

past 6 years, as pilot in command of an aircraft operated under part 121 or part 135 of this chapter.

(2) In the case of a person with previous experience as a Chief Pilot, have at least 3 years experience as pilot in command of an aircraft operated under part 121 or part 135 of this chapter.

(e) To serve as Director of Maintenance under §119.69(a) a person must hold a mechanic certificate with airframe and powerplant ratings and either:

(1) Have 3 years of experience within the past 3 years maintaining aircraft as a certificated mechanic, including, at the time of appointment as Director of Maintenance, experience in maintaining the same category and class of aircraft as the certificate holder uses; or

(2) Have 3 years of experience within the past 3 years repairing aircraft in a certificated airframe repair station, including 1 year in the capacity of approving aircraft for return to service.

(f) A certificate holder may request a deviation to employ a person who does not meet the appropriate airmen experience requirements, managerial experience requirements, or supervisory experience requirements of this section if the Manager of the Air Transportation Division, AFS-200, or the Manager of the Aircraft Maintenance Division, AFS-300, as appropriate, find that the person has comparable experience, and can effectively perform the functions associated with the position in accordance with the requirements of this chapter and the procedures outlined in the certificate holder's manual. The Administrator may, at any time, terminate any grant of deviation authority issued under this paragraph.

[Doc. No. 28154, 60 FR 65913, Dec. 20, 1995, as amended by Amdt. 119-3, 62 FR 13255, Mar. 19, 1997]

§119.72 Reports by air carriers on incidents involving animals during air transport.

(a) Any air carrier that provides scheduled passenger air transportation shall, within 15 days of the end of the month to which the information applies, submit to the Animal & Plant Health Inspection Service, United States Department of Agriculture, a

report on any incidents involving the loss, injury, or death of an animal during air transport provided by the air carrier.

(b) The report shall be made in the form and manner set forth in reporting directives issued by the Animal & Plant Health Inspection Service, and shall contain the following information:

- (1) Carrier and flight number;
- (2) Date and time of the incident;
- (3) Description of the animal, including name, if applicable;
- (4) Identification of the owner(s) and/or guardian of the animal;
- (5) Narrative description of the incident;
- (6) Narrative description of the cause of the incident;
- (7) Narrative description of any corrective action taken in response to the incident; and

(8) Name, title, address, and telephone number of the individual filing the report on behalf of the air carrier.

(c) For purposes of this section: (1) The air transport of an animal includes the entire period during which an animal is in the custody of an air carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal; and

(2) Animal means any warm or cold blooded animal which, at the time of transportation, is being kept as a pet in a family household in the United States.

[Doc. No. FAA-2002-13378, 68 FR 47800, Aug. 11, 2003]

EFFECTIVE DATE NOTE: At 68 FR 47800, Aug. 11, 2003, §119.72 was added. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

SPECIAL FEDERAL AVIATION REGULATION NO.

14

SPECIAL FEDERAL AVIATION REGULATION NO.

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SPECIAL FEDERAL AVIATION REGULATION NO.

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- SPECIAL FEDERAL AVIATION REGULATION NO. 71 [NOTE]
- SPECIAL FEDERAL AVIATION REGULATION NO. 78 [NOTE]
- SPECIAL FEDERAL AVIATION REGULATION NO. 80
- SPECIAL FEDERAL AVIATION REGULATION NO. 92-5
- SPECIAL FEDERAL AVIATION REGULATION NO. 93 [NOTE]
- SPECIAL FEDERAL AVIATION REGULATION NO. 97 [NOTE]

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SPECIAL FEDERAL AVIATION REGULATION
No. 14

Contrary performance provisions of the Civil Air Regulations notwithstanding, the Administrator may grant performance credit for the use of standby power on transport category airplanes. Such credit shall be applicable only to the maximum certificated take-off and landing weights, and the take-off distance, and the take-off paths, and shall not exceed that found by the Administrator to result in an over-all level of safety in the take-off, approach, and landing regimes of flight equivalent to that prescribed in the regulations under which the airplane was originally certificated without standby power. (NOTE: Standby power is power and/or thrust obtained from rocket engines for a relatively short period and actuated only in cases of emergency.) The following provisions shall apply:

(1) *Take-off; general.* The take-off data prescribed in sections (2) and (3) shall be determined at all weights and altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied.

(2) *Take-off path.* (a) The one-engine-inoperative take-off path with standby power in use shall be determined in accordance with the performance requirements of the applicable airworthiness regulations.

(b) The one-engine-inoperative take-off path (excluding that portion where the airplane is on or just above the take-off surface-determined in accordance with paragraph (a) of this section shall lie above the one/engine-inoperative take-off path without standby power at the maximum take-off weight at which all of the applicable airworthiness requirements are met. For the purpose of this comparison, the flight path shall be considered to extend to at least a height of 400 feet above the take-off surface.

(c) The take-off path with all engines operating, but without the use of standby power, shall reflect a conservatively greater overall level of performance than the one-engine-inoperative take-off path established in accordance with paragraph (a) of this section. The aforementioned margin shall be established by the Administrator to insure safe day-to-day operations, but in no case shall it be less than 15 percent. The all-engines-operating take-off path shall be determined by a procedure consistent with that established in complying with paragraph (a) of this section.

(d) For reciprocating-engine-powered airplanes, the take-off path to be scheduled in the Airplane Flight Manual shall represent the one-engine-inoperative take-off path determined in accordance with paragraph (a) of this section and modified to reflect the procedure (see section (6)) established by the applicant for flap retraction and attainment of the en route speed. The scheduled take-off path shall have a positive slope at all points

of the airborne portion and at no point shall it lie above the take-off path specified in paragraph (a) of this section.

