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Civil Aeronautics Administration — U. S. Department of Commerce

REGULATIONS OF THE ADMINISTRATOR

PART 406

Certification Procedures

Effective December 30, 1950

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SUBPART A—INTRODUCTION

§ 406.1 *Definitions of terms.* As used in this part:

(a) "Act" shall mean Civil Aeronautics Act of 1938, as amended.

(b) "Administration" shall mean Civil Aeronautics Administration.

(c) "Administrator" shall mean Administrator of Civil Aeronautics.

(d) "Board" shall mean Civil Aeronautics Board.

§ 406.2 *Use of forms, etc.* Forms and other documents prescribed in this part which contain references to specific units of organization will not be affected by any changes in the titles of the units. Such forms and documents will continue in use until they have been superseded or revoked.

SUBPART B—ISSUANCE OF CERTIFICATES

§ 406.11 *General*—(a) *Application.* Except as otherwise indicated in this subpart, an application for a certificate may be obtained from, and shall be submitted to, a representative of the Administration or to one of its regional, district, or field offices.

(b) *Examination.* A medical examination where required will be given by a competent, licensed physician, or a designated medical examiner as indicated in this subpart. A theoretical or written examination where required will be given by an agent of the Administration, except that a student pilot may be examined on the Civil Air Regulations by a certificated flight instructor. Written examinations will be conducted at selected recognized airports. Itineraries of agents will be posted at such airports.

(c) *Issuance.* Requirements concerning the issuance of a certificate are set forth in Subchapter A of Chapter I of this title, or in this part.

§ 406.12 *Medical certificates.* The following medical certificates will be issued by the Administration to qualified applicants:

(a) *First-class medical certificate*—(1) *Purpose.* This certificate must be obtained by an applicant for an airline transport pilot rating.

(2) *Examination.* An examination for this certificate will be given by a designated airline medical examiner. A list of the designated airline medical examiners in any area may be obtained by addressing a request to the Regional Administrator of the region in which the area is located.

(3) *Issuance.* This certificate will be issued on a "Medical Certificate, Airline Transport Pilot," Form ACA-1004A.

(4) *Waiver.* An applicant for this certificate who does not meet the prescribed physical requirements, but has considerable aeronautical experience, may apply for a "Waiver of Physical Standards," Form ACA-779, from the Regional Administrator of the Region in which the applicant resides. A waiver will be issued if the applicant successfully demonstrates through a flight test that his physical deficiency is compensated for by his experience, ability, and judgment.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 29 of Chapter I of this title.

(b) *Second-class medical certificate*—(1) *Purpose.* This certificate must be obtained by an applicant for a commercial pilot rating, air-traffic control-tower operator certificate, flight navigator certificate, flight engineer certificate, or commercial lighter-than-air pilot certificate.

(2) *Examination.* An examination for this certificate will be given by a designated medical examiner. A list of the designated medical examiners in any area may be obtained by addressing a request to the Regional Administrator of the region in which the area is located.

(3) *Issuance.* This certificate will be issued on a "Medical Certificate, Commercial Airmen," Form ACA-1004.

(4) *Waiver.* An applicant for this certificate who does not meet the prescribed physical requirements, but has considerable aeronautical experience, may apply for a "Waiver of Physical Standards," Form ACA-779, from the Regional Administrator of the region in which the applicant resides. A waiver may be issued if the applicant successfully demonstrates through a flight test that his physical deficiency is compensated for by his experience, ability, and judgment.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 29 of Chapter I of this title.

(c) *Third-class medical certificate.*—(1) *Purpose.* This certificate must be obtained by an applicant for a student pilot certificate, private pilot rating, student lighter-than-air pilot certificate, free balloon pilot certificate, and flight radio operator certificate.

(2) *Examination.* An examination for this certificate will be given by a designated medical examiner or a competent licensed physician. A list of the designated medical examiners in any area may be obtained by addressing a request to the Regional Administrator of the region in which the area is located.

(3) *Issuance.* This certificate will be issued on a "Medical Certificate, Student and Private Pilot," Form ACA-1005.

(4) *Waiver.* An applicant for this certificate who does not meet the prescribed physical requirements, but has considerable aeronautical experience, may apply for a "Waiver of Physical Standards," Form ACA-779, from the Regional Administrator of the region in which the applicant resides. A waiver may be issued if the applicant success-

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fully demonstrates through a flight test that his physical deficiency is compensated for by his experience, ability, and judgment.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 29 of Chapter I of this title.

