

**Federal Aviation Administration, DOT**

**§ 189.3**

(d) *Procedural requirements.* (1) Applicants may apply for FAA production certification-related services provided outside the United States by a letter of application to the FAA detailing when and where the particular services are required.

(2) The FAA will notify the applicant in writing of the estimated cost and schedule to provide the services.

(3) The applicant will review the estimated costs and schedule of services. If the applicant agrees with the estimated costs and schedule of services, the applicant will propose to the FAA that the services be provided. If the FAA agrees and can provide the services requested, a written agreement will be executed between the applicant and the FAA.

(4) The applicant must provide advance payment for each 12-month period of agreed FAA service unless a shorter period is agreed to between the Production Approval Holder and FAA.

(e) *Fee determination.* (1) Fees for FAA production certification-related services will consist of: personnel compensation and benefit (PC&B) for each participating FAA employee, actual travel and transportation expenses incurred in providing the service, other agency costs and an overhead percentage.

(2) Fees will be determined on a case-by-case basis according to the following general formula:

$$W_1H_1 + W_2H_2 \text{ etc.} + T + O$$

Where:

$W_1H_1$ =hourly PC&B rate for employee 1, times estimated hours

$W_2H_2$ =hourly PC&B rate for employee 2, etc., times estimated hours

T=estimated travel and transportation expenses

O=other agency costs related to each activity including overhead.

(3) In no event will the applicant be charged more than the actual FAA costs of providing production certification-related services.

(4) If the actual FAA costs vary from the estimated fees by more than 10 percent, written notice by the FAA will be given to the applicant as soon as possible.

(5) If FAA costs exceed the estimated fees, the applicant will be required to pay the difference prior to receiving further services. If the estimated fees exceed the FAA costs, the applicant may elect to apply the balance to future agreements or to receive a refund.

(f) Fees will be reviewed by the FAA periodically and adjusted either upward or downward in order to reflect the current costs of performing production certification-related services outside the United States.

(1) Notice of any change to the elements of the fee formula in this Appendix will be published in the FEDERAL REGISTER.

(2) Notice of any change to the methodology in this Appendix and other changes for the fees will be published in the FEDERAL REGISTER.

[Doc. No. 28967, 62 FR 55703, Oct. 27, 1997]

**PART 189—USE OF FEDERAL AVIATION ADMINISTRATION COMMUNICATIONS SYSTEM**

Sec.

189.1 Scope.

189.3 Kinds of messages accepted or relayed.

189.5 Limitation of liability.

AUTHORITY: 31 U.S.C. 9701; 49 U.S.C. 106(g), 40104, 40113, 44502, 45303.

SOURCE: Docket No. 27778, 60 FR 39615, Aug. 2, 1995, unless otherwise noted.

**§ 189.1 Scope.**

This part describes the kinds of messages that may be transmitted or relayed by FAA Flight Service Stations.

**§ 189.3 Kinds of messages accepted or relayed.**

(a) Flight Service Stations may accept for transmission over FAA communication systems any messages concerning international or overseas aircraft operations described in paragraphs (a) (1) through (6) of this section. In addition, Flight Service Stations may relay any message described in this section that was originally accepted for transmission at an FAA Flight Service Station outside the 48 contiguous States, or was received from a foreign station of the Aeronautical Fixed Telecommunications Network that, in normal routing, would require transit of the United States to reach an overseas address:

(1) Distress messages and distress traffic.

(2) Messages concerning the safety of human life.

(3) Flight safety messages concerning—

- (i) Air traffic control, including—
  - (A) Messages concerning aircraft in flight or about to depart;
  - (B) Departure messages;
  - (C) Flight plan departure messages;
  - (D) Arrival messages;
  - (E) Flight plan messages;

**§ 189.5**

**14 CFR Ch. I (1–1–09 Edition)**

(F) Flight notification messages;  
(G) Messages concerning flight cancellation; and

(H) Messages concerning delayed departure;

(ii) Position reports from aircraft;

(iii) Messages originated by an aircraft operating agency of immediate concern to an aircraft in flight or about to depart; and

(iv) Meteorological advice of immediate concern to an aircraft in flight or about to depart.

(4) Meteorological messages concerning—

(i) Meteorological forecasts;

(ii) Meteorological observations exclusively; or

(iii) Other meteorological information exchanged between meteorological offices.

(5) Aeronautical administrative messages—

(i) Concerning the operation or maintenance of facilities essential to the safety or regulatory of aircraft operation;

(ii) Essential to efficient functioning of aeronautical telecommunications; or

(iii) Between civil aviation authorities concerning aircraft operation.

(6) Notices to airmen.

(b) The following messages may only be relayed through the FAA communications systems:

(1) Flight regularity messages—

(i) Addressed to the point of intended landing and to not more than two other addressees in the general area of the route segment of the flight to which the message refers, containing information required for weight and balance computation and remarks essential to the rapid unloading of the aircraft;

(ii) Concerning changes, taking effect within 72 hours, in aircraft operating schedules;

(iii) Concerning the servicing of aircraft en route or scheduled to depart within 48 hours;

(iv) Concerning changes in the collective requirements for passengers, crew, or cargo of aircraft en route or about to depart, if the changes are caused by unavoidable deviations from normal operating schedules and are necessary for flight regularity;

(v) Concerning non-routine landings to be made by aircraft en route or about to depart;

(vi) Concerning parts or materials urgently needed to operate aircraft en route or scheduled to depart within 48 hours; or

(vii) Concerning pre-flight arrangement of air navigation services and, in the case of non-scheduled or irregular operations, operational servicing of aircraft scheduled to depart within 48 hours.

(2) Messages originated by and addressed to aircraft operating agencies or their representatives that directly bear on the efficient and economic conduct or day to day operations, if adequate non-United States communications facilities are not available and the messages concern—

(i) Matter described in paragraph (b)(1) of this section, but not meeting the time limitations described in paragraph (b)(1) of this section;

(ii) Aircraft parts, equipment, or supplies, air navigation or communications, or essential ground facilities;

(iii) Train or hotel reservations for passengers or employees;

(iv) Lost baggage or personal effects;

(v) Tickets or cargo shipments and payment therefore;

(vi) Location of passengers and cargo;

(vii) New or revised passenger or cargo rates;

(viii) Crew assignments and similar operations personnel matters taking effect within 7 days;

(ix) Post flight reports for record purposes;

(x) Publicity and special handling regarding dignitaries; or

(xi) Reservations, when originated by aircraft operating agencies to secure space required in transport aircraft.

**§ 189.5 Limitation of liability.**

The United States is not liable for any omission, error, or delay in transmitting or relaying, or for any failure to transmit or relay, any message accepted for transmission or relayed under this part, even if the omission, error, delay, or failure to transmit or relay is caused by the negligence of an employee of the United States.