§ 171.327 Operational records.

The owner of the MLS facility or his maintenance representative must submit the following operational records at the indicated time to the appropriate FAA regional office where the facility is located.

(a) Facility Equipment Performance & Adjustment Data (FAA Form 198). The FAA Form 198 shall be filled out by the owner or his maintenance representative with the equipment adjustments and meter readings as of the time of facility commissioning. One copy must be kept in the permanent records of the facility and two copies must be sent to the appropriate FAA regional office. The owner or his maintenance representative must revise the FAA Form 198 data after any major repair, modernization, or retuning to reflect an accurate record of facility operation and adjustment.

(b) Facility Maintenance Log (FAA Form 6030–1). FAA Form 6030–1 is permanent record of all the activities required to maintain the MLS facility. The entries must include all malfunctions met in maintaining the facility including information on the kind of work and adjustments made, equipment failures, causes (if determined) and corrective action taken. In addition, the entries must include completion of periodic maintenance required to maintain the facility. The owner or his maintenance representative must keep the original of each form at the facility and send a copy to the appropriate FAA regional office at the end of each month in which it is prepared. However, where an FAA approved remote monitoring system is installed which precludes the need for periodic maintenance visits to the facility, monthly reports from the remote monitoring system control point must be forwarded to the appropriate FAA regional office, and a hard copy retained at the control point.

(c) Technical Performance Record (FAA Form 6830 (formerly FAA Form 418)). This form contains a record of system parameters as specified in the manufacturer’s equipment manual. This data will be recorded on each scheduled visit to the facility. The owner or his maintenance representative shall keep the original of each record at the facility and send a copy of the form to the appropriate FAA regional office.

SUBCHAPTER K—ADMINISTRATIVE REGULATIONS

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

Subpart A—General

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Subpart B—Certification of Representatives

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183.29 Designated engineering representatives.

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183.31 Designated manufacturing inspection representatives.
183.33 Designated Airworthiness Representative.
Federal Aviation Administration, DOT

§ 183.13 Certification.

(a) A “Certificate of Designation” and an appropriate Identification Card is issued to each Aviation Medical Examiner and to each forensic pathologist designated under §183.11(a).

(b) A “Certificate of Authority” specifying the kinds of designation for which the person concerned is qualified and stating an expiration date is issued to each Flight Standards Designated Representative, along with a “Certificate of Designation” for display purposes, designating the holder as a Flight Standards Representative and specifying the kind of designation for which he is qualified.

(c) A “Certificate of Authority,” stating the specific functions which the person concerned is authorized to perform and stating an expiration date, is issued to each Designated Airworthiness Representative, along with a...
§ 183.15 Duration of certificates.

(a) Unless sooner terminated under paragraph (b) of this section, a designation as an Aviation Medical Examiner or as a Flight Standards or Aircraft Certification Service Designated Representative as described in §§ 183.21, 183.23, 183.25, 183.27, 183.29, 183.31, or 183.33 is effective until the expiration date shown on the document granting the authorization.

(b) A designation made under this subpart terminates:

1. Upon the written request of the representative;
2. Upon the written request of the employer in any case in which the recommendation of the employer is required for the designation;
3. Upon the representative being separated from the employment of the employer who recommended him or her for certification;
4. Upon a finding by the Administrator that the representative has not properly performed his or her duties under the designation;
5. Upon the assistance of the representative being no longer needed by the Administrator; or
6. For any reason the Administrator considers appropriate.


§ 183.17 Reports.

Each representative designated under this part shall make such reports as are prescribed by the Administrator.

Subpart C—Kinds of Designations: Privileges

§ 183.21 Aviation Medical Examiners.

An Aviation Medical Examiner may—

(a) Accept applications for physical examinations necessary for issuing medical certificates under part 67 of this chapter;
(b) Under the general supervision of the Federal Air Surgeon or the appropriate senior regional flight surgeon, conduct those physical examinations;
(c) Issue or deny medical certificates in accordance with part 67 of this chapter, subject to reconsideration by the Federal Air Surgeon or his authorized representatives within the FAA;
(d) Issue student pilot certificates as specified in § 61.85 of this chapter; and
(e) As requested, participate in investigating aircraft accidents.


§ 183.23 Pilot examiners.

Any pilot examiner, instrument rating examiner, or airline transport pilot examiner may—

(a) As authorized in his designation, accept applications for flight tests necessary for issuing pilot certificates and ratings under this chapter;
(b) Under the general supervision of the appropriate local Flight Standards Inspector, conduct those tests; and
(c) In the discretion of the appropriate local Flight Standards Inspector, issue temporary pilot certificates and ratings to qualified applicants.