(3) *Take-off distance.* The take-off distance shall be the horizontal distance along the one/engine-inoperative take-off to the point where the airplane attains a height of 50 feet above the take-off surface for reciprocating-engine-powered airplanes and a height of 35 feet above the take-off surface for turbine-powered airplanes.

(4) *Maximum certificated take-off weights.* The maximum certificated take-off weights shall be determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed the weights established in compliance with paragraphs (a) and (b) of this section.

(a) The conditions of section (2) (b) through (d) shall be met at the maximum certificated take-off weight.

(b) Without the use of standby power, the airplane shall meet all of the en route requirements of the applicable airworthiness regulations under which the airplane was originally certificated. In addition, turbine-powered airplanes without the use of standby power shall meet the final take-off climb requirements prescribed in the applicable airworthiness regulations.

(5) *Maximum certificated landing weights.* (a) The maximum certificated landing weights (one-engine/inoperative approach and all-engine/operating landing climb) shall be determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed that established in compliance with the provisions of paragraph (b) of this section.

(b) The flight path, with the engines operating at the power and/or thrust appropriate to the airplane configuration and with standby power in use, shall lie above the flight path without standby power in use at the maximum weight at which all of the applicable airworthiness requirements are met. In addition, the flight paths shall comply with the provisions of paragraphs (i) and (ii) of this paragraph (b).

(i) The flight paths shall be established without changing the appropriate airplane configuration.

(ii) The flight paths shall be carried out for a minimum height of 400 feet above the point where standby power is actuated.

(6) *Airplane configuration, speed, and power and/or thrust; general.* Any change in the airplane's configuration, speed, and power and/or thrust shall be made in accordance with the procedures established by the applicant for the operation of the airplane in service and shall comply with the provisions of paragraphs (a) through (c) of this section. In addition, procedures shall be established for the execution of balked landings and missed approaches.

(a) The Administrator shall find that the procedure can be consistently executed in service by crews of average skill.

(b) The procedure shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(c) Allowances shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

(7) *Installation and operation; standby power.* The standby power unit and its installation shall comply with the provisions of paragraphs (a) and (b) of this section.

(a) The standby power unit and its installation shall not adversely affect the safety of the airplane.

(b) The operation of the standby power unit and its control shall have proven to be safe and reliable.

[23 FR 7454, Sept. 25, 1958. Redesignated at 29 FR 19099, Dec. 30, 1964]

SPECIAL FEDERAL AVIATION REGULATION No. 36

1. *Definitions.* For purposes of this Special Federal Aviation Regulation—

(a) A product is an aircraft, airframe, aircraft engine, propeller, or appliance;

(b) An article is an airframe, powerplant, propeller, instrument, radio, or accessory; and

(c) A component is a part of a product or article.

2. *General.* (a) Contrary provisions of § 121.379(b) and § 135.437(b) of this chapter notwithstanding, the holder of an air carrier certificate or operating certificate, that operates large aircraft, and that has been issued operations specifications for operations required to be conducted in accordance with 14 CFR part 121 or 135, may perform a major repair on a product as described in § 121.379(b) or § 135.437(a), using technical data that have not been approved by the Administrator, and approve that product for return to service, if authorized in accordance with this Special Federal Aviation Regulation.

(b) [Reserved]

(c) Contrary provisions of § 145.201(c)(2) notwithstanding, the holder of a repair station certificate under 14 CFR part 145 that is located in the United States may perform a major repair on an article for which it is rated using technical data not approved by the FAA and approve that article for return to service, if authorized in accordance with this Special Federal Aviation Regulation. If the certificate holder holds a rating limited to a component of a product or article, the holder may not, by virtue of this Special Federal Aviation Regulation, approve that product or article for return to service.

3. Major Repair Data and Return to Service.

(a) As referenced in section 2 of this Special Federal Aviation Regulation, a certificate holder may perform a major repair on a product or article using technical data that have not been approved by the Administrator, and approve that product or article for return to service, if the certificate holder—

(1) Has been issued an authorization under, and a procedures manual that complies with, Special Federal Aviation Regulation No. 36-8, effective on January 23, 2004;

(2) Has developed the technical data in accordance with the procedures manual;

(3) Has developed the technical data specifically for the product or article being repaired; and

(4) Has accomplished the repair in accordance with the procedures manual and the procedures approved by the Administrator for the certificate.

(b) For purposes of this section, an authorization holder may develop technical data to perform a major repair on a product or article and use that data to repair a subsequent product or article of the same type as long as the holder—

(1) Evaluates each subsequent repair and the technical data to determine that performing the subsequent repair with the same data will return the product or article to its original or properly altered condition, and that the repaired product or article conforms with applicable airworthiness requirements; and

(2) Records each evaluation in the records referenced in paragraph (a) of section 13 of this Special Federal Aviation Regulation.

4. *Application.* The applicant for an authorization under this Special Federal Aviation Regulation must submit an application, in writing, and signed by an officer of the applicant, to the FAA Certificate Holding District Office charged with the overall inspection of the applicant's operations under its certificate. The application must contain—

(a) If the applicant is

(1) The holder of an air carrier operating or commercial operating certificate, or the holder of an air taxi operating certificate that operates large aircraft, the—

(i) The applicant's certificate number; and

(ii) The specific product(s) the applicant is authorized to maintain under its certificate, operations specifications, and maintenance manual; or

(2) The holder of a domestic repair station certificate—

(i) The applicant's certificate number;

(ii) A copy of the applicant's operations specifications; and

(iii) The specific article(s) for which the applicant is rated;

(b) The name, signature, and title of each person for whom authorization to approve, on behalf of the authorization holder, the use

of technical data for major repairs is requested; and

(c) The qualifications of the applicant's staff that show compliance with section 5 of this Special Federal Aviation Regulation.

