

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.735

National Policy

Effective Date:
5/22/25

Cancellation Date:
5/22/26

SUBJ: Disposition of Incomplete or Insufficient Air Operator and Air Agency
Certification Applications

1. Purpose of This Notice. This notice describes the conditions for withdrawal or denial of an application and the disposition of the certification process after the certification has begun for certifications associated with Title 14 of the Code of Federal Regulations (14 CFR) parts 91 subpart K (part 91K), 119, 125, 133, 135, 137, 141, 142, 145, and 147. Because certification requires a significant commitment from both the applicant and the Federal Aviation Administration (FAA), certification should be initiated only after the responsible Flight Standards office is confident the applicant is committed to completing the certification.

Note: This is a guidance document. Its content is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with the guidance document is voluntary only. Nonconformity will not affect rights and obligations under existing statutes and regulations.

2. Audience. The primary audience for this notice is Flight Standards (FS) offices with certification oversight responsibilities. The secondary audience includes the Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background. The FAA is updating the process for considering applications for certification under 14 CFR parts 91K, 119, 125, 133, 135, 137, 141, 142, 145, and 147. FAA certification offices will use the updated process described in this notice to conclude the certification process if an applicant does not meet applicable 14 CFR requirements for FAA certification. All new applications for certification submitted to the FAA on or after the effective date of this notice are subject to this updated process. The withdrawal or denial processes used by FAA certification personnel are described in this notice. The formal denial process will be completed by the Office of the Chief Counsel's (AGC) Aviation Litigation Division (AGC-300) following 14 CFR § 13.20.

5. Discussion. In this notice, the FAA uses the term “withdraw” or “denial” instead of “terminate.” Future FAA revisions to policy and the Safety Assurance System (SAS) will reflect the use of the terms “withdraw” and “denial” explained in this notice. An applicant whose application is considered by the FAA as withdrawn may resubmit an application for certification at their discretion. An applicant whose application is denied by the FAA and who does not timely request a hearing to challenge the denial as set forth in 14 CFR § 13.20(c) may resubmit an application for certification at their discretion. The FAA will not process a new application for certification submitted by an applicant who timely requests a hearing to challenge the denial as set forth in 14 CFR § 13.20(c).

6. Timelines and Expectations. FAA certification teams must adhere to the following and take action, as appropriate.

a. Timelines. When establishing a Schedule of Events (SOE) for the certification process, the FAA and the applicant will reach an initial agreement on timelines for that process. FAA certification teams must ensure that the applicants understand the importance of adhering to the agreed-upon SOE. If, at any point during the certification process, the applicant no longer meets or exceeds the agreed-upon timeframes contained in the SOE, or has not met document correction submission timeframes, the certification team may consider the certification application as withdrawn by the applicant. AGC-300 involvement is not required for either a withdrawal or disposition of a withdrawal through closure of a certification project. The applicant may choose to reapply and initiate the application process upon withdrawal of the certification project.

b. Withdrawal. If, at any point during the certification, any of the below circumstances are identified by the FAA or the applicant no longer meets the pertinent 14 CFR application requirements, the FAA certification office may consider the application as withdrawn by the applicant. No AGC-300 involvement is required for a withdrawal, and the withdrawal results in the FAA closure of the certification project. The FAA certification office must ensure that the applicants understand this withdrawal or denial process at the beginning and are provided with written notification at that time. The following circumstances will result in the closure of the certification project as a withdrawal:

- The applicant requests to voluntarily withdraw an application;
- The applicant rescinds part of its application such that the application is not complete;
- The applicant has not provided the personnel necessary to complete the certification process due to, for example, a delay in hiring personnel, a delay in assignment of personnel, or an inability to retain personnel at the point in the certification process where having identified personnel is necessary for certification to continue;
- The applicant does not have the aircraft or equipment necessary to complete the certification process at the point in the certification process where having identified aircraft or equipment is necessary for certification to continue;

- The applicant does not have the facilities necessary to complete the certification process at the point in the certification process where having identified facilities is necessary for certification to continue; or
- The applicant fails to respond to requests within the timeframe communicated by the certification office, provides a late and/or inadequate response, or submits documentation that does not meet the applicable 14 CFR certification requirements.

c. Notification of Delay. Ensure the applicant understands the importance of notifying the certification team within 15 calendar days of their inability to meet or maintain the proper requirements needed for the certification process to avoid automatic cessation of the certification (see Appendix A).

d. Corrective Actions. The FAA will provide applicants 15 calendar days to respond to the notice of corrective actions needed (see subparagraph 7a below). If no response is received by the certification team within 15 calendar days, the FAA may consider the application as withdrawn by the applicant. The applicant's response resolving the corrective action item does not have to be a final, acceptable document, but the applicant should communicate to the certification team no later than 15 calendar days. The 15-calendar-day response window starts when the applicant receives the notice from the certification team.

Note: These expectations must be communicated by the FAA to the applicant as early in the certification process as possible and documented in writing to the applicant in accordance with Appendix A. Timelines within this notice are based upon when the applicant receives the correspondence. The certification team should use a means of correspondence that may be tracked, such as certified mail, email-return receipt, or a process that confirms the applicant has received notification that starts the timelines.

e. Referral for Denial.

(1) When the applicant has demonstrated they are unable or unwilling to resolve or take appropriate courses of action on regulatory requirements, the application should be referred to AGC-300 for a formal denial. Prior to referring applicants to AGC for denial, the office manager or designee should discuss the deficiencies with AGC-300.

