

CHAPTER 76 APPROVE/AMEND OPERATIONS SPECIFICATIONS

Section 1 Task Background

1. WPMS ACTIVITY CODE.

- For approval - 1326
- For amendment - 1327

3. OBJECTIVE. The objective of this task is to determine that the proposed operations specifications for a FAR Part 125 applicant are suitable for approval. (The standards and procedures in this chapter are also applicable to amendment of operations specifications for existing FAR Part 125 operators.) Successful completion of this task results in issuance, amendment, or denial of operations specifications.

5. GENERAL.

A. *Purpose of Operations Specifications.* Operations specifications outline the specific operations which a FAR Part 125 certificate holder is allowed to conduct. They supplement the operating rules and contain limitations that are not covered in the regulations. Operations specifications are issued under the following conditions:

- Original certification
- Operator-requested changes in the operations specifications
- New authorization requiring operations specifications sought by operator
- FAA determination that safety in air commerce requires an original or amended operations specifications

B. *Evaluation of Operations Specifications.* Inspectors must carefully evaluate operations specifications to ensure that they are not used as a regulatory device without benefit of a basic rule and that they do not simply repeat the rule.

(1) In many instances the regulations require that the operations specifications contain certain authorizations and limitations. For example, FAR § 125.363 states that the minimum requirements for overwater operations will be indicated in the operations specifications.

(2) Operations specifications could include additional requirements for emergency equipment or personnel for a particular operation which are not indicated in the regulation.

7. PREPARATION OF OPERATIONS SPECIFICATIONS.

A. *Applicant Prepares Operations Specifications.* The applicant prepares operations specifications using FAA Form 8400-7 (Figure 76-1).

(1) Operations specifications are legal documents. Language should clearly specify the authorization, conditions, and limitations being proposed.

(2) An original and at least two copies must be presented to the district office for approval during the Formal Application Phase of the certification process. (See Related Task #72, Conduct Certification of a FAR Part 125 Operator.)

(3) The applicant may request FAA assistance in the preparation of the operations specifications; however, it is the responsibility of the applicant to develop the information required. (The only exception is an amendment to the operations specifications issued by the district office.) In many instances however, considerable time and effort will be saved if the inspector encourages the applicant to work closely with the FAA in the formulation of new operations specifications.

(4) The applicable parts of both sides of the original and copy should be completed as shown in Figure 76-1. Since these specifications, when approved, are contractual documents between the operator and the FAA, care must be taken in their preparation and processing.

(a) Operations specifications should not contain erasures, strikeovers, or typographical errors. Minor pen-and-ink changes may be accepted if they are initialed by both the applicant and the appropriate inspector.

(b) The operator is responsible for completion of the FAA Form 8400-7 in its entirety except for the entries:

- “Effective date”
- “Approval or Disapproval”
- “By direction of the Administrator”
- “Amendment No.”
- “Supersedes specifications date”

(c) The entries above will be made by the district office. (Parts A, B, and C are the responsibility of the Principal Operations Inspector (POI); D and E are the responsibility of the PMI.)

B. *Change in Legal Name of an Operator.* New operations specifications must be prepared when the legal name of an operator is changed. It is not necessary to prepare new operations specifications if the operator's certificate is amended or reissued, provided the certificate number and the effective date of the original issuance are retained. The operations specifications cannot predate the certificate.

9. CONTENTS OF OPERATIONS SPECIFICATIONS. The operations specifications issued under FAR Part 125 must contain, but not be limited to, the following:

A. *Airplane Make and Model.* The make, model, and registration numbers of airplanes authorized for use.

B. *Airplane Inspections.* Approval of the provision of the operator's manual relating to airplane inspections, with necessary conditions and limitations.

C. *Registration Numbers of Airplanes to be Inspected under an Approved Airplane Inspection Program.*

D. *Weight and Balance.* Procedures for control of weight and balance of airplanes authorized for use.

E. *Deviations or Special Authorizations.* Authorized deviations from the FAR and any other item that the Administrator determines is necessary to cover a particular situation.

11. APPROVAL OF OPERATIONS SPECIFICATIONS. The contents of all operations specifications are carefully evaluated to determine compliance with the FAR and operations specifications, as appropriate. The Principal Operations Inspector (POI) is responsible for the approval or disapproval of the applicant's or operator's operations specifications, except for the maintenance portion. The maintenance portions are approved by the Principal Maintenance Inspector (PMI).

A. *Approval Authority.* Operations specifications may be approved only by those inspectors delegated specific authority to perform such functions. This authority should be by name, approved by signature of the district office manager, and kept on file in the certificate holding office.