5. *Eligibility.* (a) To be eligible for an authorization under this Special Federal Aviation Regulation, the applicant, in addition to having the authority to repair products or articles must—

(1) Hold an air carrier certificate or operating certificate, operate large aircraft, and have been issued operations specifications for operations required to be conducted in accordance with 14 CFR part 121 or 135, or hold a domestic repair station certificate under 14 CFR part 145;

(2) Have an adequate number of sufficiently trained personnel in the United States to develop data and repair the products that the applicant is authorized to maintain under its operating certificate or the articles for which it is rated under its domestic repair station certificate;

(3) Employ, or have available, a staff of engineering personnel that can determine compliance with the applicable airworthiness requirements of the Federal Aviation Regulations.

(b) At least one member of the staff required by paragraph (a)(3) of this section must—

(1) Have a thorough working knowledge of the applicable requirements of the Federal Aviation Regulations;

(2) Occupy a position on the applicant's staff that has the authority to establish a repair program that ensures that each repaired product or article meets the applicable requirements of the Federal Aviation Regulations;

(3) Have at least one year of satisfactory experience in processing engineering work, in direct contact with the FAA, for type certification or major repair projects; and

(4) Have at least eight years of aeronautical engineering experience (which may include the one year of experience in processing engineering work for type certification or major repair projects).

(c) The holder of an authorization issued under this Special Federal Aviation Regulation shall notify the Administrator within 48 hours of any change (including a change of personnel) that could affect the ability of the holder to meet the requirements of this Special Federal Aviation Regulation.

6. *Procedures Manual.* (a) A certificate holder may not approve a product or article for return to service under section 2 of this Special Federal Aviation Regulation unless the holder—

(1) Has a procedures manual that has been approved by the Administrator as complying with paragraph (b) of this section; and

(2) Complies with the procedures contained in this procedures manual.

(b) The approved procedures manual must contain—

(1) The procedures for developing and determining the adequacy of technical data for major repairs;

(2) The identification (names, signatures, and responsibilities) of officials and of each staff member described in section 5 of this Special Federal Aviation Regulation who—

(i) Has the authority to make changes in procedures that require a revision to the procedures manual; and

(ii) Prepares or determines the adequacy of technical data, plans or conducts tests, and approves, on behalf of the authorization holder, test results; and

(3) A “log of revisions” page that identifies each revised item, page, and date of revision, and contains the signature of the person approving the change for the Administrator.

(c) The holder of an authorization issued under this Special Federal Aviation Regulation may not approve a product or article for return to service after a change in staff necessary to meet the requirements of section 5 of this regulation or a change in procedures from those approved under paragraph (a) of this section, unless that change has been approved by the FAA and entered in the procedures manual.

7. *Duration of Authorization.* Each authorization issued under this Special Federal Aviation Regulation is effective from the date of issuance until January 23, 2009, unless it is earlier surrendered, suspended, revoked, or otherwise terminated. Upon termination of such authorization, the terminated authorization holder must:

(a) Surrender to the FAA all data developed pursuant to Special Federal Aviation Regulation No. 36; or

(b) Maintain indefinitely all data developed pursuant to Special Federal Aviation Regulation No. 36, and make that data available to the FAA for inspection upon request.

8. *Transferability.* An authorization issued under this Special Federal Aviation Regulation is not transferable.

9. *Inspections.* Each holder of an authorization issued under this Special Federal Aviation Regulation and each applicant for an authorization must allow the Administrator to inspect its personnel, facilities, products and articles, and records upon request.

10. *Limits of Applicability.* An authorization issued under this Special Federal Aviation Regulation applies only to—

(a) A product that the air carrier, commercial, or air taxi operating certificate holder is authorized to maintain pursuant to its continuous airworthiness maintenance program or maintenance manual; or

(b) An article for which the domestic repair station certificate holder is rated. If the certificate holder is rated for a component of an article, the holder may not, in accordance with this Special Federal Aviation Regula-

tion, approve that article for return to service.

11. *Additional Authorization Limitations.* Each hold of a authorization issued under this Special Federal Aviation Regulation must comply with any additional limitations prescribed by the Administrator and made a part of the authorization.

12. *Data Review and Service Experience.* If the Administrator finds that a product or article has been approved for return to service after a major repair has been performed under this Special Federal Aviation Regulation, that the product or article may not conform to the applicable airworthiness requirements or that an unsafe feature or characteristic of the product or article may exist, and that the nonconformance or unsafe feature or characteristic may be attributed to the repair performed, the holder of the authorization, upon notification by the Administrator, shall—

(a) Investigate the matter;

(b) Report to the Administrator the results of the investigation and any action proposed or taken; and

(c) If notified that an unsafe condition exists, provide within the time period stated by the Administrator, the information necessary for the FAA to issue an airworthiness directive under part 39 of the Federal Aviation Regulations.

13. *Current Records.* Each holder of an authorization issued under this Special Federal Aviation Regulation shall maintain, at its facility, current records containing—

(a) For each product or article for which it has developed and used major repair data, a technical data file that includes all data and amendments thereto (including drawings, photographs, specifications, instructions, and reports) necessary to accomplish the major repair;

(b) A list of products or articles by make, model, manufacturer's serial number (including specific part numbers and serial numbers of components) and, if applicable, FAA Technical Standard Order (TSO) or Parts Manufacturer Approval (PMA) identification, that have been repaired under the authorization; and

(c) A file of information from all available sources on difficulties experienced with products and articles repaired under the authorization.

