

CHAPTER 9. PROVING AND VALIDATION TESTS

SECTION 7. REQUEST FOR DEVIATION OF PROVING FLIGHT HOURS

1643. GENERAL. Federal Aviation Regulations (FAR) 121.163 and 135.145 contain authority for the Federal Aviation Administration (FAA) to reduce the proving flight hours specified in the basic FAR. Improvements in technology, training methods, communications, and established safe operating practices may enable an applicant to demonstrate compliance with applicable regulatory requirements in less time than the hours specified. Advanced simulation, line-oriented flight training (LOFT) scenarios, loading and maintenance exercises, and operational research and statistical analysis are some of the means applicants may use to demonstrate competence. As part of the plan, the applicant may request a deviation from the applicable regulatory requirements. The request must explain how the applicant intends to demonstrate regulatory compliance with a reduced-hour program. If the applicant's plan contains a request for reduction, it must include at least the following additional information:

A. Total Hours of Operation. The plan must include the total number of hours that the applicant proposes to fly in the reduced program.

B. Flight Experience Resume. The plan must include a flight experience resume for each flight crewmember that the applicant intends to use during the proving flight. This resume must include the following:

- Certificates
- Total flight time
- Any previous experience in the aircraft being tested
- Years of experience with the applicant being tested and any other experience in Part 121 or Part 135 operations (as applicable)
- Other transport experience, such as military

C. Justification Statement. The statement must contain, but is not limited to, the following:

- Company experience with Part 121 or Part 135 operations

- Company experience with aircraft of the same group (Part 121), or type (Part 135)
- Company experience with the airports and areas of en route operation into which the aircraft will operate

D. Other information. The plan must include any other information requested by either the principal inspectors or the certificate program manager (CPM), if applicable, or any information that the applicant believes will be useful in justifying the reduction. Other information could include nighttime routes to be flown or special airports to be observed.

1645. EVALUATING THE APPLICANT'S REQUEST.

A. Evaluation Considerations. The following are topics that the test team should consider when evaluating the request:

(1) If the aircraft has not been used previously in air transportation by a U.S. certificate holder, to what extent has the aircraft been operated by foreign operators?

(2) For newly certificated aircraft, how familiar is the test team with the aircraft?

(3) For aircraft that are new to the applicant but that have been proven previously in Part 121 or Part 135 operations, to what extent is the overall operation affected by the new aircraft (changing from Part 135 to Part 121, domestic to flag)?

(4) To what extent is the new aircraft substantially different from aircraft previously flown by the applicant (such as changing from turboprop to turbojet, unpressurized to pressurized, or narrow-body to wide-body)?

(5) To what extent is the applicant's route structure affected (for example, inauguration of international routes and use of special navigation equipment)?

(6) What is the experience level of personnel involved in the operation (for example, flight and

cabin crewmembers' previous experience in the operation of this type of aircraft)?

(7) How does the applicant propose to conduct the proving flights (for example, a few long-range flights versus several short-range flights)?

(8) What level of management experience exists in the company with this type or similar type or make of aircraft?

B. Flight Hour Reduction Guide. Test teams should use figure 3.9.7.1. as a guide to determine whether a reduced flight hour program is suitable.

**FIGURE 3.9.7.1.
FLIGHT HOUR REDUCTION GUIDE**

SITUATION	PERCENT REDUCTION
New aircraft not previously proven by another Part 121 or Part 135 operator	0%
New operator having no management experience with aircraft category and class	10%
Existing Part 135 operator having no management experience in Part 121 operations and vice versa	15%
Existing operator having no experience with aircraft category and class	20%
New operator having management experience with aircraft category and class	20%
Existing operator having management experience with same category and class	25%

1647. COORDINATION REQUIREMENTS AND APPROVAL AUTHORITY FOR PROVING FLIGHT DEVIATIONS. Any deviations granted in

response to an applicant's request for a reduction in the required proving flight hours shall be coordinated and approved according to figure 3.9.7.2., as follows:

**FIGURE 3.9.7.2.
COORDINATION REQUIREMENTS AND APPROVAL AUTHORITY FOR PROVING FLIGHT DEVIATIONS**

PERCENT REDUCTIONS	COORDINATION REQUIRED	APPROVAL AUTHORITY
Up to 25%	None	CMO or FSDO
More than 25%	RFSD	RFSD
More than 50%	AFS-510	AFS-200

A. Letter of Approval/Denial of Deviation. If the request for a deviation to the required number of proving flight hours is approved, the applicant shall be informed by letter that the deviation is approved. The letter approving the deviation must also indicate acceptance of the applicant's proving flight plan. If the request is denied, the applicant shall be informed of the decision by a letter that explains the reasons for denial.

B. Conditions of Approval. When a deviation is approved, the test team must ensure that the applicant understands the following: that the deviation specifies the minimum number of proving flight hours that must be planned and that additional proving flights may be required, should the applicant fail to demonstrate the ability to comply with all applicable regulations. The applicant should also be advised that potential

delays due to problems such as maintenance, additional crewmember training requirements, and weather, may extend the proving flight schedule,

which could affect the date the applicant intends to start revenue operations.

1648.-1654. RESERVED.

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