§ 183.25 Technical personnel examiners.

(a) A designated mechanic examiner (DME) (airframe and power plant) may—

1. Accept applications for, and conduct, mechanic, oral and practical tests necessary for issuing mechanic certificates under part 65 of this chapter; and
2. In the discretion of the appropriate local Flight Standards Inspector, issue temporary mechanic certificates to qualified applicants.
(b) A designated parachute rigger examiner (DPRE) may—

1. Accept applications for, and conduct, oral and practical tests necessary for issuing parachute rigger certificates under part 65 of this chapter; and
§ 183.29 Designated engineering representatives.

(a) A structural engineering representative may approve structural engineering information and other structural considerations within limits prescribed by and under the general supervision of the Administrator, whenever the representative determines that information and other structural considerations comply with the applicable regulations of this chapter.

(b) A power plant engineering representative may approve information relating to power plant installations within limitations prescribed by and under the general supervision of the Administrator whenever the representative determines that information complies with the applicable regulations of this chapter.

(c) A systems and equipment engineering representative may approve engineering information relating to equipment and systems, other than those of a structural, powerplant, or radio nature, within limits prescribed by and under the general supervision of the Administrator, whenever the representative determines that information complies with the applicable regulations of this chapter.

(d) A radio engineering representative may approve engineering information relating to the design and operating characteristics of radio equipment, within limits prescribed by and under the general supervision of the Administrator whenever the representative determines that information complies with the applicable regulations of this chapter.

(e) An engine engineering representative may approve engineering information relating to engine design, operation and service, within limits prescribed by and under the general supervision of the Administrator, whenever the representative determines that information complies with the applicable regulations of this chapter.

(f) A propeller engineering representative may approve engineering information relating to propeller design, operation, and maintenance, within limits prescribed by and under the general supervision of the Administrator whenever the representative determines
that information complies with the applicable regulations of this chapter.

(g) A flight analyst representative may approve flight test information, within limits prescribed by and under the general supervision of the Administrator, whenever the representative determines that information complies with the applicable regulations of this chapter.

(h) A flight test pilot representative may make flight tests, and prepare and approve flight test information relating to compliance with the regulations of this chapter, within limits prescribed by and under the general supervision of the Administrator.

(i) An acoustical engineering representative may witness and approve aircraft noise certification tests and approve measured noise data and evaluated noise data analyses, within the limits prescribed by, and under the general supervision of, the Administrator, whenever the representative determines that the noise test, test data, and associated analyses are in conformity with the applicable regulations of this chapter. Those regulations include, where appropriate, the methodologies and any equivalencies previously approved by the Director of Environment and Energy, for that noise test series. No designated acoustical engineering representative may determine that a type design change is not an acoustical change, or approve equivalencies to prescribed noise procedures or standards.


§ 183.33 Designated Airworthiness Representative.

A Designated Airworthiness Representative (DAR) may, within limits prescribed by and under the general supervision of the Administrator, do the following:

(a) Perform examination, inspection, and testing services necessary to issue, and to determine the continuing effectiveness of, certificates, including issuing certificates, as authorized by the Director of Flight Standards Service in the area of maintenance or as authorized by the Director of Aircraft Certification Service in the areas of manufacturing and engineering.

(b) Charge a fee for his or her services.

(c) Perform authorized functions at any authorized location.

[Secs. 313(a), 314, 601, 603, 605, and 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355, 1421, 1423, 1425, and 1502); sec.6(c) Department of Transportation Act (49 U.S.C. 1558(c))]

