

CHAPTER 3. THE GENERAL PROCESS FOR APPROVAL OR ACCEPTANCE

1. GENERAL.

A. Generic Process. The general process of approval or acceptance of certain operations, programs, documents, procedures, methods, or systems is an orderly method used by Flight Standards inspectors to ensure that such items meet regulatory standards and provide for safe operating practices. It is a modular, generic process that can be applied to many types of approval or acceptance tasks. The process consists of five distinct yet related phases and can result in approving or not approving, accepting or not accepting an operator's proposal. It is important for an inspector to understand that the process described in this section is not all-inclusive, but rather a tool to be used with good judgment in conducting day-to-day duties and responsibilities.

B. Understanding the Process. The following guidance provides aid in understanding and applying this process. It is essential to understand that this process may result in a decision to not approve or not accept an operator's proposal. The process described is used to assist in making either positive or negative determinations.

C. Supplemental Procedures. This general process applies to many tasks described throughout the handbook. Each chapter section describing an approval or acceptance task supplements the general process by outlining specific requirements for each phase.

3. PHASE ONE. The first phase starts when an operator, a person, an aviation interest group, or the Federal Aviation Administration (FAA) inquires about or states a need for a change in some aspect of an aviation activity. Phase one is initiated by the following two possible actions:

A. Applicant Initiation. A person or operator conveys to the FAA a need that is related to its operation. This "need" may be a requirement for FAA approval or acceptance. For example, an operator may need, want, or be required to have a minimum equipment list (MEL) change. The operator initiates the process by inquiring about the correct procedures to receive approval from the FAA for the change. During

initial inquiries, it is important for the FAA and the operator to become familiar with the subject matter. If, for example, an operator requests an operational approval, the inspector must take the following actions:

- Become thoroughly familiar with existing FAA policy and approval requirements
- Become familiar with the appropriate technical material
- Accurately assess the character and scope of the proposal
- Determine if a demonstration is required
- Determine the need for any coordination requirements
- Ensure that the operator has a clear understanding of the minimum requirements that constitute an acceptable submission
- Determine the date the operator intends to implement the proposal

B. FAA Initiation. Phase one may also begin when the FAA conveys to the operator or person a requirement related to its operation which must be approved or accepted. For example, a principal inspector may require an operator to publish, in the approved company aircraft operating manual, information on low speed buffet. The operator must research and understand that subject area before submitting a proposal to the FAA for evaluation. The principal inspector should act in an advisory capacity to the operator during the preparation of the submission. Such advice may include the following:

- The necessity for a deviation, authorization, waiver, or exemption
- The necessity for required demonstrations
- Clarification of Title 14 of the Code of Federal Regulations (14 CFR) or handbook information
- Sources of specific technical information
- Acceptable standards for submission

C. Operator Responsibility. The common element, regardless of whether an action is initiated by an operator or the FAA, is the effort expended by the operator.

NOTE: It is essential (particularly in phase one) for the operator to have a clear understanding that, although the inspector may provide advice and guidance to the company, the development of the final product submitted to the FAA is solely the responsibility of the operator.

D. FAA/Applicant Communication. In phase one, the inspector must ensure that the operator clearly understands the form, content, and documents required for the submission to be acceptable to the FAA. The operator must be informed of the need and benefits of submitting required documents as early as possible and of its responsibility to advise the FAA, in a timely manner, of any significant changes in the proposal. Phase one of the process is illustrated as follows:

- Operator makes inquiry or request to FAA

- OR -

- FAA requires operator to take an action
- FAA and operator develop understanding of subject area
- Operator understands form, content, and documents required for acceptable submission

5. PHASE TWO. Phase two begins when the operator formally submits a proposal for FAA evaluation. The request may be submitted in a variety of ways. The inspector's first action, in phase two, is to review the operator's submission to ensure that the proposal is clearly defined, and the documentation specified in phase one has been provided. The required information must be complete and detailed enough to permit a thorough evaluation of the operator's capability and competence to fully satisfy the applicable regulations, national policy, and safe operating practices. Phase two does not include a detailed operational and technical evaluation or analysis of the submitted information (see phase three). However, in phase two the submission must be examined in sufficient detail to assess the completeness of the required information. If the operator's submission is not complete or the quality is obviously unacceptable, it must be returned immediately with an explanation of the deficiencies, before any further review and evaluation is conducted. Normally, unacceptable submissions should be returned with a written explanation of the reasons for its return. In complex cases, a meeting with the operator and its key personnel may be necessary to resolve issues and agree on a mutually acceptable solution. If mutual agreements cannot be reached, the inspector

must terminate the meeting, inform the operator that the submission is unacceptable, and return the submission. If all parties are able to reach agreement on measures to correct omissions or deficiencies, and the applicable principal inspectors determine that the submission is acceptable, the operator will be so informed, and phase three begins. Phase two of the process is illustrated as follows:

- Operator submits proposal
- FAA makes initial examination of the documents for completeness with respect to requirements established in phase one
- FAA returns submitted proposal

- OR -

- FAA accepts submitted proposal

NOTE: It is important for the inspector involved to keep the operator advised of the status of its proposal. If the inspector takes no other action, or if the submission is deficient and not returned in a timely manner, the applicant may assume that the FAA has tacitly accepted the submission and is continuing with the process. Timeliness of action depends on the situation as well as inspector judgement and is discussed in pertinent sections of this handbook.

