



TECHNICAL GUIDANCE MATERIAL

for a Part 96 Approval Process

SUBJECT: Technical Guidance Material for Part 96 Approval Process

EFFECTIVE DATE: 22/07/2020

APPLICABILITY

This guidance material is applicable to operators/prospective operators who seek a Part 96 Operating Certificate as per the South African Civil Aviation Regulations (SACAR's).

PURPOSE

This document provides guidance in applying for and obtaining a Part 96 Operating Certificate who conduct/intend conducting commercial operations using non-type certified aircraft.

1. REFERENCES:

- i. Civil Aviation Act,
- ii. Civil Aviation Regulations Part 43, 44, 61, 62, 64, 91, 92, 94, 96

2. TERMS AND ABBREVIATIONS:

2.1. TERMS

TERM	DEFINITION
Compliance Statement	Statement of Compliance is a document which gives details as to how each regulation will be complied with.
Operating Specifications	A document which details the scope and limitations of the air operation.
Principal base of operations	The primary operating location of a certificate holder as designated by the CAA.

2.2. ABBREVIATIONS

ABBREVIATION	DESCRIPTION
AI	Avionics Inspector
ASO	Air Safety Officer
CAR	Civil Aviation Regulations
CATS	Civil Aviation Technical Standards
DCA	Director of Civil Aviation
GA	General Aviation
HoT	Head of Training

ABBREVIATION	DESCRIPTION
M: GA	Manager: General Aviation Organisations
MI	Maintenance Inspector
NDoT	National Department of Transport
OI	Operations Inspector
PM	Project Manager
POP'S	Prospective Operator's Pre-assessment Statement
SACAA	South African Civil Aviation Authority
SM: GA	Senior Manager: General Aviation
TGM	Technical Guidance Material

3. PART 96 APPROVAL PROCESS

The approval process is designed to ensure that the prospective certificate holder understands the requirements of the CAR's and CATS and is able to conduct operations in line with these requirements.

There are 5 phases and 4 gate checks in the Part 96 approval process:

<u>PHASE 1</u> Pre-application phase
GATE 1
<u>PHASE 2</u> Formal Application Phase
GATE 2
<u>PHASE 3</u> Document Evaluation Phase
GATE 3
<u>PHASE 4</u> Inspection Phase
GATE 4
<u>PHASE 5</u> Certification Phase

A phase is a grouping of activities, checklists or tasks that are completed together. The objective of each phase is to ensure each individual aspect of an operation is addressed accordingly.

The gate requirements are a series of checklists that ensure all the important aspects of each phase are covered.

In some cases, the guidance and suggested sequence of events may not be entirely appropriate. In such situations, the SACAA and the operator should proceed in a manner that considers existing conditions and circumstances.

Each phase is described below to provide a general understanding of the entire approval process.

3.1. PRE-APPLICATION PHASE

3.1.1. Initial Inquiries

Initial inquiries should be made by the applicant using one of the following methods: email, phone, or walk in at the SACAA. This inquiry will initiate the pre-application phase. At this point the M: GA will appoint a PM. The PM shall schedule a pre-Application meeting and forward the CA 96-05 Prospective Operators' Pre-assessment form to the prospective operator. This form is to be completed and returned to the PM before the pre-Application meeting.

3.2. Prospective Operator's Pre-Assessment Statement (POPS) CA 96-05

3.2.1. Purpose of a POPS

The purpose of POPS form is to gather information about the size and the scope of the proposed operation. The completed POPS denote the applicant's intent to continue with the full approval process.

3.2.2. Processing the POPS

The PM uses the POPS to evaluate the complexity of the proposed operation and to determine the level, experience and availability of inspectors to certify the applicant.

3.2.3. SACAA Review of the POPS

Upon receipt of a signed POPS, the PM will review the form to ensure that there is enough information to further process the pre-application. The PM will ascertain whether the proposed operation is consistent with the relevant regulations under which the applicant will be required to operate.

Unacceptable POPS. If the POPS is unacceptable, the reasons will be detailed in section 2 of the form. The PM shall notify the applicant, either verbally or by letter, that the POPS is unacceptable and that a new POPS is required. A copy of the rejected POPS will be sent to the applicant and another retained in the SACAA office file.

Acceptance of a POPS. When the POPS is acceptable, the PM shall complete the relevant section of the form and schedule a pre-application meeting.

3.3. Pre-Application Meeting

The pre-application meeting is the first meeting between the SACAA representatives and the applicant. The objective of the meeting is to give the applicant a brief orientation on the approval process and for the SACAA to get a better understanding on the size, scope and complexity of the proposed operation.

Upon initial contact, the PM will provide the applicant with an information package which will include the following:

DOCUMENT / FORM	DOCUMENT NUMBER
Application for the issue, renewal and amendment of a Part 96 Operating Certificate	CA 96-02
Technical Guidance Material for Part 96 approval	(This document)
Proposed Schedule of Events	CA 96-15
Statement of Compliance	CA 96-06
Gate requirements	CA 96-11

3.3.1. The applicant's key management personnel must attend the pre-application meeting and should be prepared to discuss in general terms, specific aspects of the applicant's proposed operation.