§ 183.41 Applicability and definitions.
(a) This subpart contains the procedures required to obtain an Organization Designation Authorization, which allows an organization to perform specified functions on behalf of the Administrator related to engineering, manufacturing, operations, airworthiness, or maintenance.
(b) Definitions. For the purposes of this subpart:
Organization Designation Authorization (ODA) means the authorization to perform approved functions on behalf of the Administrator.
ODA Holder means the organization that obtains the authorization from the Administrator, as identified in a Letter of Designation.
ODA Unit means an identifiable group of two or more individuals within the ODA Holder's organization that performs the authorized functions.
§ 183.43 Application.
An application for an ODA may be submitted after November 14, 2006. An application for an ODA must be submitted in a form and manner prescribed by the Administrator and must include the following:
(a) A description of the functions for which authorization is requested.
(b) A description of how the applicant satisfies the requirements of §183.47 of this part;
(c) A description of the applicant's organizational structure, including a description of the proposed ODA Unit as it relates to the applicant's organizational structure; and
(d) A proposed procedures manual as described in §183.53 of this part.
§ 183.45 Issuance of Organization Designation Authorizations.
(a) The Administrator may issue an ODA Letter of Designation if:
(1) The applicant meets the applicable requirements of this subpart; and
(2) A need exists for a delegation of the function.
(b) An ODA Holder must apply to and obtain approval from the Administrator for any proposed changes to the functions or limitations described in the ODA Holder's authorization.
§ 183.47 Qualifications.
To qualify for consideration as an ODA, the applicant must—
(a) Have sufficient facilities, resources, and personnel, to perform the functions for which authorization is requested;
(b) Have sufficient experience with FAA requirements, processes, and procedures to perform the functions for which authorization is requested; and
(c) Have sufficient, relevant experience to perform the functions for which authorization is requested.
§ 183.49 Authorized functions.
(a) Consistent with an ODA Holder's qualifications, the Administrator may delegate any function determined appropriate under 49 U.S.C. 44702(d).
(b) Under the general supervision of the Administrator, an ODA Unit may perform only those functions, and is subject to the limitations, listed in the ODA Holder's procedures manual.
§ 183.51 ODA Unit personnel.
Each ODA Holder must have within its ODA Unit—
(a) At least one qualified ODA administrator; and either
(b) A staff consisting of the engineering, flight test, inspection, or maintenance personnel needed to perform the functions authorized. Staff members must have the experience and expertise to find compliance, determine conformity, determine airworthiness, issue certificates or issue approvals; or
(c) A staff consisting of operations personnel who have the experience and expertise to find compliance with the regulations governing the issuance of pilot, crew member, or operating certificates, authorizations, or endorsements as needed to perform the functions authorized.
§ 183.53 Procedures manual.
No ODA Letter of Designation may be issued before the Administrator approves an applicant's procedures manual. The approved manual must:
§ 183.55 Limitations.

(a) If any change occurs that may affect an ODA Unit’s qualifications or ability to perform a function (such as a change in the location of facilities, resources, personnel or the organizational structure), no Unit member may perform that function until the Administrator is notified of the change, and the change is approved and appropriately documented as required by the procedures manual.

(b) No ODA Unit member may issue a certificate, authorization, or other approval until any findings reserved for the Administrator have been made.

(c) An ODA Holder is subject to any other limitations as specified by the Administrator.

§ 183.57 Responsibilities of an ODA Holder.

The ODA Holder must—

(a) Comply with the procedures contained in its approved procedures manual;

(b) Give ODA Unit members sufficient authority to perform the authorized functions;

(c) Ensure that no conflicting non-ODA Unit duties or other interference affects the performance of authorized functions by ODA Unit members;

(d) Cooperate with the Administrator in his performance of oversight of the ODA Holder and the ODA Unit.

(e) Notify the Administrator of any change that could affect the ODA Holder’s ability to continue to meet the requirements of this part within 48 hours of the change occurring.

§ 183.59 Inspection.

The Administrator, at any time and for any reason, may inspect an ODA Holder’s or applicant’s facilities, products, components, parts, appliances, procedures, operations, and records associated with the authorized or requested functions.

§ 183.61 Records and reports.

(a) Each ODA Holder must ensure that the following records are maintained for the duration of the authorization:

(1) [Reserved]

(2) For any approval or certificate issued by an ODA Unit member (except
those airworthiness certificates and approvals not issued in support of type design approval projects:

(i) The application and data required to be submitted under this chapter to obtain the certificate or approval; and

(ii) The data and records documenting the ODA Unit member’s approval or determination of compliance.

(3) A list of the products, components, parts, or appliances for which ODA Unit members have issued a certificate or approval.

(4) The names, responsibilities, qualifications and example signature of each member of the ODA Unit who performs an authorized function.

(5) A copy of each manual approved or accepted by the ODA Unit, including all historical changes.

(6) Training records for ODA Unit members and ODA administrators.

(7) Any other records specified in the ODA Holder’s procedures manual.

(8) The procedures manual required under § 183.53 of this part, including all changes.

(b) Each ODA Holder must ensure that the following are maintained for five years:

(1) A record of each periodic audit and any corrective actions resulting from them; and

(2) A record of any reported service difficulties associated with approvals or certificates issued by an ODA Unit member.

(c) For airworthiness certificates and approvals not issued in support of a type design approval project, each ODA Holder must ensure the following are maintained for two years:

(1) The application and data required to be submitted under this chapter to obtain the certificate or approval; and

(2) The data and records documenting the ODA Unit member’s approval or determination of compliance.

(d) For all records required by this section to be maintained, each ODA Holder must:

(1) Ensure that the records and data are available to the Administrator for inspection at any time;

(2) Submit all records and data to the Administrator upon surrender or termination of the authorization.