§ 406.13 *Airman certificates.* The following airman certificates will be issued by the Administration to qualified applicants.

(a) *Student pilot certificate*— (1) *Purpose.* This certificate will authorize the holder to pilot in solo flight, aircraft of a type, class, and model specified on the certificate.

(2) *Application.* A single application for this certificate will be made on an "Application for Pilot Certificate," Form ACA–355.

(3) *Issuance.* This certificate will be issued on a Form ACA–340.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Parts 20 and 43 of Chapter I.

(b) *Pilot certificate*— (1) *Purpose.* This certificate will authorize the holder to pilot aircraft in accordance with limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate with ratings shall be made on a "Pilot Flight Test Report," Form ACA–342a, or an "Application for Pilot Certificate," Form ACA–356, if for initial certification as a civilian pilot.

(3) *Issuance.* This certificate with ratings will be issued on a Form ACA–1710.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Parts 20 and 43 of Chapter I of this title.

(c) *Airline transport pilot certificate*—(1) *Purpose.* This certificate will authorize the holder to exercise the privileges of an airline transport pilot in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on a "Pilot Flight Test Report," Form ACA–342a.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 21 of Chapter I of this title.

(d) *Lighter-than-air pilot certificate*—(1) *Purpose.* This certificate will authorize the holder to exercise the privileges of a lighter-than-air pilot in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Pilot Certificate," Form ACA–355.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 22 of Chapter I of this title.

(e) *Mechanic certificate*—(1) *Purpose.* This certificate will authorize the holder to inspect, maintain, or repair aircraft and aircraft engines and appliances in accordance with the limitations set forth on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Airman Mechanic or Parachute Technician Certificate and Rating," Form ACA–363.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Reports.* The holder of this certificate shall submit a "Periodic Activity Report," Form ACA–1130, to the Administration annually during the month of January.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 24 of Chapter I of this title.

(f) *Parachute technician certificate*— (1) *Purpose.* This certificate will authorize the holder to inspect, pack, repair, or construct parachutes in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Airman Mechanic or Parachute Technician Certificate and Rating," Form ACA–363.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Reports.* The holder of this certificate shall submit a "Periodic Activity Report," Form ACA–1130, to the Administration annually during the month of January.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 25 of Chapter I of this title.

(g) *Air-traffic control-tower operator certificate*—(1) *Purpose.* This certificate will authorize the holder to control air traffic in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Control-Tower Operator or Aircraft Dispatcher Certificate and Rating," Form ACA–374.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 26 of Chapter I of this title.

(h) *Aircraft dispatcher certificate*— (1) *Purpose.* This certificate will authorize the holder to act as an aircraft dispatcher for a certificated air carrier in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Control-Tower Operator or Aircraft Dispatcher Certificate and Rating," Form ACA–374.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Reports.* The holder of this certificate shall submit a "Periodic Activity Report," Form ACA–1130 to the Administration annually during the month of January.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 27 of Chapter I of this title.

(i) *Flight radio operator certificate*— (1) *Purpose.* This certificate will authorize the holder to exercise the privileges of a flight radio operator in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Airman Certificate Flight Radio Operator, Flight Navigator, Flight Engineer," Form ACA–1770.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 33 of Chapter I of this title.

(j) *Flight navigator certificate*—(1) *Purpose.* This certificate will authorize the holder to exercise the privileges of a flight navigator in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Airman Certificate Flight Radio Operator, Flight Navigator, Flight Engineer," Form ACA–1770.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 34 of Chapter I of this title.

(k) *Flight engineer certificate*—(1) *Purpose.* This certificate will authorize the holder to exercise the privileges of a flight engineer in accordance with the limitations prescribed on the certificate.

(2) *Application.* A single application for this certificate shall be made on an "Application for Airman Certificate Flight Radio Operator, Flight Navigator, Flight Engineer," Form ACA–1770.

(3) *Issuance.* This certificate will be issued on a Form ACA–1710.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 35 of Chapter I of this title.

§ 406.14 *Aircraft certificates.* The following aircraft certificates will be issued by the Administration to qualified applicants:

(a) *Type certificate*—(1) *Purpose.* This certificate will certify that an aircraft, aircraft engine, propeller, or appliance specified in the Civil Air Regulations as eligible for a type certificate is of proper design, material, specifications, construction, and performance for safe operation, and meets the minimum requirements of the Civil Air Regulations.