B. *Disposition of Approved Operations Specifications.*

After review and approval by the district office, the original and one copy are returned to the operator. The operator indicates receipt on the original and the copy, keeps the original, and returns the copy to the district office for its files.

13. AMENDMENT OF OPERATIONS SPECIFICATIONS. If the FAA initiates an amendment to operations specifications and if the operator has disagreed with the amendments in a reply, the effective date of the amendments will be based on the anticipated delivery date of the letter plus 30 days in order to give the operator time to petition for reconsideration.

Section 2 Procedures

1. PREREQUISITES AND COORDINATION REQUIREMENTS

A. *Prerequisites.* This task requires knowledge of regulatory requirements in FAR Part 125, FAA policies, and qualification as an Aviation Safety Inspector (Operations).

B. *Coordination.* This task requires coordination with the Principal Maintenance Inspector (PMI) and the Principal Avionics Inspector (PAI).

3. REFERENCES, FORMS, AND JOB AIDS

A. *References*

- Advisory Circular 125-1, Operation of Large Airplanes Subject to FAR Part 125
- Order 8700.1, General Aviation Operations Inspector's Handbook

B. *Forms*

- FAA Form 8000-36, WPMS Transmittal Form
- FAA Form 8400-7, Operations Specifications

C. *Job Aids*

- Sample letters

5. PROCEDURES.

A. *Applicant Submits Operations Specifications.*

Ensure that the applicant had submitted a completed Operations Specifications, FAA Form 8400-7, and two copies. Ensure that all have been dated and signed on the back of each page.

B. *Review Operator File.* From information in the file determine the need for an operations specifications approval or amendment.

(1) Ensure a similar specification does not already exist.

(2) Ensure operational data does not conflict with new specifications.

C. *Review Submitted Operations Specifications.*

(1) Determine that the content is appropriate for the authorizations requested.

(2) Ensure that the operator has properly completed, signed, and dated the reverse side of the form.

(3) Determine that the operator has valid data to support the reasons and justification for the operations specifications.

(4) Ensure that the operator has the procedures, equipment, facilities, training, personnel, and other support necessary to carry out the authorizations outlined in the proposed operations specifications.

(5) Ensure that the operations specifications, the procedures and policies manual, and the compliance statement are in agreement.

D. *Analyze Findings.* Evaluate deficiencies to determine if corrections or other actions are required.

E. *Debrief Operator.*

(1) Before meeting with the operator or applicant, discuss the initial findings with appropriate FAA personnel to determine the content of the briefing.

(a) Determine if it is necessary to coordinate with regional, engineering, or other FAA personnel.

(b) Identify any actions the operator must accomplish before implementing the operations specifications.

(2) Brief the operator on the results of the evaluation. Discuss any deficiencies and how they can be corrected.

F. *Approve or Disapprove Applicant's Operations Specifications.*

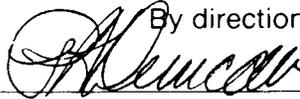
(1) For approval, fill in the following areas on the back of the original and the copy of FAA Form 8400-7 as shown below:

The operations Specifications set forth on the reverse side hereof are _____ approved.

Amendment No. _____

Effective Date Jan. 1, 1989

Supersedes Specification dated _____

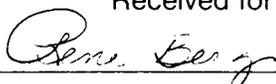
By direction of the Administrator

Signature

Principal Operations Inspector
Title

(2) Upon completion of the FAA Form 8400-7, return the original and both copies to the applicant. Instruct the operator to complete the receipt block on both the original and the copies, to keep the original, and to return the copies to the District Office.

(3) When the copies signed by the applicant are returned to the district office, place one copy in the appropriate file. Forward the remaining copy to the region.

Date Jan. 6, 1989

Received for the certificate holder by:

Signature

Chief Executive Officer
Title

(4) If you determine that the operations specifications can not be approved, prepare a letter of denial (Figure 76-1) for the POI's signature and return all documents to the applicant.

tions may be initiated by either the operator or the FAA.

G. *Make Appropriate WPMS Entries.* Complete WPMS Transmittal, FAA Form 8000-36.

A. *Operator Initiated Amendments.* The amendments will be submitted and processed as in paragraphs 5A, B, C, and D above.

7. AMENDMENTS TO OPERATIONS SPECIFICATIONS. Amendments to the Operations Specifica-

(1) If the amendment is approved, fill in the following areas on the back of the original and the copy of FAA Form 8400-7 as shown below:

The operations Specifications set forth on the reverse side hereof are _____ approved as amended.

