

FAA practical test, a statement of successful completion of the flight course that indicates the dates of the training, the type of airplane used in the flight course, and the number of hours received in the flight course.

(3) A course operator who is approved to conduct both the ground course and the flight course may include both courses in a single statement of course completion if the provisions of paragraphs (1) and (2) of this section are included.

(4) The requirements of this paragraph do not apply to an air carrier or commercial operator with an approved training course under part 121 of this chapter providing the student receives a flight engineer certificate upon completion of that course.

(k) *Inspections.* Each course operator shall allow the Administrator at any time or place, to make any inspection necessary to ensure that the quality and effectiveness of the instruction are maintained at the required standards.

(l) *Change of ownership, name, or location.*

(1) Approval of a flight engineer ground course or flight course is discontinued if the ownership of the course changes. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) Approval of a flight engineer ground course or flight course does not terminate upon a change in the name of the course that is reported to the Administrator within 30 days. The Administrator issues a new letter of approval, using the new name, upon receipt of notice within that time.

(3) Approval of a flight engineer ground course or flight course does not terminate upon a change in location of the course that is reported to the Administrator within 30 days. The Administrator issues a new letter of approval, showing the new location, upon receipt of notice within that time, if he finds the new facilities to be adequate.

(m) *Cancellation of approval.* (1) Failure to meet or maintain any of the requirements of this appendix for the approval of a flight engineer ground course or flight course is reason for cancellation of the approval.

(2) If a course operator desires to voluntarily terminate the course, he should notify the Administrator in writing and return the last letter of approval.

(n) *Duration.* Except for a course operated as part of an approved training course under subpart N of part 121 of this chapter, the approval to operate a flight engineer ground course or flight course terminates 24 months after the last day of the month of issue.

(o) *Renewal.* (1) Renewal of approval to operate a flight engineer ground course or flight course is conditioned upon the course operator's meeting the requirements of this appendix.

(2) Application for renewal may be made to the Administrator at any time after 60 days before the termination date.

(p) *Course operator approvals.* An applicant for approval of a flight engineer ground course, or flight course, or both, must meet all of the requirements of this appendix concerning application, approval, and continuing approval of that course or courses.

(q) *Practical test eligibility.* An applicant for a flight engineer certificate and class rating under the provisions of § 63.37(b)(6) is not eligible to take the practical test unless he has successfully completed an approved flight engineer ground school course in the same type of airplane for which he has completed an approved flight engineer flight course.

[Doc. No. 6458, 30 FR 14560, Nov. 23, 1965, as amended by Amdt. 63–15, 37 FR 9758, May 17, 1972]

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

SPECIAL FEDERAL AVIATION REGULATION NO. 100-1 [NOTE]

SPECIAL FEDERAL AVIATION REGULATION NO. 103

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AUTHORITY: 5 U.S.C. 8335(a); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701–44703; 49 U.S.C. 44707; 49 U.S.C. 44709–44711; 49 U.S.C. 45102–45103; 49 U.S.C. 45301–45302.

SOURCE: Docket No. 1179, 27 FR 7973, Aug. 10, 1962, unless otherwise noted.

SPECIAL FEDERAL AVIATION REGULATION No. 100–1

EDITORIAL NOTE: For the text of SFAR No. 100–1, see part 61 of this chapter.

EFFECTIVE DATE NOTE: By Doc. No. FAA–2005–15431, 70 FR 37948, June 30, 2005, SFAR No. 100–1 was added, effective June 30, 2005 through June 20, 2010.

SPECIAL FEDERAL AVIATION REGULATION No. 103—PROCESS FOR REQUESTING WAIVER OF MANDATORY SEPARATION AGE FOR A FEDERAL AVIATION ADMINISTRATION AIR TRAFFIC CONTROL SPECIALIST IN FLIGHT SERVICE STA- TIONS, ENROUTE OR TERMINAL FA- CILITIES, AND THE DAVID J. HURLEY AIR TRAFFIC CONTROL SYSTEM COM- MAND CENTER

1. *To whom does this SFAR apply?* This Special Federal Aviation Regulation (SFAR) applies to you if you are an air traffic control specialist (ATCS) employed by the FAA in flight service stations, enroute facilities, terminal facilities, or at the David J. Hurley Air Traffic Control System Command Center who wishes to obtain a waiver of the mandatory separation age as provided by 5 U.S.C. section 8335(a).

2. *When must I file for a waiver?* No earlier than the beginning of the twelfth month before, but no later than the beginning of the sixth month before, the month in which you turn 56, your official chain-of-command must receive your written request asking for a waiver of mandatory separation.

3. *What if I do not file a request before six months before the month in which I turn 56? If your official chain-of-command does not receive your written request for a waiver of mandatory separation before the beginning of the sixth month before the month in which you turn 56, your request will be denied.*

4. *How will the FAA determine if my request meets the filing time requirements of this SFAR?*

a. We consider your request to be filed in a timely manner under this SFAR if your official chain-of-command receives it or it is postmarked:

i. After 12 a.m. on the first day of the twelfth month before the month in which you turn 56; and

ii. Before 12 a.m. of the first day of the sixth month before the month in which you turn 56.

b. If you file your request by mail and the postmark is not legible, we will consider it to comply with paragraph a.2 of this section if we receive it by 12 p.m. of the fifth day of the sixth month before the month in which you turn 56.

c. If the last day of the time period specified in paragraph a.2 or paragraph b falls on a Saturday, Sunday, or Federal holiday, we will consider the time period to end at 12 p.m. of the next business day.