(3) Each ODA Holder must compile and submit any report required by the Administrator to exercise his supervision of the ODA Holder.

§ 183.63 Continuing requirements: Products, parts or appliances.

For any approval or certificate for a product, part or appliance issued under the authority of this subpart, an ODA Holder must:

(a) Monitor reported service problems related to certificates or approvals it holds;

(b) Notify the Administrator of:

(1) A condition in a product, part or appliance that could result in a finding of unsafe condition by the Administrator; or

(2) A product, part or appliance not meeting the applicable airworthiness requirements for which the ODA Holder has obtained or issued a certificate or approval.

(c) Investigate any suspected unsafe condition or finding of noncompliance with the airworthiness requirements for any product, part or appliance, as required by the Administrator, and report to the Administrator the results of the investigation and any action taken or proposed.

(d) Submit to the Administrator the information necessary to implement corrective action needed for safe operation of the product, part or appliance.

§ 183.65 Continuing requirements: Operational approvals.

For any operational authorization, airman certificate, air carrier certificate, air operator certificate, or air agency certificate issued under the authority of this subpart, an ODA Holder must:

(a) Notify the Administrator of any error that the ODA Holder finds it made in issuing an authorization or certificate;

(b) Notify the Administrator of any authorization or certificate that the ODA Holder finds it issued to an applicant not meeting the applicable requirements.
§ 183.67 Transferability and duration.

(a) An ODA is effective until the date shown on the Letter of Designation, unless sooner terminated by the Administrator.

(b) No ODA may be transferred at any time.

(c) The Administrator may terminate or temporarily suspend an ODA for any reason, including that the ODA Holder:

(1) Has requested in writing that the authorization be suspended or terminated;

(2) Has not properly performed its duties;

(3) Is no longer needed; or

(4) No longer meets the qualifications required to perform authorized functions.

PART 185—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS, AND SERVICE OF LEGAL PROCESS AND PLEADINGS

§ 185.1 Purpose.

(a) The purpose of this part is to name the FAA officials who, pursuant to part 9 of the regulations of the Office of the Secretary of Transportation (49 CFR part 9) as amended (34 FR 11972, July 16, 1969), are those:

(1) Upon whom legal process or pleadings may be served in any legal proceeding concerning the FAA, and who have authority to acknowledge the service and take further action thereon; and

(2) Who otherwise perform the functions prescribed by part 9 in legal proceedings concerning the FAA with respect to testimony by FAA employees and production of FAA records in legal proceedings.

(b) For purposes of this part, “legal proceedings” includes any proceeding before a court of law, administrative board or commission, hearing officer, or other body conducting a legal or administrative proceeding.

§ 185.3 Acceptance of service on behalf of the Secretary of Transportation or the Administrator.

Legal process or pleadings in any legal proceeding concerning the FAA may be served, at the option of the server, on the Chief Counsel, Deputy Chief Counsel, Assistant Chief Counsel, Litigation Division, of the FAA, or any other FAA official designated by the Chief Counsel, with the same effect as if served upon the Secretary of Transportation or the Administrator. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

§ 185.5 Testimony by employees and production of records in legal proceedings.

The Chief Counsel, and each Assistant Chief Counsel, each Regional Counsel, the Aeronautical Center Counsel, and the Technical Center Counsel, with respect to matters arising within their respective jurisdictions, and any other FAA official designated by the Chief Counsel, perform the functions in legal proceedings (other than one described in §185.3 of this part) as prescribed by part 9 of the regulations of the Office of the Secretary of Transportation, with respect to testimony by FAA employees and production of FAA records in legal proceedings.

PART 187—FEES

Sec.
187.1 Scope.
187.5 Duplicates of licenses.
187.7 Copies; seal.
187.15 Payment of fees.
187.17 Failure of applicant to pay prescribed fees.

APPENDIX A TO PART 187—METHODOLOGY FOR COMPUTATION OF FEES FOR CERTIFICATION SERVICES PERFORMED OUTSIDE THE UNITED STATES

APPENDIX B TO PART 187—FEES FOR FAA SERVICES FOR CERTAIN FLIGHTS

APPENDIX C TO PART 187—FEES FOR PRODUCTION CERTIFICATION-RELATED SERVICES PERFORMED OUTSIDE THE UNITED STATES


SOURCE: Docket No. 8347, 32 FR 12051, Aug. 22, 1967, unless otherwise noted.