Amendment No. 1

Effective Date July 5, 1989

Supersedes Specification dated Jan. 1, 1989

By direction of the Administrator

Signature

Principal Operations Inspector
Title

(2) Upon completion of the FAA Form 8400-7, return the original and both copies to the operator. Instruct the operator to complete the receipt block on both the original and the copies, to keep the original, and to return the copies and the superseded pages to the District Office.

(3) When the district office receives the signed copies, stamp the superseded pages with the word "SUPERSEDED." Replace the superseded operations specifications pages with the amended ones. Place the superseded pages in a separate section of the District Office's file on the operator.

B. FAA Initiated Amendments. Notify the operator in writing of the proposed amendments to the operations specifications (Figure 76-3). Indicate that the operator has a period of not less than seven days after receipt of the notice to submit written information, views, and arguments concerning the proposed amendments.

(1) Upon receipt of the operator's reply or after expiration of the time period, decide whether or not to require the proposed amendments.

(2) If the decision is to withdraw the amendment, issue a letter withdrawing the proposed amendments. (Figure 76-4)

(3) If the decision is made to adopt the amendment or if the operator does not reply within the specified time, prepare an original and two copies of FAA Form 8400-7 containing the amendments.

(a) Forward the original and copies as enclosures to a letter giving notice of the adoption.

(b) Explain that the operator must sign the

original and the copies, keep the original, and return the copies to the district office. When the district office receives the signed amendments, place them in the operator's file.

C. Make Appropriate PTRS Entries. Complete PTRS Transmittal, FAA Form 8000-36.

9. TASK OUTCOMES. Completion of this task results in one of the following:

A. Issuance of an appropriately completed Operations Specifications FAA Form 8400-7

B. Letter of denial

C. Amendments to the Operations Specifications

D. Issuance of a letter withdrawing the proposed amendments

11. FUTURE ACTIVITIES.

A. Operations Specifications are part of the record review during routine surveillance.

B. The operator or district office may propose amendments to the operations specifications.

C. The operator or district office may withdraw proposed amendments.

D. The operator may appeal amendments proposed by the FAA.

E. The district office may conduct an enforcement investigation if the operator does not adhere to the operations specifications. (See Related Task #182, Conduct A Violation Investigation)

FIGURE 76-1 FAA FORM 8400-7, OPERATIONS SPECIFICATIONS

 US Department of Transportation Federal Aviation Administration	Operations Specifications	Form Approved OMB No. 2120-0028
Page Control Date _____	Part ____ Page ____	

FAA Form 8400-7 (2-84) Formerly FAA Form 1014

FIGURE 76-2 LETTER DENYING PROPOSED OPERATIONS SPECIFICATIONS

FAA letterhead

Operator's name and address

Dear ____:

This is to inform you that the proposed operations specifications you submitted on [date] are not appropriate for Federal Aviation Regulations (FAR) Part 125 operations.

- Cite all the deficiencies
- Suggest corrections; do not write them for the operator

If you have any questions concerning this matter, please contact this office at [telephone number].

Signed by: CPM, if an initial certification

POI, if an existing operator

FIGURE 76-3 SAMPLE LETTER FOR PROPOSED OPERATIONS SPECIFICATIONS AMENDMENT

October 1, 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John J. Doe
Municipal Airport
Anytown, Anyplace 12345

Dear Mr. Doe:

This is to notify you that in accordance with Section 125.35(a)(1) of the Federal Aviation Regulations, the Administrator has determined that safety in air commerce requires the operations specifications issued with Operating Certificate No. ----- be amended.

During a recent inspection of your operation, it was determined that you no longer have available for use a Douglas DC-9, N358, airplane. It will be necessary that your operations specifications be amended to delete references to Douglas DC-9, N358.

In accordance with Section 125.35(d) of the Federal Aviation Regulations, you are invited to submit written information, views, and arguments concerning the proposed amendment. Any comments received from you on or before (insert date) (not less than seven days) will be carefully considered in our decision. We will notify you of any amendment adopted, or of a rescission of this notice.

If the amendment is adopted, the effective date for compliance will be not less than 30 days after you receive notice.

Sincerely,

Donald Jones
Principal Operations Inspector

FIGURE 76-4 LETTER WITHDRAWING PROPOSED AMENDMENT

FAA letterhead

Operator's name and address

Dear ____:

After review of your reply to the operations specifications amendment proposed by this office, we have decided to withdraw the amendment.

You may continue to operate under the specifications issued on [date] as part of FAR Part 125 Certificate Number [insert number].

Thank you for your cooperation in this matter.

Signed by POI