(2) *Application.* A single application for this certificate shall be made on an "Application for Type Certificate," Form ACA–312. This application form may be obtained from, and shall be submitted to the local Aviation Safety Agent, Aviation Safety District Office, or Aircraft Division of the regional office serving the area in which the manufacturer's plant is located.

(3) *Issuance.* This certificate will be issued on a Form ACA–331.

(4) *Reports.* Upon the initial transfer of title to any aircraft manufactured in accordance with Administration standards and requirements for United States registry, and where such aircraft has been manufactured under the terms of a type certificate only, i. e., without benefit of a production certificate, the holder of the type certificate or of a current right to the benefits of a type certificate under a licensing arrangement shall submit a "Statement of Conformity," Form ACA–317, to a duly authorized representative of the Administrator.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 2 of Chapter I of this title.

(b) *Production certificate*—(1) *Purpose.* This certificate will authorize duplicates of a product for which a type certificate has been issued, to be manufactured at designated places.

(2) *Application.* A single application for this certificate and a production limitation record, shall be made on an "Application for Production Certificate," Form ACA–332. The application form may be obtained from, and shall be submitted to, the Aircraft Division of the Regional Office serving the area in which the manufacturer's plant is located. If an amendment is desired, application shall be made to such Regional Office.

(3) *Issuance.* This certificate will be issued on a "Production Certificate," Form ACA–333. It will include a "Production Limitation Record," Form ACA–333a, which will set forth the applicable type certificate.

(4) *Reports.* The holder of this certificate shall notify the Regional Office which issued the certificate, of any changes in organization, methods, procedures, facilities, or location of the manufacturing facilities which affect the product for which the certificate was issued.

(5) *Additional requirements.* Further provisions regarding this certificate are contained in Part 2 of Chapter I of this title.

(c) *Aircraft registration certificate*—(1) *Purpose.* This certificate will satisfy the provisions of the act requiring that an aircraft be registered by its owner before it may be operated or navigated.

(2) *Application and fee.* An application for this certificate shall be made on a Form ACA–500. This form will contain three parts: Part A, "Certificate of Registration"; Part B, "Application for Registration"; and Part C, "Bill of Sale." An applicant for a registration certificate shall mail an original and a duplicate of Part A, a duplicate of Part B, an original of Part C or another bill of sale or a conditional sales contract, and a registration fee of $4 to the Aircraft Records Branch of the Administration in Washington, D. C. If a conditional sales contract is submitted, an additional fee of $4 shall be enclosed to record it. The applicant shall retain the original of Part B in the aircraft as a temporary registration for 30 days. A "Certificate of Ownership," Form ACA–1160, will no longer be issued by the Administration. However, such a certificate issued prior to November 15, 1946, may be used subsequent to that date in effecting the transfer of ownership of an aircraft if it is accompanied by a registration fee of $4. If such a form is outstanding but is not used in effecting the transfer of ownership, it should be surrendered at the time the next application is made on a Form ACA–500 for registration of the aircraft.

(3) *Issuance.* This certificate will be issued on the original "Certificate of Registration," Form ACA–500, Part A.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 501 of this chapter.

(d) *Dealers' aircraft registration certificate*—(1) *Purpose.* This certificate will provide an alternate form of registration permitting the operation, demonstration, and merchandising of civil aircraft moving in ordinary trade channels from a manufacturer, distributor, or dealer to an ultimate purchaser.

(2) *Application and fee.* An application for this certificate shall be made on an "Application for Issuance of Dealers' Aircraft Registration Certificate(s)," Form ACA–1706. It will require a statement of the dealer's citizenship and certain data concerning his status as a bona fide dealer in aircraft. An application containing current data shall be submitted each time certificates are requested, and may cover as many certificates as are desired at that time. This application may be obtained from, and shall be submitted to, the local Aviation Safety Agent. Aviation Safety District Office, or Aircraft Division of the regional office serving the area in which the applicant's business is located. A fee of $5 will be charged for the first certificate, and $1 for each additional or subsequent certificate issued to the same dealer.

(3) *Issuance.* This certificate will be issued on a "Dealers' Aircraft Registration Certificate," Form ACA–1707. It will be valid for 12 months from the date of issuance. Duplicates will not be issued.

(4) *Additional requirements.* Further provisions regarding the issuance and use of this certificate are contained in Part 502 of this chapter.