§ 187.1 Scope.
This part prescribes fees only for FAA services for which fees are not prescribed in other parts of this chapter or in 49 CFR part 7. The fees for services furnished in connection with making information available to the public are prescribed exclusively in 49 CFR part 7. Appendix A to this part prescribes the methodology for computation of fees for certification services performed outside the United States. Appendix B to this part prescribes the fees for certain aircraft flights that transit U.S.-controlled airspace. Appendix B to this part prescribes the fees for certification services performed outside the United States. Appendix B to this part prescribes the fees for certification services performed outside the United States. Appendix B to this part prescribes the fees for certain aircraft flights that transit U.S.-controlled airspace.


§ 187.5 Duplicates of licenses.
The fee for furnishing to a person entitled thereto a replacement, duplicate, or facsimile of a certificate or other document evidencing a license, for which a fee is not specifically provided elsewhere in this chapter, is $2.

§ 187.7 Copies; seal.
The fees for furnishing photostatic or similar copies of documents and for affixation of the seal for a certification or validation are the same as those provided in subpart H of 49 CFR part 7.

§ 187.15 Payment of fees.
(a) The fees of this part are payable to the Federal Aviation Administration by check, money order, wire transfers, draft, payable in U.S. currency and drawn on a U.S. bank, or by credit card payable in U.S. currency, prior to the provision of any service under this part.

(b) Applicants for the FAA services provided under this part shall pay any bank processing charges on fees collected under this part, when such charges are assessed on U.S. Government.

(c) Applicants for the FAA services described in Appendix A of this part shall pay bank processing charges, when such charges are assessed by banks on U.S. Government deposits.

(d) The fees described in appendix B of this part are payable to the Federal Aviation Administration in U.S. currency. Remittance of fees of $1,000 or more are to be paid by electronic funds transfer. Remittance of amounts less than $1,000 may be paid by electronic funds transfer, check, money order, credit card, or draft.

§ 187.17 Failure by applicant to pay prescribed fees.
If an applicant fails to pay fees agreed to under appendix C of this part, the FAA may suspend or deny any application for service and may suspend or revoke any production certification-related approval granted.

APPENDIX A TO PART 187—METHODOLOGY FOR COMPUTATION OF FEES FOR CERTIFICATION SERVICES PERFORMED OUTSIDE THE UNITED STATES

(a) Fixed fees and hourly rates have been derived using the methodology described
below to ensure full cost recovery for certification actions or approvals provided by the FAA for persons outside the United States.

(b) These rates are based on aviation safety inspector time rather than calculating a separate rate for managerial or clerical time because the inspector is the individual performing the actual service. Charging for inspector time, while building in all costs into the rate base, provides for efficient cost recovery and time management.

(c) The hourly billing rate has been determined by using the annual operations budget of the Flight Standards Service. The budget is comprised of the following:

1. Personnel compensation and benefits, budget code series 1100 (excluding codes 1151 and 1152—overtime, Sunday and holiday pay), 1200, and 1300.
2. Travel and transportation of persons, budget code series 2100 (excluding code 2100—site visit travel).
3. Transportation of things, budget code series 2200.
4. Rental, communications, utilities, budget code series 2300.
5. Printing and reproduction, budget code series 2400.
6. Contractual services, budget code series 2500.
7. Supplies and materials, budget code series 2600.
10. Insurance claims and indemnities, budget code series 4200.

(d) In order to recover overhead costs attributable to the budget, all costs other than direct inspector transportation and subsistence, overtime, and Sunday/holiday costs, are assigned to the number of inspector positions. An hourly cost per inspector is developed by dividing the annual Flight Standards Operations Budget, excluding the items enumerated above, by the number of aviation safety inspections (OMB position series 1825) on board at the beginning of the fiscal year, to determine the annual cost of an aviation safety inspector. This annual cost of an aviation safety inspector is divided by 2,087 hours, which is the annual paid hours of a U.S. Federal Government employee. This result in the hourly government paid cost of an aviation safety inspector.

(e) To ensure that the hourly inspector cost represents a billing rate that ensures full recovery of costs, the hourly cost per inspector must be multiplied by an indirect work factor to determine the hourly inspector billing rate. This is necessary for the following reasons:

1. Inspectors spend a significant amount of time in indirect work to support their inspection activities, much of which cannot be allocated to any one client.
2. Not all 2,087 annual paid hours are available as work hours because training, providing technical assistance, leave, and other indirect work activities reduce the work time that may be directly billed. Consequently, the hourly cost per inspector must be adjusted upwards by an indirect work factor. The calculation of an indirect work factor is discussed in paragraph (f) of this appendix.

(f)(1) The indirect work factor is determined using the following formula:

\[
\left(1 + \sum_{i=1}^{k} a_i \right) \left(1 + b\right) = \text{indirect work factor}
\]

where:

- \(a\) = indirect work rate, and
- \(b\) = leave usage (total leave hours divided by total hours available for work).