(2) Office managers will refer denials to AGC through the following web page at <https://cdms.my.site.com/intake/s/agg-300>. Be advised that you use your Federal ID exactly as it was issued to you; if you have capitals in your Federal ID, you must use them or you will not be able to register. For instance, if your Federal ID is an FAA Federal ID, you must use it verbatim or you will not be able to register. If your FAA Federal ID is Bobby.J.Smith@faa.gov, you will get an error message if you use bobby.j.smith@faa.gov or any variation.

(3) Office managers will provide the Referred for Denial Letter template (see Appendix C) and the Memo for AGC Referral template (see Appendix D) prepared by the certification team when making the initial referral. The certification team should make reasonable efforts to resolve the impasse prior to referring the certification project to AGC-300

for formal denial. Ensure that the applicant understands the following deficiencies that could result in a formal denial:

- If there is no withdrawal under subparagraph 6b, then the application must be referred to AGC-300 for denial.
- The applicant's inability to proceed with the certification process.

Note: Under the provisions of 14 CFR § 13.20(c), the applicant can appeal the formal denial.

(4) FAA certification offices should be aware that, after withdrawal or referral for denial of an application, they should initiate processing the next application on the Certification Services Oversight Process (CSOP) list.

7. Communicate Deficiencies with the Applicant. In all cases, the FAA certification team must notify the applicant in writing when the certification team identifies deficiencies in the applicant's progress, including, but not limited to, the items listed in subparagraph 6b.

a. Corrective Action Letter. The FAA certification team's corrective action letter must clearly list and explain the deficiencies that have occurred and advise the applicant which deficiencies must be corrected consistent with applicable 14 CFR certification requirements before the FAA can continue the certification process. Use the Certification Corrective Action Letter template (see Appendix A), which is also located in SAS.

8. Withdrawal. If the applicant does not respond within the stated time limit, the FAA certification team may consider the application as withdrawn by the applicant and must notify the applicant using the Withdrawal Letter template (see Appendix B), which is also located in SAS. (Refer to FAA Order 8900.1, Volume 10, Chapter 12, Section 1, Paragraph 10-12-1-11, Terminations.)

9. Disposition. We will incorporate some of the information contained in this notice into Order 8900.1 before this notice expires. Direct questions or comments concerning the information in this notice to the Aircraft Maintenance Division (AFS-300) at 202-267-1675 or 9-AWA-AFS-300-Correspondence@faa.gov.



Robert Reckert for
Lawrence Fields
Executive Director, Flight Standards Service

Appendix A. Certification Corrective Action Letter Template

[FAA Letterhead]

[Type the letter date here]

*[Type name of the addressee
and address here]*

Dear *[Type addressee's name here]*:

Your certification project is being returned for the following items:

[List reasons requiring corrective action/plan.]

The items identified above are examples and not necessarily all inclusive.

Please respond to this letter within 15 calendar days with detailed corrective actions or a corrective action plan with timelines, as appropriate, or your application may be considered withdrawn.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me or this office at *[enter certification project manager (CPM) phone number]* or *[enter receiving office phone number]*, respectively.

Sincerely,

*[Type name of person letter is from]
[Type title]*

[Type the word "Enclosure" here if you are enclosing something]

Appendix B. Withdrawal Letter Template

[FAA Letterhead]

[Type the letter date here]

*[Type name of the addressee
and address here]*

Dear *[Type addressee's name here]*:

Effective *[insert date]*, the FAA considers your application on behalf of *[insert operator/business name]* for Title 14 of the Code of Federal Regulations (14 CFR) part *[number]* certification as withdrawn due to *[e.g., withdrawal due to the lack of activity and/or inability to move forward in the certification process]*.

Once you are prepared to complete the certification process, please reapply with all required preapplication information.

If you have any questions, please contact this office at *[phone number]* or via email at *[email address]*.

Sincerely,

*[Type name of person letter is from]
[Type title]*

[Type the word "Enclosure" here if you are enclosing something]

Appendix C. Referred for Denial Letter Template

[FAA Letterhead]

[Type the letter date here]

*[Type name of the addressee
and address here]*

Dear *[Type addressee's name here]*:

This office has referred your application for Title 14 of the Code of Federal Regulations (14 CFR) part *[number]* certification to the FAA Office of the Chief Counsel for adjudication in accordance with 14 CFR § 13.20.

You can expect to be contacted by the FAA Office of the Chief Counsel referencing this matter.

Sincerely,

*[Type name of person letter is from]
[Type title]*

[Type the word "Enclosure" here if you are enclosing something]

Appendix D. Memo for AGC Referral Template



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Date: *[Month Day, Year]*

To: FAA Office of the Chief Counsel, AGC-300

From: *[First Name Last Name, Title, Division/Office]*

Prepared by: *[Type who prepared memo and phone extension or number here]*

Subject: Certification Applicant Referred for Denial

[Enter name of applicant], [enter designator number, if applicable], is being referred for formal denial in accordance with 14 CFR § 13.20.

This applicant is being referred for denial due to the following reasons:

[Explain the reasons for denial, such as: Denial based upon the FAA's and applicant's inability to reach resolution on xyz, repeated inability to meet FAA requirements, the inability to proceed with the certification process, etc. Include reference to prior communications, as applicable.]

Please notify the referring office of final disposition.

See document attachments supporting the denial.