(e) *Aircraft airworthiness certificate*—(1) *Purpose.* This certificate will authorize the operation of a civil aircraft of United States registry within the United States, its territories, and its possessions. However, there shall be available in the aircraft an "Operation Limitations," Form ACA–309, or an approved airplane flight manual which sets forth the limitations for safe operation.

(2) *Application.* A single application for this certificate and an aircraft operation record shall be made on an "Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft," Form ACA–305. Usually, the manufacturer obtains the certificate, which thereafter shall remain with the aircraft. If no airworthiness certificate has been issued for the aircraft, an application for such a certificate may be made by the registered owner of the aircraft, or his agent.

(3) *Issuance.* This certificate will be issued on a "Certificate of Airworthiness," Form ACA–1362 or Form ACA–1362a whichever is applicable.

(4) *Inspections.* An annual inspection of all certificated aircraft by an authorized representative of the Administrator is required unless the aircraft is being maintained and inspected by a continuous maintenance and inspection system. The aircraft and engine records must be maintained and kept available for inspection. (See Part 43 of Chapter I of this title.)

(f) *Ferry permit*—(1) *Purpose.* This permit will authorize the flight of a civil aircraft of United States registry between two specified points for the purpose of repairing, or obtaining certification of, an aircraft, or it will authorize an aircraft to be delivered via fly-away to a border of the United States or to some other point within the United States from which the aircraft is to be exported. (See § 43.10 (b) of Chapter I of this title.)

(2) *Application.* An application for this permit shall be made on an "Application and Authorization for Ferry Permit," Form ACA–1779. The applicant shall furnish evidence identifying the aircraft, reveal the points between which the aircraft will be flown, estimate duration of the flight, and furnish a statement giving the reasons why an aircraft airworthiness certificate is not applicable.

(3) *Issuance.* Normally, this permit will be issued on an "Application and Authorization for Ferry Permit," Form ACA–1779, but in some instances may be authorized by wire or telephone.

(g) *Foreign civil aircraft flight permit.*—(1) *Purpose.* This permit will authorize flight within the United States, its territories, and its possessions (except the Canal Zone) of foreign aircraft with foreign markings.[1]

(2) *Application.* An application for this certificate shall be made on an "Application for Foreign Civil Aircraft Flight Permit," Form ACA–776A. The application will require the itinerary (points of origination and termination, last point of landing prior to entering the United States, and landing points within the United States); estimated duration of flight in the United States; name and address of applicant; purpose of flight; description of aircraft, including foreign identification mark and country of registry; indication as to radio equipment installed in aircraft; type of operation (VFR or IFR flight) for which permission is requested; the cargo and passengers to be carried; flight crew information, and name and address of person to whom permit should be mailed. Form ACA–776A may be obtained from any regional or district office in the United States, from any international field office, or from the Civil Aeronautics Administration, Washington, D. C. For flights of a non-commercial nature, applications may be submitted to the Civil Aeronautics Administration, Washington, D. C., to the nearest Civil Aeronautics Administration international field office, or to the regional or district office of the Administration which is nearest to the port of entry. For flights involving commercial (non-common carrier) operations, applications must be submitted to the Civil Aeronautics Administration, Washington, D. C.

(3) *Issuance.* Permits involving non-commercial operations issued in the field will be issued on Form ACA–1452, "Foreign Civil Aircraft Flight Permit." Permits involving commercial (non-common carrier) operations issued by the Washington office are not contained on Form ACA–1452 because of the extra conditions and limitations involved but will be issued in the form of a letter.

(h) *Certificate of airworthiness for export*—(1) *Purpose.* This certificate will certify that the type-certificated product involved meets certain general and special requirements for export to particular foreign citizens or foreign countries.

(2) *Application.* An application for this certificate shall be made on an "Application for Certificate of Airworthiness for Export," Form ACA–306.

(3) *Issuance.* This certificate will be issued on a "Certificate of Airworthiness for Export," Fosm ACA–26.

§ 406.15 *Air carrier certificates.* The following air carrier certificates will be issued by the Administration to qualified applicants:

(a) *Air carrier operating certificate*—(1) *Purpose.* This certificate will describe the operations authorized, and prescribe such operation specifications and limitations as may reasonably be required in the interest of safety. It is required for all air carriers engaged in scheduled and irregular operations.

(2) *Application.* (i) An application for a scheduled air carrier operating certificate shall be made by letter to the regional office of the Administration serving the area in which the principal office of the air carrier is located.