(2) The components of the formula are derived as follows:

1. \(a\) = indirect work rate. Indirect work rate is take from the Flight Standards Staffing Standard Order and is used to project the amount of time an aviation safety inspector spends in indirect activities, as opposed to certification and surveillance work. The indirect work activities are:
   (A) Development of master minimum equipment lists on Flight Operations Evaluation Board.
   (B) Development of aircraft training documents on Flight Standardization Board.
   (C) Development of Maintenance program documents on Maintenance Review Board.
   (D) Providing technical assistance.
   (E) Assisting legal counsel.
   (F) Evaluation of technical documents.
   (G) Leave (all types).
   (H) Training.
   (I) Administrative time.
   (J) Travel for indirect work.
   (ii) \(b\) = leave usage (total leave hours divided by total hours available for work). This is computed by using OMB guidelines of 280 average annual leave hours and 1,800 average annual hours available for work for computer manpower requirements.

(g) The hourly inspector cost, when multiplied by the indirect work factor, yields the hourly inspector billing rate and ensures full
Federal Aviation Administration, DOT

Pt. 187, App. B

Applicability. Except as provided in paragraphs (b) and (c) of this appendix, this appendix applies to any person who conducts a flight through U.S.-controlled airspace that does not include a landing or takeoff in the United States. U.S.-controlled airspace is defined as all U.S. airspace either directly owned by the United States or allocated to the United States by the International Civil Aviation Organization (ICAO) or by other countries. This is further defined, for this section only, as Enroute and Oceanic airspace. Enroute airspace is defined, for this section only, as airspace where primarily radar-based air traffic services are provided. Oceanic airspace is defined, for this section only, as airspace where primarily procedural air traffic services are provided.

(b) Governmental flights. This appendix does not apply to any military or civilian flight operated by the United States Government or by any foreign government.

(c) Canada-to-Canada flights. This appendix will not apply to any operator of a flight that takes off and lands in Canada, without an intermediate stop outside Canada, that operates in U.S.-controlled airspace.

(d) Services. Persons covered by paragraph (a) of this appendix must pay a fee for the FAA’s rendering or providing certain services, including but not limited to the following:

1. Air traffic management.
2. Communications.
4. Radar surveillance, including separation services.
5. Flight information services.
6. Procedural control.
7. Emergency services and training.
8. Methodology for the computation of fees.

(1) For the services listed in paragraph (d) of this appendix, the fee is computed based on the distance flown in either Enroute or Oceanic airspace (U.S.-controlled airspace). Distance flown is based on the great circle distance (GCD) for the point of entry and the point of exit of U.S.-controlled airspace based on FAA flight data. Fees are assessed using the methodology presented in paragraph (e)(2) of this appendix. Where actual entry and exit points are not available, the best available FAA flight data will be used to calculate the entry and exit points.

(2) A User (operator of an Overflight) is assessed a fee for each 100 nautical miles (or portion thereof) flown in each segment and type of U.S.-controlled airspace. Separate calculations are made for transiting Enroute and Oceanic airspace. The total fee charged for an Overflight between any entry and exit point is equal to the sum of these two charges. This relationship is summarized as:

\[ R_i = X*DE_i + Y*DO_i \]

Where:

\[ R_i = \text{the fee charged to aircraft flying between entry point i and exit point j}, \]
\[ DE_i = \text{total great circle distance traveled in each segment of U.S.-controlled Enroute airspace expressed in hundreds of nautical miles for aircraft flying between entry point i and exit point j for each segment of Enroute airspace}, \]
\[ DO_i = \text{total great circle distance traveled in each segment of U.S.-controlled Oceanic airspace expressed in hundreds of nautical miles for aircraft flying between entry point i and exit point j for each segment of Oceanic airspace}, \]
\[ X \] and \[ Y \] = the values respectively set forth in the following schedule:

<table>
<thead>
<tr>
<th>Time period</th>
<th>( X ) (enroute)</th>
<th>( Y ) (oceanic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through September 30, 2011</td>
<td>$33.72</td>
<td>$15.94</td>
</tr>
</tbody>
</table>


(1) Billing and payment procedures—(1) Billing. The FAA will send an invoice to each user that is covered by this appendix when fees are owed to the FAA. If the FAA cannot identify the user, then an invoice will be sent to the registered owner. No invoice will be sent unless the monthly (based on Greenwich Mean Time) fees for service equal or exceed $250. Users will be billed at the address of record in the country where the aircraft is registered, unless a billing address is otherwise provided.

(2) Payment. Payment must be made by one of the methods described in §187.15(d).