This Special Federal Aviation Regulation terminates January 23, 2009.

[SFAR 36–6, 59 FR 3940, Jan. 27, 1994, as amended by Amdt. SFAR 36–7, 64 FR 960, Jan. 6, 1999; Amdt. 121–286, 66 FR 41116, Aug. 6, 2001; Amdt. SFAR 36–8, 68 FR 65378, Nov. 19, 2003]

SPECIAL FEDERAL AVIATION REGULATION
No. 50-2

EDITORIAL NOTE: For the text of SFAR No. 50-2, see part 91 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION
No. 58—ADVANCED QUALIFICATION
PROGRAM

Section

1. Purpose and eligibility.
2. Definitions.
3. Required Curriculums.
4. Indoctrination Curriculums.
5. Qualification Curriculums.
6. Continuing Qualification Curriculums.
7. Other Requirements.
8. Certification.
9. Training Devices and Simulators.
10. Approval of Advanced Qualification Program.
11. Approval of Training, Qualification, or Evaluation by a Person Who Provides Training by Arrangement.
12. Recordkeeping requirements.
13. Expiration.

Contrary provisions of parts 61, 63, 65, 121, and 135 of the Federal Aviation Regulations notwithstanding—

1. *Purpose and Eligibility.*

(a) This Special Federal Aviation Regulation provides for approval of an alternate method (known as "Advanced Qualification Program" or "AQP") for qualifying, training, certifying, and otherwise ensuring competency of crewmembers, aircraft dispatchers, other operations personnel, instructors, and evaluators who are required to be trained or qualified under parts 121 and 135 of the FAR or under this SFAR.

(b) A certificate holder is eligible under this Special Federal Aviation Regulation if the certificate holder is required to have an approved training program under §121.401 or §135.341 of the FAR, or elects to have an approved training program under §135.341.

(c) A certificate holder obtains approval of each proposed curriculum under this AQP as specified in section 10 of this SFAR.

(d) A curriculum approved under the AQP may include elements of present part 121 and part 135 training programs. Each curriculum must specify the make, model, and series aircraft (or variant) and each crewmember position or other positions to be covered by that curriculum. Positions to be covered by the AQP must include all flight crewmember positions, instructors, and evaluators and may include other positions, such as flight attendants, aircraft dispatchers, and other operations personnel.

(e) Each certificate holder that obtains approval of an AQP under this SFAR shall comply with all of the requirements of that program.

2. *Definitions.* As used in this SFAR:

Curriculum means a portion of an Advanced Qualification Program that covers one of three program areas: (1) indoctrination, (2) qualification, or (3) continuing qualification. A qualification or continuing qualification curriculum addresses the required training and qualification activities for a specific make, model, and series aircraft (or variant) and for a specific duty position.

Evaluator means a person who has satisfactorily completed training and evaluation that qualifies that person to evaluate the performance of crewmembers, instructors, other evaluators, aircraft dispatchers, and other operations personnel.

Facility means the physical environment required for training and qualification (e.g., buildings, classrooms).

Training center means an organization certificated under part 142 of this chapter or an organization approved by the Administrator to operate under the terms of this SFAR to provide training as described in section 1(b) of SFAR 58.

Variant means a specifically configured aircraft for which the FAA has identified training and qualification requirements that are significantly different from those applicable to other aircraft of the same make, model, and series.

3. *Required Curriculums.* Each AQP must have separate curriculums for indoctrination, qualification, and continuing qualification as specified in sections 4, 5, and 6 of this SFAR.

4. *Indoctrination Curriculums.* Each indoctrination curriculum must include the following:

(a) For newly hired persons being trained under an AQP: Company policies and operating practices and general operational knowledge.

(b) For newly hired flight crewmembers and aircraft dispatchers: General aeronautical knowledge.

(c) For instructors: The fundamental principles of the teaching and learning process; methods and theories of instruction; and the knowledge necessary to use aircraft, flight training devices, flight simulators, and other training equipment in advanced qualification curriculums.

(d) For evaluators: Evaluation requirements specified in each approved curriculum; methods of evaluating crewmembers and aircraft dispatchers and other operations personnel; and policies and practices used to conduct the kinds of evaluations particular to an advanced qualification curriculum (e.g., proficiency and online).

5. *Qualification Curriculums.* Each qualification curriculum must include the following:

(a) The certificate holder's planned hours of training, evaluation, and supervised operating experience.

(b) A list of and text describing the training, qualification, and certification activities, as applicable for specific positions subject to the AQP, as follows:

(1) *Crewmembers, aircraft dispatchers, and other operations personnel.* Training, evaluation, and certification activities which are aircraft- and equipment-specific to qualify a person for a particular duty position on, or duties related to the operation of a specific make, model, and series aircraft (or variant); a list of and text describing the knowledge requirements, subject materials, job skills, and each maneuver and procedure to be trained and evaluated; the practical test requirements in addition to or in place of the requirements of parts 61, 63, and 65; and a list of and text describing supervised operating experience.

(2) *Instructors.* Training and evaluation to qualify a person to impart instruction on how to operate, or on how to ensure the safe operation of a particular make, model, and series aircraft (or variant).

(3) *Evaluators.* Training, evaluation, and certification activities that are aircraft and equipment specific to qualify a person to evaluate the performance of persons who operate or who ensure the safe operation of, a particular make, model, and series aircraft (or variant).

6. *Continuing Qualification Curriculums.* Continuing qualification curriculums must comply with the following requirements:

(a) *General.* A continuing qualification curriculum must be based on—

(1) A continuing qualification cycle that ensures that during each cycle each person qualified under an AQP, including instructors and evaluators, will receive a balanced mix of training and evaluation on all events and subjects necessary to ensure that each person maintains the minimum proficiency level of knowledge, skills, and attitudes required for original qualification; and

(2) If applicable, flight crewmember or aircraft dispatcher recency of experience requirements.

