

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

SECTION 2. FORMAL APPLICATION PHASE

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

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

A. It verifies that at least those items required for formal application have been submitted. The required items to pass gate two are as follows:

- (1) The application must contain the formal letter requesting certification, which includes the information described in paragraph 71.
- (2) The application must contain the required formal attachments described in paragraph 73. These requirements are listed in the certification job aids (see figures 2.1.1.1. through 2.1.1.3.).

NOTE: If any of the items required for the formal application are missing or are incomplete, the entire formal application must be rejected. It should be returned to the applicant with a letter stating the reasons for its rejection following completion of the initial review. See figure 2.2.2.1. for an example of a rejection letter.

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

87. SCHEDULE OF EVENTS ATTACHMENT. The schedule of events is a list of each major item, activity, program, aircraft and/or facility acquisition. It also sets milestones for accomplishment or submission of the listed items. The schedule of events, when accepted, becomes the basis for agreement between the applicant and the certification team to accomplish the certification project. The applicant's ability to plan and carry out a realistic schedule of events will be a major factor in determining the applicant's fitness to hold a certificate. Therefore, when reviewing the schedule of events, the certification team must carefully consider the feasibility of the proposed schedule with respect to the following criteria:

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

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

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

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

manuals and documents have been included in the schedule of events.

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

89. COMPANY GENERAL MANUAL ATTACHMENTS. The CPM must give the company general operation and maintenance manual attachments a cursory review, first to determine that the type of information described in paragraph 73B has been submitted. Second, the CPM must determine that the overall content and scope of the manual material indicates that the applicant is proceeding in an appropriate manner and in compliance with the regulations. These completed manual submissions provide early indications of the quality of the applicant's manual program. An in-depth review and evaluation and the acceptance, approval, or rejection of the manual will be accomplished in the document compliance phase.

91. COMPANY TRAINING CURRICULUM ATTACHMENTS. The CPM must review the training curriculum attachments to determine that each of the four curriculum segments listed in paragraph 73C have been submitted for each applicable crewmember or dispatcher position. Each curriculum must be reviewed to determine that basic regulatory requirements are being met and that the applicant is proceeding in an appropriate manner with the development of the applicant's training programs. A detailed review and initial approval of the training curriculums will be accomplished in the document compliance phase after the applicant has finalized all training arrangements, including instructor lesson plans. The applicant may not start training in a curriculum until that curriculum has been initially approved.

93. MANAGEMENT QUALIFICATIONS ATTACHMENTS (RESUMES). Management qualifications must be reviewed by the certification team to determine that there is a resume for each required management position and that these resumes contain the basic information necessary to determine regulatory compliance. The depth of review should be only to determine that there are no obvious omis-

sions or significant discrepancies. An example of a significant discrepancy might be that the regulation requires an individual to hold an Airline Transport Pilot (ATP) Certificate, but the resume shows that the individual holds only a commercial pilot certificate. A detailed review of the management qualifications and effectiveness must be accomplished during the document compliance and the demonstration and inspection phases.

95. DOCUMENTS OF PURCHASE, CONTRACTS, AND LEASES ATTACHMENT. The CPM must review these documents to determine that they include the types of information described in paragraph 73E. The documents should be reviewed for obvious omissions or significant discrepancies. Examples of obvious omissions might be the lack of documents indicating intent to acquire an aircraft or to arrange for a station facility. A significant discrepancy might be a document that reflects a contractual arrangement with another organization to perform a type of maintenance when it is known that the other organization is not qualified to perform that type of maintenance. These documents will not necessarily receive further review during the certification process since the aircraft, facilities, and services referenced in the documents will be the items inspected for acceptance or approval. It is not necessary or desirable for a separate document to exist for every item the applicant will have to acquire. However, there should be sufficient evidence to show that the applicant has made definitive arrangements to acquire the major items needed for certification.

97. COMPLIANCE STATEMENT ATTACHMENT. The CPM must review the compliance statement within 10 working days to determine that it complies with the form and content prescribed in paragraph 73F and that the applicant has proceeded in an appropriate manner. The compliance statement must then be given a detailed review and be accepted before the applicant may pass to gate two.

99. INITIAL DETERMINATION OF FORMAL APPLICATION ACCEPTABILITY.

A. The decision whether to accept the formal application before the formal application meeting and to proceed with the certification process by scheduling a meeting with the applicant must be tempered with good judgement and a reasonably flexible attitude. Results of informal meetings, reviews, and observations of the applicant's capabilities during the preapplication phase should supplement the decision-making process. Other factors such as working relationships and understanding established during the preapplication phase should also be considered. However, the decision must be based primarily on the

results of the initial review of the formal application and attachments. The decision to proceed is predicated on receipt of all required documents in the formal application and an initial approval of the contents.

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

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

101. THE FORMAL APPLICATION MEETING.

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

A. The CPM should encourage the applicant and the applicant's key management personnel to present any questions they may have concerning the forthcoming certification process. The CPM and certification team members should provide candid answers and discuss freely all aspects of the certification process.

B. The detailed schedule of events should be discussed, and any needed revisions should be negotiated prior to proceeding.

C. Before concluding the formal application meeting, the CPM must make certain that the applicant clearly understands the following:

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

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

103. FINAL DETERMINATION OF FORMAL APPLICATION ACCEPTABILITY. If the formal application meeting is successful, a letter acknowledging receipt and acceptance of the formal application must be prepared and forwarded to the applicant as soon as possible, but not later than 5 working days after the meeting. See figure 2.2.2.2. for an example of an acceptance letter.

105. WITHDRAWN—CHG 11.

106.-110. RESERVED.

FIGURE 2.2.2.1.
REJECTION OF FORMAL APPLICATION—MISSING OR INCOMPLETE DOCUMENTS

[FAA Letterhead]

[Date]

Mr. Rockwell J. Squirrel
President and CEO, MidSouth Airlines
601 West Circle Drive
Little Rock, Arkansas 72202

Dear Mr. Squirrel:

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

1. Resumes of Harvey Smedlap, Director of Maintenance; and S.F. Whiplash, Director of Operations; were not included with your application.
2. The compliance statement is incomplete. For example, Subparts N and Q are not addressed. Another example includes your failure to address entire regulatory sections in Subpart T, such as Federal Aviation Regulations (FAR) §§ 121.533, 121.542, 121.547, and 121.563. Methods of compliance with these regulatory sections are described in your company's general manual attachment and should be appropriately referenced in the compliance statement. As previously discussed, all applicable regulatory sections must be addressed in the compliance statement.
3. The Minimum Equipment List (MEL) does not contain maintenance and operations procedures as required on the master minimum equipment list.

We are returning your letter of application with all attachments. It will be necessary to submit a new formal application when you have corrected all discrepancies noted above and any other omissions that exist.

Please contact us if we can be of any further assistance in clarifying the minimum requirements for your formal application.

Sincerely,

Hortense Q. Babbitt
Certification Project Manager

**FIGURE 2.2.2.2.
ACCEPTANCE OF FORMAL APPLICATION**

[FAA Letterhead]

[Date]

Mr. Rockwell J. Squirrel
President and CEO, MidSouth Airlines
601 West Circle Drive
Little Rock, Arkansas 72202

Dear Mr. Squirrel:

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

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

Sincerely,

Hortense Q. Babbitt
Certification Project Manager

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