(g) Review of rule. The rule prescribed in this appendix will be reviewed at least once every 2 years and adjusted to reflect the current costs of the services covered by this appendix.


APPENDIX C TO PART 187—FEES FOR PRODUCTION CERTIFICATION-RELATED SERVICES PERFORMED OUTSIDE THE UNITED STATES

(a) Purpose. This appendix describes the methodology for the calculation of fees for production certification-related services outside the United States that are performed by the FAA.

(b) Applicability. This appendix applies to production approval holders who elect to use manufacturing facilities or supplier facilities located outside the United States to manufacture or assemble aeronautical products after September 30, 1997.

(c) Definitions. For the purpose of this appendix, the following definitions apply:

Manufacturing facility means a place where production of a complete aircraft, aircraft engine, propeller, part, component, or appliance is performed.

Production certification-related service means a service associated with initial production approval holder qualification; ongoing production approval holder and supplier surveillance; designee management; initial production approval holder qualification and ongoing surveillance for production certificate extensions outside the United States; conformity inspections; and witnessing of tests.

(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 benefits (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:

\[ W_1 H_1 + W_2 H_2 + \ldots + T \times O \]

Where:

- \( W_1 \) = hourly PC&B rate for employee 1
- \( H_1 \) = times estimated hours
- \( W_2 \) = hourly PC&B rate for employee 2, etc.,
- \( T \) = times estimated hours
- \( O \) = 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.

<table>
<thead>
<tr>
<th>Time period</th>
<th>X (enroute)</th>
<th>Y (oceanic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1, 2011 through September 30, 2012</td>
<td>38.44</td>
<td>17.22</td>
</tr>
<tr>
<td>October 1, 2012 through September 30, 2013</td>
<td>43.82</td>
<td>18.60</td>
</tr>
<tr>
<td>October 1, 2013 through September 30, 2014</td>
<td>49.95</td>
<td>20.09</td>
</tr>
<tr>
<td>October 1, 2014 and beyond</td>
<td>56.86</td>
<td>21.63</td>
</tr>
</tbody>
</table>
Federal Aviation Administration, DOT

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(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.


PART 189—USE OF FEDERAL AVIATION ADMINISTRATION COMMUNICATION SYSTEMS

Sec.
189.1 Scope.
189.3 Kinds of messages accepted or relayed.
189.5 Limitation of liability.


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;

(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;
§ 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.

PART 193—PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION

§ 193.1 What does this part cover?

This part describes when and how the FAA protects from disclosure safety and security information that you submit voluntarily to the FAA. This part carries out 49 U.S.C. 40223, protection of voluntarily submitted information.

§ 193.3 Definitions.

Agency means each authority of the Government of the United States, whether or not the agency is within or subject to review by another agency, but does not include—

(1) The Congress;
(2) The courts of the United States;
(3) The governments of the territories or possessions of the United States;
(4) The government of the District of Columbia;
(5) Court martial and military commissions.

De-identified means that the identity of the source of the information, and the names of persons have been removed from the information.

Disclose means to release information to a person other than another agency. Examples are disclosures under the Freedom of Information Act (5 U.S.C. 552), in rulemaking proceedings, in a press release, or to a party to a legal action.

Information includes data, reports, source, and other information. “Information” may be used to describe the whole or a portion of a submission of information.

Summarized means that individual incidents are not specifically described, but are presented in statistical or other general form.

Voluntary means that the information was not required to be submitted as part of a mandatory program, and was not submitted as a condition of doing business with the government. “Voluntarily-provided information” does not include information submitted as part of complying with statutory, regulatory, or contractual requirements, except that information submitted as part of complying with a voluntary program under this part is considered to be voluntarily provided.

§ 193.5 How may I submit safety or security information and have it protected from disclosure?

(a) You may do so under a program under this part. The program may be developed based on your proposal, a proposal from another person, or a proposal developed by the FAA.

(b) You may be any person, including an individual, a company, or an organization.

(c) You may propose to develop a program under this part using either the notice procedure in §193.11 or the no-notice procedure in §193.13.

(d) If the FAA decides to protect the information that you propose to submit it issues an order designating the information as protected under this part.

(e) The FAA only issues an order designating information as protected if the FAA makes the findings in §193.7.

(f) The designation may be for a program in which all similar persons may participate, or for a program in which only you submit information.

(g) Even if you receive protection from disclosure under this part, this part does not establish the extent to which the FAA may or may not use the information to take enforcement action. Limits on enforcement action applicable to a program under this part will be in another policy or rule.

§ 193.7 What does it mean for the FAA to designate information as protected?

(a) General. When the FAA issues an order designating information as protected under this part, the FAA does not disclose the information except as provided in this part.