(b) *Continuing Qualification Cycle Content.* Each continuing qualification cycle must include at least the following:

(1) *Evaluation period.* An evaluation period during which each person qualified under an AQP must receive at least one training session and a proficiency evaluation at a training facility. The number and frequency of training sessions must be approved by the Administrator. A training session, including any proficiency evaluation completed at that session, that occurs any time during the two calendar months before the last date for completion of an evaluation period can be considered by the certificate holder to be completed in the last calendar month.

(2) *Training.* Continuing qualification must include training in all events and major sub-

jects required for original qualification, as follows:

(i) For pilots in command, seconds in command, flight engineers, and instructors and evaluators: Ground training including a general review of knowledge and skills covered in qualification training, updated information on newly developed procedures, and safety information.

(ii) For crewmembers, aircraft dispatchers, instructors, evaluators, and other operation personnel who conduct their duties in flight: Proficiency training in an aircraft, flight training device, or flight simulator on normal, abnormal, and emergency flight procedures and maneuvers.

(iii) For instructors and evaluators who are limited to conducting their duties in flight simulators and flight training devices: Proficiency training in a flight training device and/or flight simulator regarding operation of this training equipment and in operational flight procedures and maneuvers (normal, abnormal, and emergency).

(3) *Evaluations.* Continuing qualification must include evaluation in all events and major subjects required for original qualification, and online evaluations for pilots in command and other eligible flight crewmembers. Each person qualified under an AQP must successfully complete a proficiency evaluation and, if applicable, an online evaluation during each evaluation period. An individual's proficiency evaluation may be accomplished over several training sessions if a certificate holder provides more than one training session in an evaluation period. The following evaluation requirements apply:

(i) Proficiency evaluations as follows:

(A) For pilots in command, seconds in command, and flight engineers: A proficiency evaluation, portions of which may be conducted in an aircraft, flight simulator, or flight training device as approved in the certificate holder's curriculum which must be completed during each evaluation period.

(B) For any other persons covered by an AQP a means to evaluate their proficiency in the performance of their duties in their assigned tasks in an operational setting.

(ii) Online evaluations as follows:

(A) For pilots in command: An online evaluation conducted in an aircraft during actual flight operations under part 121 or part 135 or during operationally (line) oriented flights, such as ferry flights or proving flights. An online evaluation in an aircraft must be completed in the calendar month that includes the midpoint of the evaluation period. An online evaluation that is satisfactorily completed in the calendar month before or the calendar month after the calendar month in which it becomes due is considered to have been completed during the calendar month it became due. However, in no case is an online evaluation under this

paragraph required more often than once during an evaluation period.

(B) During the online evaluations required under paragraph (b)(3)(ii)(A) of this section, each person performing duties as a pilot in command, second in command, or flight engineer for that flight, must be individually evaluated to determine whether he or she—

(1) Remains adequately trained and currently proficient with respect to the particular aircraft, crew position, and type of operation in which he or she serves; and

(2) Has sufficient knowledge and skills to operate effectively as part of a crew.

(4) *Recency of experience.* For pilots in command and seconds in command, and, if the certificate holder elects, flight engineers and aircraft dispatchers, approved recency of experience requirements.

(c) *Duration periods.* Initially the continuing qualification cycle approved for an AQP may not exceed 26 calendar months and the evaluation period may not exceed 13 calendar months. Thereafter, upon demonstration by a certificate holder that an extension is warranted, the Administrator may approve extensions of the continuing qualification cycle and the evaluation period in increments not exceeding 3 calendar months. However, a continuing qualification cycle may not exceed 39 calendar months and an evaluation period may not exceed 26 calendar months.

(d) *Requalification.* Each continuing qualification curriculum must include a curriculum segment that covers the requirements for requalifying a crewmember, aircraft dispatcher, or other operations personnel who has not maintained continuing qualification.

7. *Other Requirements.* In addition to the requirements of sections 4, 5, and 6, each AQP qualification and continuing qualification curriculum must include the following requirements:

(a) Approved Cockpit Resource Management (CRM) Training applicable to each position for which training is provided under an AQP.

(b) Approved training on and evaluation of skills and proficiency of each person being trained under an AQP to use their cockpit resource management skills and their technical (piloting or other) skills in an actual or simulated operations scenario. For flight crewmembers this training and evaluation must be conducted in an approved flight training device or flight simulator.

(c) Data collection procedures that will ensure that the certificate holder provides information from its crewmembers, instructors, and evaluators that will enable the FAA to determine whether the training and evaluations are working to accomplish the overall objectives of the curriculum.

8. *Certification.* A person enrolled in an AQP is eligible to receive a commercial or

airline transport pilot, flight engineer, or aircraft dispatcher certificate or appropriate rating based on the successful completion of training and evaluation events accomplished under that program if the following requirements are met:

(a) Training and evaluation of required knowledge and skills under the AQP must meet minimum certification and rating criteria established by the Administrator in parts 61, 63, or 65. The Administrator may accept substitutes for the practical test requirements of parts 61, 63, or 65, as applicable.

(b) The applicant satisfactorily completes the appropriate qualification curriculum.

(c) The applicant shows competence in required technical knowledge and skills (e.g., piloting) and cockpit resource management knowledge and skills in scenarios that test both types of knowledge and skills together.

(d) The applicant is otherwise eligible under the applicable requirements of part 61, 63, or 65.