5. *Where must I file my request for waiver and what must it include?*

a. You must file your request for waiver of mandatory separation in writing with the Air Traffic Manager in flight service stations, enroute facilities, terminal facilities, or the David J. Hurley Air Traffic Control System Command Center in which you are employed.

b. Your request for waiver must include all of the following:

i. Your name.

ii. Your current facility.

iii. Your starting date at the facility.

iv. A list of positions at the facility that you are certified in and how many hours it took to achieve certification at the facility.

v. Your area of specialty at the facility.

vi. Your shift schedule.

vii. Your statement that you have not been involved in an operational error, operational deviation or runway incursion in the last 5 years while working a control position;

viii. A list of all facilities where you have worked as a certified professional controller (CPC) including facility level and dates at each facility;

ix. Evidence of your exceptional skills and experience as a controller; and

x. Your signature.

6. *How will my waiver request be reviewed?*

a. Upon receipt of your request for waiver, the Air Traffic Manager of your facility will make a written recommendation that the Administrator either approve or deny your request. If the manager recommends ap-

proval of your request, he or she will certify in writing the accuracy of the information you provided as evidence of your exceptional skills and experience as a controller.

b. The Air Traffic Manager will then forward the written recommendation with a copy of your request to the senior executive manager in the Air Traffic Manager's regional chain-of-command.

c. The senior executive manager in the regional chain-of-command will make a written recommendation that the Administrator either approve or deny your request. If the senior executive manager recommends approval of your request, he or she will certify in writing the accuracy of the information you have provided as evidence of exceptional skills and experience.

d. The senior executive manager in the regional chain-of-command will then forward his or her recommendation with a copy of your request to the appropriate Vice President at FAA Headquarters. Depending on the facility in which you are employed, the request will be forwarded to either the Vice President for Flight Services, the Vice President for Enroute and Oceanic Services, the Vice President for Terminal Services or the Vice President for Systems Operations. For example, if you work at a flight service station at the time that you request a waiver, the request will be forwarded to the Vice President for Flight Services.

e. The appropriate Vice President will review your request and make a written recommendation that the Administrator either approve or deny your request, which will be forwarded to the Administrator.

f. The Administrator will issue the final decision on your request.

7. *If I am granted a waiver, when will it expire?*

a. Waivers will be granted for a period of one year.

b. No later than 90-days prior to expiration of a waiver, you may request that the waiver be extended using the same process identified in section 6.

c. If you timely request an extension of the waiver and it is denied, you will receive a 60-day advance notice of your separation date simultaneously with notification of the denial.

d. If you do not request an extension of the waiver granted, you will receive a 60-day advance notice of your separation date.

e. Action to separate you from your covered position becomes effective on the last day of the month in which the 60-day notice expires.

8. *Under what circumstances may my waiver be terminated?*

a. The FAA/DOT may terminate your waiver under the following circumstances:

i. The needs of the FAA; or

ii. If you are identified as a primary contributor to an operational error/deviation or runway incursion.

b. If the waiver is terminated for either of the reasons identified in paragraph 1 of this section, the air traffic control specialist will receive a 60-day advance notice.

c. Action to separate you from your covered position becomes effective on the last day of the month in which the 60-day notice expires.

9. *Appeal of denial or termination of waiver request:* The denial or termination of a waiver of mandatory separation request is neither appealable nor grievable.

[Doc. No. FAA-2004-17334, 70 FR 1636, Jan. 7, 2005]

Subpart A—General

§ 65.1 Applicability.

This part prescribes the requirements for issuing the following certificates and associated ratings and the general operating rules for the holders of those certificates and ratings:

- (a) Air-traffic control-tower operators.
- (b) Aircraft dispatchers.
- (c) Mechanics.
- (d) Repairmen.
- (e) Parachute riggers.

§ 65.3 Certification of foreign airmen other than flight crewmembers.

A person who is neither a U.S. citizen nor a resident alien is issued a certificate under subpart D of this part, outside the United States, only when the Administrator finds that the certificate is needed for the operation or continued airworthiness of a U.S.-registered civil aircraft.

[Doc. 65-28, 47 FR 35693, Aug. 16, 1982]

§ 65.11 Application and issue.

(a) Application for a certificate and appropriate class rating, or for an additional rating, under this part must be made on a form and in a manner prescribed by the Administrator. Each person who is neither a U.S. citizen nor a resident alien and who applies for a written or practical test to be administered outside the United States or for any certificate or rating issued under this part must show evidence that the fee prescribed in appendix A of part 187 of this chapter has been paid.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate and rating.

(c) Unless authorized by the Administrator, a person whose air traffic control tower operator, mechanic, or parachute rigger certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise—

(1) A person whose air traffic control tower operator, aircraft dispatcher, or parachute rigger certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation; and

(2) A person whose mechanic or repairman certificate is revoked may not apply for either of those kinds of certificates for 1 year after the date of revocation.

[Doc. No. 1179, 27 FR 7973, Aug. 10, 1962, as amended by Amdt. 65-9, 31 FR 13524, Oct. 20, 1966; Amdt. 65-28, 47 FR 35693, Aug. 16, 1982]

§ 65.12 Offenses involving alcohol or drugs.

(a) A conviction for the violation of any Federal or state statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, or depressant or stimulant drugs or substances is grounds for—

(1) Denial of an application for any certificate or rating issued under this part for a period of up to 1 year after the date of final conviction; or

(2) Suspension or revocation of any certificate or rating issued under this part.

(b) The commission of an act prohibited by § 91.19(a) of this chapter is grounds for—

(1) Denial of an application for a certificate or rating issued under this part for a period of up to 1 year after the date of that act; or

(2) Suspension or revocation of any certificate or rating issued under this part.

[Doc. No. 21956, 50 FR 15379, Apr. 17, 1985, as amended by Amdt. 65-34, 54 FR 34330, Aug. 18, 1989]