(b) What findings does the FAA make before designating information as protected? The FAA designates information as protected under this part when the FAA finds that—

(1) The information is provided voluntarily;

(2) The information is safety or security related;

(3) The disclosure of the information would inhibit the voluntary provision of that type of information;

(4) The receipt of that type of information aids in fulfilling the FAA’s safety and security responsibilities; and

(5) Withholding such information from disclosure, under the circumstances provided in this part, will be consistent with the FAA’s safety and security responsibilities.

(c) How will the FAA handle requests for information under the Freedom of Information Act (FOIA)? The FAA does not disclose information that is designated as protected under this part in response to a FOIA request.

(d) What if the FAA obtains from another source the same information I submit? Only information received under a program under this part is protected from disclosure under this part. Information obtained by the FAA through another means is not protected under this part.

(e) Sharing information with other agencies. The FAA may provide information that you have submitted under
§ 193.9 Will the FAA ever disclose information that is designated as protected under this part?

The FAA discloses information that is designated as protected under this part when withholding it would not be consistent with the FAA’s safety and security responsibilities, as follows:

(a) Disclosure in all programs. (1) The FAA may disclose de-identified, summarized information submitted under this part to explain the need for changes in policies and regulations. An example is the FAA publishing a notice of proposed rulemaking based on your information, and including a de-identified, summarized version of your information (and the information from other persons, if applicable) to explain the need for the notice of proposed rulemaking.

(2) The FAA may disclose information provided under this part to correct a condition that compromises safety or security, if that condition continues uncorrected.

(3) The FAA may disclose information provided under this part to carry out a criminal investigation or prosecution.

(4) The FAA may disclose information provided under this part to comply with 49 U.S.C. 44905, regarding information about threats to civil aviation.

(b) Additional disclosures. For each program, the FAA may find that there are additional circumstances under which withholding information provided under this part would not be consistent with the FAA’s safety and security responsibilities. Those circumstances are described in the designation for that program.

§ 193.11 What is the notice procedure?

This section states the notice procedure for the FAA to designate information as protected under this part. This procedure is used when there is not an immediate safety or security need for the information. This procedure generally is used to specify a type of information that you and others like you will provide on an on-going basis.

(a) Application. You may apply to have information designated as protected under this part by submitting an application addressed to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590 for paper submissions, and the Federal Docket Management System (FDMS) Web page at http://www.regulations.gov for electronic submissions. Your application must include the designation described in paragraph (c) of this section that you want the FAA to issue. You should not include in your application any information that you do not want available to the public. The FAA may issue a proposed designation based on the application or may deny your application.

(b) Proposed designation. Before issuing a designation under this section, based either on your application or the FAA’s own initiative, the FAA publishes a proposed designation in the
§ 193.13 What is the no-notice procedure?

This section states the no-notice procedure for the FAA to designate information as protected under this part. This procedure is used when there is an immediate safety or security need for the information. This procedure generally is used for specific information that you will provide on a short-term basis.

(a) Application. You may request that the FAA designate information you are offering as protected under this part. You must state your name, at least the general nature of information, and whether you will provide the information without the protection of this part. Your request may be verbal or writing.

(b) Designation. The FAA issues a written order designating information provided under this section as protected under this part. The FAA designates the information as protected under this part if the FAA—

(1) Makes the findings as §193.7; and

(2) Finds that there is an immediate safety or security need to obtain the information without carrying out the procedures in §193.11 of this part.

(c) Time limit. Except as provided in paragraphs (c)(1) and (c)(2) of this section, no designation under this section continues in effect for more than 60 days after the date of designation. Information provided during the time the designation was in effect remains protected under this part. Information provided after the withdrawal of the designation is not protected under this part or the program.

§ 193.15 What FAA officials exercise the authority of the Administrator under this part?

(a) The authority to issue proposed and final designations, to issue proposed and final amendments of designations, and to withdraw designations under this part, and to disclose information that has been designated as protected under this part, is delegated by the Administrator to Associate Administrators and Assistant Administrators and to the Chief Counsel, their Deputies, and any individual formally designated as Acting Associate or Assistant Administrator, Acting Chief Counsel, or Acting Deputy of such offices.

(b) The officials identified in paragraph (a) of this section may further delegate the authority to issue proposed designations and proposed amendments to designations.

§ 193.17 How must design and production approval holders handle information they receive from the FAA under this part?

(a) If the FAA discloses information under §193.9(a)(2) to the holders of design approvals of production approvals issued by the FAA, the approval holder must disclose that information only to persons who need to know the information to address the safety or security condition.

(b) Unless an emergency exists, before disclosing information to approval holders the FAA will contact the submitter of the information.