9. *Training Devices and Simulators.*

(a) *Qualification and approval of flight training devices and flight simulators.* (1) Any training device or simulator that will be used in an AQP for one of the following purposes must be evaluated by the Administrator for assignment of a flight training device or flight simulator qualification level:

(i) Required evaluation of individual or crew proficiency.

(ii) Training activities that determine if an individual or crew is ready for a proficiency evaluation.

(iii) Activities used to meet recency of experience requirements.

(iv) Line Operational Simulations (LOS).

(2) To be eligible to request evaluation for a qualification level of a flight training device or flight simulator an applicant must—

(i) Hold an operating certificate; or

(ii) Be a training center that has applied for authorization to the Administrator or has been authorized by the Administrator to conduct training or qualification under an AQP.

(3) Each flight training device or flight simulator to be used by a certificate holder or training center for any of the purposes set forth in paragraph (a)(1) of this section must—

(i) Be, or have been, evaluated against a set of criteria established by the Administrator for a particular qualification level of simulation;

(ii) Be approved for its intended use in a specified AQP; and

(iii) Be part of a flight simulator or flight training device continuing qualification program approved by the Administrator.

(b) *Approval of other Training Equipment.* (1) Any training device that is intended to be used in an AQP for purposes other than those set forth in paragraph (a)(1) of this section

must be approved by the Administrator for its intended use.

(2) An applicant for approval of a training device under this paragraph must identify the device by its nomenclature and describe its intended use.

(3) Each training device approved for use in an AQP must be part of a continuing program to provide for its serviceability and fitness to perform its intended function as approved by the Administrator.

10. *Approval of Advanced Qualification Program.*

(a) *Approval Process.* Each applicant for approval of an AQP curriculum under this SFAR shall apply for approval of that curriculum. Application for approval is made to the certificate holder's FAA Flight Standards District Office.

(b) *Approval Criteria.* An application for approval of an AQP curriculum will be approved if the program meets the following requirements:

(1) It must be submitted in a form and manner acceptable to the Administrator.

(2) It must meet all of the requirements of this SFAR.

(3) It must indicate specifically the requirements of parts 61, 63, 65, 121 or 135, as applicable, that would be replaced by an AQP curriculum. If a requirement of parts 61, 63, 65, 121, or 135 is replaced by an AQP curriculum, the certificate holder must show how the AQP curriculum provides an equivalent level of safety for each requirement that is replaced. Each applicable requirement of parts 61, 63, 65, 121 or 135 that is not specifically addressed in an AQP curriculum continues to apply to the certificate holder.

(c) *Application and Transition.* Each certificate holder that applies for one or more advanced qualification curriculums or for a revision to a previously approved curriculum must comply with § 121.405 or § 135.325, as applicable, and must include as part of its application a proposed transition plan (containing a calendar of events) for moving from its present approved training to the advanced qualification training.

(d) *Advanced Qualification Program Revisions or Rescissions of Approval.* If after a certificate holder begins operations under an AQP, the Administrator finds that the certificate holder is not meeting the provisions of its approved AQP, the Administrator may require the certificate holder to make revisions in accordance with § 121.405 or § 135.325, as applicable, or to submit and obtain approval for a plan (containing a schedule of events) that the certificate holder must comply with and use to transition to an approved part 121 or part 135 training program, as appropriate.

11. *Approval of Training, Qualification, or Evaluation by a Person who Provides Training by Arrangement.*

(a) A certificate holder under part 121 or part 135 may arrange to have AQP required training, qualification, or evaluation functions performed by another person (a *training center*) if the following requirements are met:

(1) The training center's training and qualification curriculums, curriculum segments, or portions of curriculum segments must be provisionally approved by the Administrator. A training center may apply for provisional approval independently or in conjunction with a certificate holder's application for AQP approval. Application for provisional approval must be made to the FAA's Flight Standards District Office that has responsibility for the training center.

(2) The specific use of provisionally approved curriculums, curriculum segments, or portions of curriculum segments in a certificate holder's AQP must be approved by the Administrator as set forth in section 10 of this SFAR.

(b) An applicant for provisional approval of a curriculum, curriculum segment, or portion of a curriculum segment under this paragraph must show that the following requirements are met:

(1) The applicant must have a curriculum for the qualification and continuing qualification of each instructor or evaluator employed by the applicant.

(2) The applicant's facilities must be found by the Administrator to be adequate for any planned training, qualification, or evaluation for a part 121 or part 135 certificate holder.

(3) Except for indoctrination curriculums, the curriculum, curriculum segment, or portion of a curriculum segment must identify the specific make, model, and series aircraft (or variant) and crewmember or other positions for which it is designed.

(c) A certificate holder who wants approval to use a training center's provisionally approved curriculum, curriculum segment, or portion of a curriculum segment in its AQP, must show that the following requirements are met:

(1) Each instructor or evaluator used by the training center must meet all of the qualification and continuing qualification requirements that apply to employees of the certificate holder that has arranged for the training, including knowledge of the certificate holder's operations.

(2) Each provisionally approved curriculum, curriculum segment, or portion of a curriculum segment must be approved by the Administrator for use in the certificate holder's AQP. The Administrator will either provide approval or require modifications to ensure that each curriculum, curriculum segment, or portion of a curriculum segment is applicable to the certificate holder's AQP.

(d) Approval for the training, qualification, or evaluation by a person who provides training by arrangement authorized by this

section expires on August 3, 1998 unless that person meets the eligibility requirements specified under §121.402 or §135.324 of this chapter. After August 2, 1998 approval for the training, qualification, or evaluation, by a person who provides training by arrangement authorized by this section, shall be granted only to persons who meet the eligibility requirements specified under §121.402 or §135.234 of this chapter.

