

§ 821.1

49 CFR Ch. VIII (10–1–03 Edition)

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- AUTHORITY: 49 U.S.C. 1101–1155, 44701–44723, 46301; unless otherwise noted.
- SOURCE: 68 FR 22625, Apr. 29, 2003, unless otherwise noted.

**Subpart A—General Provisions**

§ 821.1 Definitions.

(a) As used in this part:

*Administrator* means the Administrator of the Federal Aviation Administration (FAA);

*Airman certificate* means any certificate issued by the FAA to an airman, and shall include medical certificates required for airmen;

*Appeal from an initial decision* means a request to the Board to review a law judge’s decision;

*Appeal to the Board* means a request to the Board for the review by a law judge of an order of the Administrator;

*Appealable order* means an order of a law judge that has the effect of terminating the proceeding, such as one granting a motion to dismiss in lieu of an answer, as provided in §821.17, or one granting a motion for judgment on the pleadings or summary judgment. *Appealable order* does not include an order granting in part a motion to dismiss and requiring an answer to any remaining allegation or allegations, an order granting in part judgment on the pleadings or summary judgment, or a ruling on an interlocutory matter;

*Board* means the National Transportation Safety Board;

*Case Manager* means the officer of the Board’s Office of Administrative Law Judges responsible for the processing of cases within that office;

*Certificate* means any certificate issued by the Administrator under 49 U.S.C. Chapter 447;

*Chief Law Judge* means the administrative law judge in charge of the adjudicative function of the Board’s Office of Administrative Law Judges;

*Complaint* means an order of the Administrator, reissued for pleading purposes, from which an appeal to the Board has been taken pursuant to sections 49 U.S.C. 44106, 44709 or 46301;

*Emergency order* means an order of the Administrator issued pursuant to 49 U.S.C. 44709, which recites that an emergency exists and that safety in air commerce or air transportation and the public interest require the immediate effectiveness of such order;

*Flight engineer* means a person who holds a flight engineer certificate

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issued under Part 63 of Title 14 of the Code of Federal Regulations;

*Initial decision* means the law judge's decision on the issue or issues remaining for disposition at the close of a hearing;

*Law judge* means the administrative law judge assigned to hear and preside over the respective proceeding;

*Mechanic* means a person who holds a mechanic certificate issued under Part 65 of Title 14 of the Code of Federal Regulations;

*Order* means the document (sometimes also termed the complaint) by which the Administrator seeks to amend, modify, suspend or revoke a certificate, or impose a civil penalty;

*Petition for review* means a petition filed pursuant to 49 U.S.C. 44703 for review of the Administrator's denial of an application for issuance or renewal of an airman certificate;

*Petitioner* means a person who has filed a petition for review;

*Pilot* means a person who holds a pilot certificate issued under Part 61 of Title 14 of the Code of Federal Regulations;

*Repairman* means a person who holds a repairman certificate issued under Part 65 of Title 14 of the Code of Federal Regulations;

*Respondent* means the holder of a certificate who has appealed to the Board from an order of the Administrator amending, modifying, suspending or revoking a certificate, or imposing a civil penalty.

(b) Terms defined in 49 U.S.C. Chapters 11, 447 and 463 are used as so defined.

### § 821.2 Applicability and description of part.

The provisions of this part govern all air safety proceedings, including proceedings before a law judge on petition for review of the denial of any airman certificate (including a medical certificate), or on appeal from any order of the Administrator amending, modifying, suspending or revoking a certificate. The provisions of this part also govern all proceedings on appeal from an order of the Administrator imposing a civil penalty on a flight engineer, mechanic, pilot or repairman, or a person acting in such capacity. All pro-

ceedings on appeal to the Board from any initial decision or order of a law judge are also governed by this part.

### § 821.3 Description of docket numbering system.

In addition to sequential numbering of cases as received, each case formally handled by the Board will receive a letter prefix. These letter prefixes reflect the case type: "SE" for safety enforcement (certificate suspension/revocation) cases; "SM" (safety medical) for cases involving denials of medical certification; "CD" for cases involving non-medical certificate denials; "SR" for cases involving safety registration issues under 49 U.S.C. 44101 *et seq.*; "CP" for cases involving the imposition of civil penalties; "NA" for cases in which a petition for review or appeal is not accepted because of a patent procedural deficiency; and "EAJA" for cases involving applications for fees and expenses under the Equal Access to Justice Act, governed by Part 826.

## Subpart B—General Rules Applicable to Petitions for Review, Appeals to the Board, and Appeals From Law Judges Initial Decisions and Appealable Orders

### § 821.6 Appearances and rights of witnesses.

(a) Any party to a proceeding may appear and be heard in person, or by an attorney or other representative designated by that party. Upon hearing, and for good cause shown, the Board may suspend or bar any person from practicing before it.

(b) Any person appearing in person in any proceeding governed by this part may be accompanied, represented and advised, and may be examined by, his or her own counsel or representative.

(c) Any person who submits data or evidence in a proceeding governed by this part may, by timely request, procure a copy of any document submitted by him or her, or a copy of any transcript made of his or her testimony, on payment of reasonable costs. Original documents, data or evidence may be retained by a party upon permission of