7. PHASE THREE.

A. Detailed Analysis. Phase three is the FAA's detailed analysis, review, and evaluation of the operator's proposal. These actions may take place entirely within a field office, at the site of operations, or at both facilities. In phase three the FAA evaluation is focused on the form, content, and technical quality of the submitted proposal to determine that the information in the proposal meets the following criteria:

- Is not contrary to any applicable 14 CFR
- Is not contrary to the direction provided in this handbook or other safety-related documents
- Provides for safe operating practices

B. Evaluation Criteria. Criteria for evaluating the formal submission is found in the applicable chapters of this handbook. The inspector must ensure that the documents adequately establish the operator's capability and competence to safely conduct operations in accordance with the submitted proposal.

C. Addressing Deficiencies. During phase three the FAA inspector must, in a timely manner, address any deficiencies in the submitted material before proceeding to subsequent phases. Discussion with the

operator may be sufficient to resolve certain discrepancies or questions or to obtain additional information. It may be necessary to return certain sections of the submission to the operator for specific changes. However, when an inspector determines that, for specific reasons, the material is grossly deficient or unacceptable, the inspector must return the entire submission to the operator with an appropriate explanation and immediately terminate this phase. If the results of the evaluation are acceptable and a demonstration requirement exists, the inspector may need to grant some form of conditional, initial, or provisional approval to the proposal before continuing with the process.

D. Phase Four Planning. An important aspect of phase three is for FAA inspectors to begin planning the conduct of phase four. While evaluating the operator's formal submission, inspectors should begin to formulate plans to observe and evaluate the operator's ability to perform. These plans must be finalized before the actual demonstrations. Phase three is illustrated as follows:

- FAA evaluates the formal submission for compliance with 14 CFR, compliance with the direction provided in this handbook, other safety-related documents and safe operating practices
- When results of FAA evaluation are unsatisfactory, return submission to the operator for correction and/or terminate the phase
- Begin planning phase four (if required)
- When results of FAA evaluation are satisfactory, proceed with phase four (if demonstration required) and if appropriate, grant conditional approval or acceptance

- OR -

- Proceed to phase five if demonstration not required

9. PHASE FOUR.

A. Operator's Demonstration. In phase four the FAA finalizes plans to observe and evaluate the operator's demonstration of its ability to perform in accordance with the procedures, guidelines, and parameters described in the formal proposal. Phase four is an operational evaluation of the operator's ability to function in accordance with the proposal evaluated in phase three. Usually, these demonstrations are required by regulation, and some examples include the following:

- Training programs
- Proving tests

- Emergency evacuation demonstration
- All-weather terminal operations
- Air navigation operations

B. Evaluation of Demonstration. Criteria and procedures for evaluating an operator's demonstrated ability are described in applicable chapters of this handbook. The inspector must plan for the conduct and observation of the demonstration to include such factors as participants, evaluation criteria, and sequence of events. During these demonstrations it is normal for minor discrepancies to occur. Discrepancies can often be resolved during the demonstration by obtaining commitments from responsible company officials. The inspector responsible for overseeing a demonstration must evaluate each discrepancy in terms of its overall impact on the operator's ability and competence to conduct the proposed operation. The inspector must stop the demonstration in phase four when gross deficiencies or unacceptable levels of performance are observed. The inspector must identify the phase of the general process for approval or acceptance to which the applicant must return, or decide to terminate the process entirely when it is clear that continuation would not result in approval or acceptance. For example, if an emergency evacuation demonstration is unsatisfactory due to equipment failure (a slide fails to inflate) it may be appropriate to require the operator to reenter the process at phase four and conduct another demonstration. If the demonstration is unacceptable because crewmembers were unable to perform their assigned duties, it may be appropriate to advise the operator that the process is terminated pending review and evaluation of the operator's emergency training program, and that the operator may need to reenter the process at phase two (that is, submit a new proposal).

C. Acceptable Demonstration. If the FAA evaluation of the operator's demonstrated ability is acceptable, the process continues. Phase four of the process is illustrated as follows:

- FAA plans for the conduct and observation of the demonstration
- Operator demonstrates ability
- Demonstration unsatisfactory

- OR -

- Demonstration satisfactory

NOTE: An operator shall not be authorized to conduct any particular operation until all airworthiness and operations requirements are met and the operator is clearly capable of con-

ducting a safe operation in compliance with FAA regulations and safe operating practices.

11. PHASE FIVE.

A. Approval or Acceptance. In phase five the FAA approves or accepts the operator's proposal. If the proposal is not approved or accepted, the operator is notified in phase three or four.

B. Indicating Approval. Approval is granted by letter, by a stamp of approval, by the issuance of operations specifications, or by some other official means of conveying approval. Each section of this handbook that discusses a requirement for approval provides specific guidance concerning approval procedures and documentation. The following are examples of approvals granted by the FAA:

- All-weather terminal operations
- Training programs
- MEL
- Cockpit checklist
- Company Aircraft Operating Manual (limitations, performance, and operating procedures)
- Air navigation operations

C. Acceptances. Other proposals, submissions, or requests not requiring specific FAA approval but required to be submitted to the FAA are items that are presented for acceptance. Acceptance of an operator's

proposal may be accomplished by various means, including a letter, verbal acceptance, or by taking no action, which indicates there is no FAA objection to the proposal. Methods and procedures used to accept operator proposals or submissions, when appropriate, are discussed in the applicable chapters of this handbook. Phase five is illustrated as follows:

- FAA approves submission

- OR -

- FAA accepts submission

NOTE: Sometimes FAA approval or acceptance of an operator's proposal may be conditional in nature. For example, a training program may be initially approved provided that the flight simulator to be used in that program receives approval from the National Simulator Evaluation Team.

13. SUMMARY OF PROCESS. The general operational approval or acceptance process, as described, is referenced (in terms of the five phases) with the specific task requirements for each applicable job function. It is important for the inspector to understand the modular concepts inherent in the process, the overall interrelationship of the phases, and that this general process is not all-inclusive, but a tool to be used in the inspector's day-to-day duties and responsibilities.