12. *Recordkeeping Requirements.* Each certificate holder and each training center holding AQP provisional approval shall show that it will establish and maintain records in sufficient detail to establish the training, qualification, and certification of each person qualified under an AQP in accordance with the training, qualification, and certification requirements of this SFAR.

13. *Expiration.* This Special Federal Aviation Regulation terminates on October 2, 2005, unless sooner terminated.

[SFAR-58, 55 FR 40275, Oct. 2, 1990, as amended at 60 FR 51851, Oct. 3, 1995; SFAR 58-2, 61 FR 34560, July 2, 1996; Amdt. 121-280, 65 FR 60336, Oct. 10, 2000]

SPECIAL FEDERAL AVIATION REGULATION No. 71

EDITORIAL NOTE: For the text of SFAR No. 71, see part 91 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION No. 78

EDITORIAL NOTE: For the text of SFAR No. 78, see part 91 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION 80—ALTERNATIVE COMMUNICATIONS AND DISPATCHING PROCEDURES

1. *Applicability.* This Special Federal Aviation Regulation applies to each holder of an air carrier or operating certificate (hereafter, certificate holder) that meets one of the following eligibility requirements:

a. The certificate holder conducts scheduled operations with airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less under part 121 of this chapter.

b. The certificate holder conducts domestic operations in Alaska under part 121 of this chapter.

2. *Alternative requirements.*

a. If an operator described in paragraph 1.a. of this SFAR is conducting a flight with an airplane described in 1.a. and if communications cannot be maintained over the entire route (which would be contrary to the requirements of §121.99 of this chapter), such an operator may continue to operate over such a route subject to approval by the Ad-

ministrator. In granting such approval the Administrator considers the following:

i. The operator has an established dispatch communication system.

ii. Gaps in communication are not over the entire route, but only over portions of the route.

iii. When communication gaps occur, they occur due to one or more of the following:

A. Lack of infrastructure.

B. Geographical considerations.

C. Assigned operating altitude.

iv. Procedures are established for the prompt re-establishment of communications.

v. The operator has presented a plan or schedule for coming into compliance with the requirements in §121.99 of this chapter.

b. A certificate holder who conducts domestic operations in Alaska may, notwithstanding the requirements of §121.99 of this chapter, use a communications system operated by the United States for those operations.

c. An operator described in paragraph 1.a. of this SFAR who conducts operations in Alaska may share the aircraft dispatcher required by §121.395 with another operator described in paragraph 1.a. of this SFAR who conducts operations in Alaska if authorized to do so by the Administrator. Before granting such an authorization, the Administrator considers:

i. The operators' joint plans for complying with the aircraft dispatcher training rules in subpart N of part 121 of this chapter and the aircraft dispatcher qualification and duty time limitation rules in subpart P of part 121 of this chapter.

ii. The number of flights for which the aircraft dispatcher would be responsible.

iii. Whether the responsibilities of the dispatcher would be beyond the capability of a single dispatcher.

3. *Expiration.* This Special Federal Aviation Regulation terminates on March 12, 2001, unless sooner terminated.

[SFAR-80, 62 FR 13255, Mar. 19, 1997; 62 FR 15570, Apr. 1, 1997]

SPECIAL FEDERAL AVIATION REGULATION 92-5—FLIGHTCREW COMPARTMENT ACCESS AND DOOR DESIGNS

1. *Applicability.* This Special Federal Aviation Regulation (SFAR) applies to all operators that hold an air carrier certificate or operating certificate issued under 14 CFR part 119 and that conduct operations under this part 121 and to operators of U.S. registered transport category airplanes operated under 14 CFR part 129, except paragraph 5 of this SFAR does not apply to cargo operations and 14 CFR part 129 operations. It applies to the operators specified in this SFAR that modify airplanes to improve the flightcrew compartment door installations

to restrict the unwanted entry of persons into the flightcrew compartment. This SFAR also applies to production certificate holders and applicants for airworthiness certificates for airplanes to be operated by operators specified in this SFAR, and producers of parts to be used in modifications of such airplanes.

2. *Regulatory Relief.* Contrary provisions of this part 21, and §§ 121.313(h), 121.153(a)(2), 121.153(c), 121.379(b), 121.583(b)(1) and (2) and 14 CFR 129.13 notwithstanding:

(a) An operator may operate airplanes modified to improve the flightcrew compartment door installations to restrict the unauthorized entry of persons into the flightcrew compartment without regard to the applicable airworthiness requirements and may modify those airplanes for that purpose, using technical data not previously approved by the Administrator, subject to the following conditions:

(i) Not later than February 15, 2002, submit to the Director, Aircraft Certification Service, a detailed description of the changes to the airplane that have been accomplished before that date to enhance the intrusion resistance of the flightcrew compartment including identification of what major alterations have been done without previously approved data.

(ii) If, upon reviewing the data submitted in paragraph 2(a)(i) of this SFAR, the Administrator determines that a door modification presents an unacceptable safety risk, the FAA may issue an order requiring changes to such modifications.

(b) An applicant for an airworthiness certificate may obtain such a certificate for modified airplanes to be operated by operators described in this SFAR.

(c) A holder of a production certificate may submit for airworthiness certification or approval, modified airplanes to be operated by operators described in this SFAR.

(d) A person may produce parts for installation on airplanes in connection with modifications described in this SFAR, without FAA parts manufacturer approval (PMA).

3. *Report of Modifications.* Not later than April 22, 2002, all operators who are required to install flightdeck door modifications in accordance with 14 CFR 121.313(j) must submit a report to the Director, Aircraft Certification Service. The report must describe the modifications to be made and provide a schedule for the changes necessary to restore compliance with all applicable airworthiness requirements and to meet the requirements of 14 CFR 121.313(j). The schedule may not extend beyond the termination date of this SFAR.