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[1] Foreign civil aircraft of Contracting States to ICAO which are on (i) private flights for pleasure, or (ii) flights on the business of the individual or enterprise owning the aircraft when no valuable consideration of any kind is received for, or arising from the carriage of persons or property, or (iii) flight in transit on other than scheduled air services when no passengers, cargo or mail are to be discharged or embarked, may operate, without prior permission, into or within the United States or territory or possessions of United States subject to certain safety requirements.

(ii) An application for an irregular air carrier operating certificate shall be made on an "Application for Certificate to Operate as Irregular Air Carrier or Commercial Operator," Form ACA-1602, to the regional office serving the area in which the principal office of the air carrier is located.

(3) *Additional requirements.* Further provisions regarding this certificate are contained in Parts 40, 41, 42, and 61 of Chapter I of this title.

§ 406.16 *Air agency certificates.* The following air agency certificates and ratings will be issued by the Administration to qualified applicants:

(a) *Basic ground school rating.*—(1) *Purpose.* This rating will authorize the holder to operate as a basic ground school.

(2) *Application.* An application for this rating shall be made on an "Application for Airman Agency Certificate and Rating, and Inspection Report," Form ACA-387. A new application shall be submitted at least every two years.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Reports.* The holder of this rating shall submit an "Approved Air Agency Activity Report," Form ACA-1784, whenever it is able to report on 32 students, or at least every six months.

(5) *Additional requirements.* Further provisions regarding this rating are contained in Part 56 of Chapter I of this title.

(b) *Advanced ground school rating.*—(1) *Purpose.* This rating will authorize the holder to operate as an advanced ground school.

(2) *Application.* An application for this rating shall be made on an "Application for Airman Agency Certificate and Rating, and Inspection Report," Form ACA-387. A new application shall be submitted at least every two years.

(3) *Issuance.* This certificate will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Reports.* The holder of this rating shall submit an "Approved Air Agency Activity Report," Form ACA-1784, whenever it is able to report on 32 students, or at least every six months.

(5) *Additional requirements.* Further provisions regarding this rating are contained in Part 50 of Chapter I of this title.

(c) *Primary flying school rating.*—(1) *Purpose.* This rating will authorize the holder to operate as a primary flying school.

(2) *Application.* An application for this rating shall be made on an "Application for Airman Agency Certificate and Rating, and Inspection Report," Form ACA-387. A new application shall be submitted at least every two years.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Reports.* The holder of this rating shall submit an "Approved Air Agency Activity Report," Form ACA-1784, whenever it is able to report on 32 students or at least every six months.

(5) *Additional requirements.* Further provisions regarding this rating are contained in Part 50 of Chapter I of this title.

(d) *Commercial flying school rating.*—(1) *Purpose.* This rating will authorize the holder to operate as a commercial flying school.

(2) *Application.* An application for this rating shall be made on an "Application for Airman Agency Certificate and Rating, and Inspection Report," Form ACA-387. A new application shall be submitted at least every two years.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Reports.* The holder of this rating shall submit an "Approved Air Agency Activity Report," Form ACA-1784, whenever it is able to report on 32 students or at least every six months.

(5) *Additional requirements.* Further provisions regarding this rating are contained in Part 50 of Chapter I of this title.

(e) *Instrument flying school rating.*—(1) *Purpose.* This rating will authorize the holder to operate as an instrument flying school.

(2) *Application.* An application for this rating shall be made on an "Application for Airman Agency Certificate and Rating, and Inspection Report," Form ACA-387. A new application shall be submitted at least every two years.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Reports.* The holder of this rating shall submit an "Approved Air Agency Activity Report," Form ACA-1784, whenever it is able to report on 32 students, or at least every six months.

(5) *Additional requirements.* Further provisions regarding this rating are contained in Part 50 of Chapter I of this title.

(f) *Flight instructor school rating.*—(1) *Purpose.* This rating will authorize the holder to operate as a flight instructor school.

(2) *Application.* An application for this rating shall be made on an "Application for Airman Agency Certificate and Rating, and Inspection Report," Form ACA-387. A new application shall be submitted at least every two years.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Reports.* The holder of this rating shall submit an "Air Agency Activity Report," Form ACA-1784, whenever it is able to report on 32 students or at least every six months.

(5) *Additional requirements.* Further provisions regarding this rating are contained in Part 50 of Chapter I of this title.

