitted All Required Documents
- Submitted A Revised Schedule Of Events

3. GATE THREE REQUIREMENTS

- All Manuals Reviewed, Discrepancies Corrected, And Approved/Accepted As Required
- Training Programs Initially Approved And Sufficient Personnel Trained
- Maintenance Programs Approved And Conformity Checks Completed Satisfactorily
- Facilities Evaluated And Found Satisfactory
- Evacuation Demonstrations Satisfactorily Completed
- Proving Run Schedule Reviewed And Accepted
- All Other Discrepancies And Open Questions Resolved Satisfactorily

**FIGURE 2.2.1.3.
CERTIFICATION PACKAGE**

PREAPPLICATION STATEMENT OF INTENT (PASI)

8400.10 HANDBOOK EXTRACTS FROM THE CERTIFICATION PROCEDURES

CABIN SAFETY JOB AIDS

SAMPLE LETTER OF COMPLIANCE

SAMPLE OF SCHEDULE OF EVENTS

CERTIFICATION JOB AID

VIS AND OPERATIONS SPECIFICATIONS CHECKLISTS

SAMPLE PROVING RUN PLAN

SAMPLE RECORDKEEPING FORMATS (TRAINING, MAINTENANCE, OPERATIONS, DISPATCH, ETC.)

ANY OTHER PERTINENT INFORMATION THE INSPECTOR THINKS WOULD BE VALUABLE TO THE APPLICANT

FIGURE 2.2.1.4.
AIR CARRIER CERTIFICATION JOB AID FOR CABIN SAFETY

PREAPPLICATION PHASE: The inspector responsible for the cabin safety portion of the certification process should do the following:	Check
1. Receive or find out the name of the applicant's representative responsible for the flight attendant and cabin safety material.	
2. Provide the applicant with FAA publications or inform the applicant about how to obtain the following:	
a. "Advisory Circular Checklist," currently AC 00-2.7,(number changes annually)	
b. Guide to Federal Aviation Administration Publications	
c. AC 121-29, Carry-On Baggage Program	
d. AC 121-24A or 135-12A, "Passenger Safety Information Briefing and Briefing Cards"	
e. Exit Seating Program Job Aid (Volume 3, Chapter 15, Section 3, Figure 3.15.3.1.)	
f. Flight Attendant Manual Job Aid (Volume 3, Chapter 15, Section 6, Figure 3.15.6.1.)	
g. Flight Attendant Training Job Aid (Volume 3, Chapter 14, Section 2, Figure 3.14.2.1.)	
h. Cabin Safety Subject Index (contact AFS-510 for copy, (703) 611-0333)	
3. Provide the applicant with the following names and addresses:	
a. Regional Security Division for Principal Security Inspector and Security and Hazardous Material Programs information and requirements	
b. Deputy Assistant General Counsel for Regulation and Enforcement for DOT Part 382, Nondiscrimination on the basis of Handicapped in Air Travel, (202) 366-9306 concerning procedures and training requirements.	
c. Regional Aviation Drug Abatement Program Manager for Drug Testing Program information and guidance.	
4. Other related FAA publications the operator may want to order:	
a. FAA Order 8430.17, "Air Carrier Operations Bulletins"	
b. FAA Order 8400.10, "Air Transportation Operations Inspector's Handbook"	
c. NPRM's and Federal Register for Final Rules	
d. 14 CFR Part 121/135 and placed on revision list	
e. 14 CFR Part 382, "Nondiscrimination On The Basis of Handicap in Air Travel"	
f. 14 CFR Part 252, "Smoking Aboard Aircraft"	
5. Operator cabin safety documents to be submitted and FAA related documents:	
a. Flight Attendant Manual	
-- FAA Flight Attendant Manual Job Aid	
b. Flight Attendant Training Programs	
-- FAA Flight Attendant Training Job Aid	
c. Applicable crewmember record keeping documentation	
d. Carry-On Baggage Program (Part 121 operators)	
-- FAA AC 121-29	
e. Exit Seat Program	
-- FAA Exit Seat Program Job Aid	

**FIGURE 2.2.1.4—Continued
AIR CARRIER CERTIFICATION JOB AID FOR CABIN SAFETY**

f. Passenger Briefing Cards	
-- FAA AC 121-24A or 135-12A, "Passenger Safety Briefing and Briefing Cards"	
g. Hazardous Materials/Security Program	
(1) FAA AC 108-1, "Air Carrier Security"	
(2) FAA AC 121-18, "Security Rules - Carriage of Weapons and Escorted Persons"	
(3) FAA AC 121-21B, "Information Guide for Training Programs and Manual Requirements in Air Transportation of Hazardous Materials"	
h. Proving test plan - Cabin safety portion	
i. Emergency evacuation demonstration plan (if required)	
j. Ditching demonstration plan (if required)	
k. Compliance statements-Cabin safety parts	

Information and guidance regarding air carrier certification for Part 121/135 operators is located in this handbook. This job aid may be used by inspectors to facilitate the organization and coordination of cabin safety materials with an applicant. This job aid may also be used in conjunction with the information and job aids located in volume 2, chapter 1, section 1, of this handbook.

Remarks:

**FIGURE 2.2.1.5.
SAMPLE FORMAL APPLICATION LETTER**

**MIDSOUTH AIRLINES
601 WEST CIRCLE DRIVE
LITTLE ROCK, ARKANSAS 72202**

[Date]

Federal Aviation Administration
Attn: Quentin Jones, Manager
Little Rock FSDO
1701 Bond St.
Little Rock, AR 72202

Dear Mr. Jones:

This letter serves as formal application for a Federal Aviation Administration (FAA) air carrier certificate. Icarus Enterprises, Ltd., DBA/MidSouth Airlines, initially intends to operate as a domestic [*Commuter, Flag, Supplemental, On-Demand, etc.*] air carrier under Part 121 [*or Part 135*] of the Federal Aviation Regulations (FAR). We intend to use three Canadair CL-65 Regional Jets between Little Rock, AR; Tulsa, OK; Wichita, KS; and Springfield, MO; as indicated in the enclosed copy of our filing with the Department of Transportation (DOT) for a [*type of certificate or exemption*].¹

Our company will have its operations base and corporate offices located at Hangar 6, Adams Field, Little Rock, AR. Our Maintenance base will be located at Tulsa International Airport, Tulsa, OK; and all "C" and "D" checks will be accomplished under contract with Excelsior Aircraft Services in Mojave, CA. A copy of our contract with Excelsior Aircraft is enclosed.

Our management personnel are as follows:

President and Chief Executive Officer--Rockwell J. Squirrel
Director of Operations and Dispatch--S. F. Whiplash
Director of Maintenance--Harvey B. Smedlap
Chief Pilot--Waldorf E. Pepper
Director of Training--A.T. LaHunn

Also enclosed is our revised Schedule of Events that we agreed to at our last meeting and our revised Statement of Compliance.

We have retained the services of Dewey, Cheatum, and Howe, P.A.; 1600 E. Whitewater Ave; Little Rock, AR 72202; as our agent for service.

Sincerely,

Rockwell J. Squirrel
President and CEO

Enclosures [*See figure 2.2.1.2.*]

¹ Certificates and Economic Authority issued by DOT include a Certificate of Public Convenience and Necessity (CC&N) for Domestic and Overseas Air Transportation, or for Charter Air Transportation; a Domestic All-Cargo Air Service Certificate; a Fitness Determination under 14 CFR 204; or an Exemption under 14 CFR 298.

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[PAGES 2-71 AND 2-72 RESERVED]