4. *Return to Service Documentation.* Where operators have modified airplanes as authorized in this SFAR, the affected airplane must be returned to service with a note that it was done under the provisions of this SFAR.

5. *Provision for Flightdeck Door Compartment Key.* Contrary to provisions of § 121.313(g), the following provision applies: A key for each door that separates a passenger compartment from an emergency exit must be identified to passengers in the briefing required by § 121.571(a)(1)(ii). The key required for access to the emergency exit must be readily available for each crewmember. No key to the flightcrew compartment shall be available to any crewmember during flight, except for flight crewmembers, unless an internal flightdeck locking device such as a deadbolt or bar is installed, operative, and in use.

6. *Door Modification Requirement.* After March 1, 2002, for each airplane required under § 121.313(f) to have a door between the passenger and pilot compartments, and for transport category all-cargo airplanes that have a door installed between the pilot compartment and any other occupied compartment on or after January 15, 2002, such door must be equipped with an internal locking device installed, operative, and in use. Such internal locking device has to be designed so that it can only be unlocked from inside the flightdeck.

7. *Termination.* For all-cargo transport category airplanes, this SFAR terminates on October 1, 2003. For passenger airplanes, this SFAR expires on April 9, 2003, except for airplanes meeting the criteria specified in paragraphs 7.a, b, and c, below. For airplanes meeting these criteria, this SFAR expires on July 31, 2003.

a. Before midnight April 9, 2003, the operator must have installed a strengthened flightdeck door meeting the requirement of paragraph 7.b;

b. Before midnight April 9, 2003, the FAA must have found that the door complies with 14 CFR 25.795(a)(1) and (2) in effect on January 15, 2002; and

c. Before March 10, 2003, a formal application for certification approval of the door must have been submitted to the FAA.

[Doc. FAA-2001-10770, 68 FR 17516, Apr. 9, 2003]

SPECIAL FEDERAL AVIATION REGULATION No. 93

EDITORIAL NOTE: For the text of SFAR No. 93, see part 61 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION No. 97

EDITORIAL NOTE: For the text of SFAR No. 97, see part 91 of this chapter.

Subpart A—General**§ 121.1 Applicability.**

This part prescribes rules governing—

(a) The domestic, flag, and supplemental operations of each person who holds or is required to hold an Air Carrier Certificate or Operating Certificate under part 119 of this chapter.

(b) Each person employed or used by a certificate holder conducting operations under this part including maintenance, preventive maintenance, and alteration of aircraft.

(c) Each person who applies for provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum segment under SFAR No. 58 of 14 CFR part 121, and each person employed or used by an air carrier or commercial operator under this part to perform training, qualification, or evaluation functions under an Advanced Qualification Program under SFAR No. 58 of 14 CFR part 121.

(d) Nonstop sightseeing flights conducted with airplanes having a passenger-seat configuration of 30 seats or fewer and a maximum payload capacity of 7,500 pounds or less that begin and end at the same airport, and are conducted within a 25 statute mile radius of that airport; however, except for operations subject to SFAR 50-2 of 14 CFR part 121, these operations, when conducted for compensation or hire, must comply only with §§121.455 and 121.457, except that an operator who does not hold an air carrier certificate or an operating certificate is permitted to use a person who is otherwise authorized to perform aircraft maintenance or preventive maintenance duties and who is not subject to FAA-approved anti-drug and alcohol misuse prevention programs to perform—

(1) Aircraft maintenance or preventive maintenance on the operator's aircraft if the operator would otherwise be required to transport the aircraft more than 50 nautical miles further than the repair point closest to the operator's principal base of operations to obtain these services; or

(2) Emergency repairs on the operator's aircraft if the aircraft cannot be safely operated to a location where an

employee subject to FAA-approved programs can perform the repairs.

(e) Each person who is on board an aircraft being operated under this part.

(f) Each person who is an applicant for an Air Carrier Certificate or an Operating Certificate under part 119 of this chapter, when conducting proving tests.

[Doc. No. 28154, 60 FR 65925, Dec. 20, 1995]

§ 121.2 Compliance schedule for operators that transition to part 121; certain new entrant operators.

(a) *Applicability.* This section applies to the following:

(1) Each certificate holder that was issued an air carrier or operating certificate and operations specifications under the requirements of part 135 of this chapter or under SFAR No. 38-2 of 14 CFR part 121 before January 19, 1996, and that conducts scheduled passenger-carrying operations with:

(i) Nontransport category turbo-propeller powered airplanes type certificated after December 31, 1964, that have a passenger seat configuration of 10-19 seats;

(ii) Transport category turbo-propeller powered airplanes that have a passenger seat configuration of 20-30 seats; or

(iii) Turbojet engine powered airplanes having a passenger seat configuration of 1-30 seats.

(2) Each person who, after January 19, 1996, applies for or obtains an initial air carrier or operating certificate and operations specifications to conduct scheduled passenger-carrying operations in the kinds of airplanes described in paragraphs (a)(1)(i), (a)(1)(ii), or paragraph (a)(1)(iii) of this section.

(b) *Obtaining operations specifications.* A certificate holder described in paragraph (a)(1) of this section may not, after March 20, 1997, operate an airplane described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this section in scheduled passenger-carrying operations, unless it obtains operations specifications to conduct its scheduled operations under this part on or before March 20, 1997.

(c) *Regular or accelerated compliance.* Except as provided in paragraphs (d), (e), and (i) of this section, each certificate holder described in paragraphs