(g) *Repair station rating.*—(1) *Purpose.* This rating will authorize the holder to operate as a repair station.

(2) *Application.* An application for this rating shall be made on an "Application for Aircraft Repair Station," Form ACA-394.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Additional requirements.* Further provisions regarding this rating are contained in Part 52 of Chapter I of this title.

(h) *Mechanic school rating.*—(1) *Purpose.* This rating will authorize the holder to operate as a mechanic school.

(2) *Application.* An application for this rating shall be made on a "Mechanic School Application and Inspection Report," Form ACA-614.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Reports.* The holder of this rating shall submit a "Mechanic School Report," Form ACA-392, in January and July of every year.

(5) *Additional requirements.* Further provisions regarding this rating are contained in Parts 50 and 52 of Chapter I of this title.

(i) *Parachute loft rating.*—(1) *Purpose.* This rating will authorize the holder to operate as a parachute loft.

(2) *Application.* An application for this rating shall be made on an "Application for Parachute Loft Certificate and Rating," Form ACA-1371.

(3) *Issuance.* This rating will be issued on an "Air Agency Certificate," Form ACA-390.

(4) *Additional requirements.* Further provisions regarding this rating are contained in Part 54 of Chapter I of this title.

(j) *Ground instructor certificate and rating.*—(1) *Purpose.* This certificate and rating will authorize the holder to serve as a ground instructor.

(2) *Application.* An application for this certificate and rating shall be made on an "Application for Ground Instructor Certificate or Rating," Form ACA-360.

(3) *Issuance.* This certificate and rating will be issued on a Form ACA-1710.

(4) *Reports.* The holder of this certificate and rating shall submit a "Periodic Activity Report," Form ACA-1130, to the Administration each year during the month of January.

(5) *Additional requirements.* Further provisions regarding this certificate and rating are contained in Parts 50 and 51 of Chapter I of this title.

(k) *Commercial operator certificate.*—(1) *Purpose.* This certificate will authorize the holder to serve as a commercial operator.

(2) *Application.* An application for this certificate shall be made on an "Application for Certificate to Operate as Irregular Air Carrier or Commercial Operator," Form ACA-1602.

(3) *Issuance.* This certificate will be issued on a Form ACA-1603.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 45 of Chapter I of this title.

§ 406.17 *Air navigation certificates and notices.* The following air navigation certificates will be issued by the Administration to qualified applicants and the following air navigation notices are required:

(a) *Authorization to operate true light.*—(1) *Purpose.* This certificate will authorize the holder to operate an aeronautical light as a "true light."

(2) *Application.* An application for this certificate shall be submitted on an "Application for Rating of Air Navigation Facility and Lawful Authority to Operate a 'True Light'", Form ACA-114.

(3) *Issuance.* A temporary certificate, good for a period of 60 days, will be issued by the Regional Office serving the region in which the facility is located. A permanent certificate will be issued by the Washington Office on an "Air Navigation Facility Certificate," Form ACA-115.

(b) *Notice of construction or alteration.*—(1) *Purpose.* This notice must be submitted to the Administrator in order that he may give proper notice to airmen of the construction or alteration of a structure located along or near a civil airway.

(2) *Submittal.* Notice shall be submitted to the Administrator on a "Notice of Construction or Alteration of Structures, or Construction of New Landing Areas," Form ACA-117.

(3) *Additional requirements.* Further provisions regarding notices of construction or alteration are contained in Part 625 of this chapter.

§ 406.18 *Administration representatives.* The following certificates may be issued by the Administration to qualified applicants in order that they may assist the Administration in performing the functions indicated.

(a) *Pilot examiner certificate*—(1) *Purpose.* This certificate will authorize the holder to act as a pilot examiner for the Administration and to conduct flight examinations for the issuance of pilot certificates and ratings.

(2) *Application.* An application for this certificate shall be made on a "Pilot Examiner Qualification Record and Flight Test Report," Form ACA-914.

(3) *Issuance.* This certificate will be issued on a "Certificate of Authority," Form ACA-1382.

(4) *Reports.* The holder of this certificate shall execute and submit in duplicate monthly, a "Flight Test Activity Report," Form ACA-857, to his Regional Office through his supervising agent.

(b) *Air crew examiner certificate*—(1) *Purpose.* This certificate will authorize the holder to act as a flight radio operator examiner, flight navigator examiner, flight engineer examiner, as indicated on the certificate, and to conduct flight examinations for the certificates.

(2) *Application.* An application for this certificate shall be made on a "Statement of Qualifications and Designation-Air Crew Examiner," Form ACA-1861.

(3) *Issuance.* This certificate will be issued on a "Certificate of Authority," Form ACA-1382.

(4) *Reports.* The holder of this certificate shall execute and submit to his supervising agent a "Flight Test Activity Report," Form ACA-857, for each calendar year.

(c) *Medical examiner certificate*—(1) *Purpose.* This certificate will authorize the holder to give physical examinations required for the issuance of medical certificates.

(2) *Application.* An application for this certificate shall be made on an "Application for Designation as Medical Examiner," Form ACA 861, and shall be submitted to a regional medical officer of the Administration serving the area in which the applicant practices medicine.

(3) *Issuance.* This certificate will be issued on an "Authorized Medical Examiner and Letter of Designation," Form ACA-1563.

(4) *Reports.* A "Report of Physical Examination for Airmen Certificate," Form ACA-338, or "Report of Physical Examination for Air-Line Transport Pilot," Form ACA-359, shall be submitted within 48 hours after examination to the Regional Administrator serving the region in which the applicant is examined. A copy of the report must be retained in the file of the designated medical examiner for three years.

(d) *Mechanic examiner certificate*—(1) *Purpose.* This certificate will authorize the holder to conduct oral and practical examinations for the issuance of aircraft mechanic and aircraft engine mechanic certificates.

(2) *Application.* An application for this certificate shall be made on a "Statement of Qualifications and Recommendations for Designated Mechanic Examiner," Form ACA-1618.

(3) *Issuance.* This certificate will be issued on a "Certificate of Authority," Form ACA-1382.

(e) *Manufacturing representative certificate*—(1) *Purpose.* This certificate will authorize the holder to determine the conformity and quality of products manufactured by his employer under the terms of a production certificate, and to issue airworthiness certificates for aircraft and certificates of airworthiness for export for aeronautical products manufactured under the terms of the production certificate.

(2) *Application.* An application for this certificate shall be made on a "Statement of Qualifications for Designated Manufacturing Inspection Representatives," Form ACA-1381. It shall be transmitted to the local agent of the Administration, with a letter of recommendation from the employing manufacturer.

(3) *Issuance.* This certificate will be issued on a "Certificate of Authority," Form ACA-1382.

(f) *Engineering representative certificates*—(1) *Purpose.* These certificates will authorize the holder to certify that certain engineering data pertaining to certification of an aircraft or aircraft component, or pertinent to the maintenance, repair, or alteration of aircraft or aircraft component complies with the Civil Air Regulations.

(2) *Application.* An application for this certificate shall take the form of a letter from the nominee's employer requesting the appointment of the nominee as a designated engineering representative. This letter shall be accompanied by a Form ACA-1599, "Statement of Qualifications," executed by the nominee.

(3) *Issuance.* Two certificates will be issued the designee, a "Certificate of Designation," Form ACA-2001, and a "Certificate of Authority," Form ACA-1382.

(4) *Termination of designee's authority.* The designee's authorization shall terminate:

(i) At the written request of the designee or his employer.

(ii) In the event that the designee leaves the employ of the employer by whom he was nominated.

(iii) If, after proper investigation, it is determined that the designee has made improper use of, or was careless or incompetent in the exercise of, his authority or responsibility.

SUBPART C—DENIAL OF CERTIFICATES

§ 406.31 *Denial of airman certificate.* Under section 602 (b) of the act, any person whose application for the issuance or renewal of an airman certificate is denied may file with the Board a petition for reconsideration, and the Board shall thereupon assign such application for hearing at a place convenient to the applicant's place of residence or employment.

§ 406.32 *Denial of airman, aircraft, air carrier, air navigation, or air agency certificate.* Under section 1006 of the act, any person disclosing a substantial interest in any order (except certain orders regarding foreign air carriers) denying the issuance or renewal of an airman, aircraft, air carrier, air navigation, or air agency certificate may appeal such order to a circuit court of appeals of the United States or the United States Court of Appeals for the District of Columbia, within 60 days after the entry of such order.

SUBPART D—ALTERATION, AMENDMENT, AND MODIFICATION OF CERTIFICATES

§ 406.41 *Initiation of proceedings.* A proceeding to alter, amend, or modify a certificate may be initiated by the Administrator or his authorized representative by the issuance of an order addressed to the certificate holder or other party in interest, directing him to show cause why the certificate should not be altered, amended, or modified as specified in the order.

§ 406.42 *Service of order to show cause.* The order to show cause will be served upon the party in interest by mailing a copy thereof by registered mail, return receipt requested, addressed to the party at his last known address.

§ 406.43 *Response to order to show cause.* After service upon him of the order to show cause, the respondent will have ten days within which to respond in writing to the order. Such answer will be deemed filed as of the date of mailing to the General Counsel of the Administration, properly addressed and postage prepaid. If respondent fails to answer the order within ten days, the Administrator or the Examiner assigned to hear the matter may forthwith order that the certificate be amended in accordance with the show cause order.

§ 406.44 *Request for, or waiver of, hearing.* The respondent will have the right to have the matter set for hearing and the issue determined on the basis of the facts presented at such hearing. If respondent fails to request a hearing within ten days after serving of the order to show cause, the issues may be decided upon the basis of facts and arguments presented in writing by the respondent and the counsel assigned to represent the Federal Government.

§ 406.45 *Notice of hearing.* When a hearing has been requested, the respondent will be given adequate notice of the date and place where such hearing will be held. In fixing the times and places for hearings, due regard will be had for the convenience and necessity of the parties and their representatives.

§ 406.46 *Hearing.* A hearing will be held before an Examiner duly designated by the Administrator.

§ 406.47 *Appearances.* Any party to a proceeding may appear and be heard in person or by attorney. No register of attorneys who may practice before the Administrator will be maintained and no application for admission to practice will be required. Any attorney practicing or desiring to practice before the Administrator may, upon hearing and good cause shown, be suspended or prohibited from so practicing.

§ 406.48 *Subpoenas.* Subpoenas requiring the attendance of witnesses, or the production of evidence, at a designated place of hearing, will be issued to any party to a proceeding upon proper application to the Examiner.

§ 406.49 *Submission without hearing or appearance.* Where respondent does not request a hearing, the Examiner, on the basis of the pleadings and the documentary evidence submitted by the parties, will prepare an initial decision. A copy of the initial decision will be served upon the respondent or his counsel, by personal service or registered mail. The parties to the proceedings will have ten days, or such other time as the Examiner may specify, after the date of service of such initial decision within which to file exceptions and appeal to the Administrator. If no appeal to the Administrator is filed or action by the Administrator to review such decision is entered within the time allowed, such

decision will without further proceedings become the decision of the Administrator.

§ 406.50 *Stay of order pending judicial review.* The filing of a petition for a judicial review of an order made under this part as provided in section 1006 of the act will not operate to stay the effectiveness of the order unless specifically so ordered by the Administrator. The petitioner may request, and if good cause is shown therefor, the Administrator will stay the effectiveness of the order from which an appeal is being taken.

§ 406.51 *Petition for rehearing, reargument, reconsideration or modification of order.* (a) Either party to a proceeding may petition for rehearing, reargument, reconsideration or modification of any final order of the Administrator within ten days after receipt thereof.

(b) The filing of a petition to rehear or reargue a proceeding or to reconsider or modify an order, will not operate to stay the effectiveness of the order, unless otherwise ordered by the Administrator.

§ 406.52 *Authority of examiners.* Examiners will have authority as follows:

(a) To give notice concerning, and hold, hearings;

(b) To administer oaths and affirmations;

(c) To examine witnesses;

(d) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(e) To rule upon offers of proof and receive competent evidence;

(f) To regulate the course of the hearing;

(g) To hold conferences, before or during the hearing, for the settlement or simplification of issues, by consent of the parties;

(h) To dispose of procedural requests or similar matters;

(i) Within his discretion, or upon the direction of the Administrator, to certify any question to the Administrator for his consideration and disposition;

(j) To issue subpoenas;

(k) To make initial decisions.

SUBPART E—SUSPENSION AND REVOCATION OF CERTIFICATES

§ 406.61 *Emergency suspensions.* See § 408.25 of this chapter.

§ 406.62 *Suspensions and revocations.* See § 408.26 of this chapter.

(15 Federal Register 9137)

AVIATION INFORMATION

A complete list of the Regulations of the Administrator and amendments to them appears in the CAA Journal, issued monthly by Civil Aeronautics Administration. Copies of amendments are obtainable, without charge, from the Office of Aviation Information, CAA, Washington 25, D. C.

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