3.3.2. At the pre-application meeting the following will be discussed:

- a. POPS form will be reviewed and discussed.
- b. The approval process and Air Service Licence Process.

- c. Operational aspects such as the type of operation, types of aircraft, geographic areas of operation, location and facilities.
- d. Regulations that are applicable to the proposed operation.

3.3.3. The approval team will brief the applicant on the formal application phase. It is essential that the applicant has a clear understanding of the forms, contents and documents required for the formal application or the entire application will be rejected.

3.3.4. The applicant must develop all required documents for submission with the formal application, and successfully complete all requirements for approval. It is to the applicants benefit to submit required items as soon as they become available to expedite the approval process.

3.3.5. At the close of the pre-application meeting, the approval team should determine whether the applicant is prepared to proceed with the approval process. If it appears the applicant understands the requirements of a formal application and will proceed to that phase, the approval team will advise the applicant to develop required documents for formal submission.

3.3.6. If it is evident that the applicant is not adequately prepared to proceed with the approval process, the approval team will advise the applicant of the reasons for concern. When it is apparent the applicant will not be able to prepare an adequate formal application, the PM will advise the applicant to request another pre-application meeting after better preparation on the applicant's part.

4. THE FORMAL APPLICATION PHASE.

4.1. The formal application package must at least include the following documents:

- a. Formal Application Letter
- b. Application for the issue, renewal and amendment of a Part 96 Operating Certificate form
- c. Management Qualification Resumes
- d. Proposed schedule of Events (CA 96-15)
- e. Statement of Compliance (CA 96-06)
- f. Company Manuals
- g. Contracts/Agreements

4.2. Formal Application Letter

The formal application letter must include the following:

- a. A statement that the letter serves as part of the formal application for a Part 96 Operating certificate.
- b. Full and official name of the applicant.
- c. The Accountable Manager must sign this letter.
- d. All partners must sign when applying as a partnership or.
- e. The physical location address of the applicant's intended primary operating location.
- f. The physical address of the intended maintenance organisation/s that will be responsible for the maintenance of the aircraft.
- g. The applicant's mailing address if different than its letterhead.
- h. The full name and address of the applicant's agent for service if applicable.
- i. The identity and CV's of key management personnel as per regulations.
- j. If a request for deviation from the qualification requirements of management personnel is anticipated. (The request for the deviation and the justification for that deviation shall be made in a separate letter).

4.3. Sample of Formal Application Letter

[Name of applicant]
[Appropriate address]

[Date]
South African Civil Aviation Authority
ATT: [Name of Manager General Aviation: Organisations]
[Appropriate address]

Dear [Name]

This letter serves as formal application for a South African Civil Aviation Authority (SACAA) Part 96 operating certificate. We intend to use [Number and Type] airplanes and will be operating in [location of operation]. Our company will have a principal base of operations and corporate offices located [appropriate address]. The maintenance will be conducted by [state the maintenance organisation and appropriate address and state], a copy of the maintenance contract is enclosed. Our management personnel are as follows:

Chief Executive Officer (Accountable Manager): [Full name and surname]
Responsible Person Flight Operations: [Full name and surname]
Responsible Person Ground Operations: [Full name and surname]
Responsible Person Training (HOT): [Full name and surname]
Responsible Person Aircraft: [Full name and surname]
Air Safety Officer (ASO): [Full name and surname]

Also enclosed is the revised Schedule of Events and Initial Statement of Compliance which was agreed to at our last meeting with your representatives. We have retained the services of [Full name and surname] [appropriate address] as our agent for service.

Also enclosed please find relevant completed documents and attachments:

Management Qualification Resumes
Proposed Schedule of Events
Statement of Compliance
Company Manuals
Contracts/Agreements

Regards,
[Signature]
[Full name and surname]

4.4. MANAGEMENT QUALIFICATION RESUMES

This attachment shall include resumes which contain information on the qualifications, certificates, ratings, and experience of personnel selected as nominated post holders for the following positions:

- a. Chief Executive Officer (Accountable Manager)
- b. Responsible Person Flight Operations
- c. Responsible Person Ground Operations
- d. Responsible Person Training (HOT)
- e. Responsible Person Aircraft
- f. Responsible Person Safety (ASO)

The SACAA approval team shall evaluate these resumes to establish if the nominated candidates meet the minimum requirements as established in the SA CATS 96. If a candidate does not meet these requirements, the applicant will be notified in writing and an alternative submission for a more suitable candidate will be requested.

If an applicant intends to request approval for a deviation from the required management personnel (fewer or different personnel), the request must be made by official letter. The applicant must show that it is able to perform operations safely with fewer or different positions requested. Justification must consider the size and scope of the operation as well as the qualifications of intended personnel. It must also be shown that the persons can be reasonably expected to effectively perform the functions associated with the subject positions in accordance with the CAR's and the procedures outlined in the proposed manual. If the SACAA approves fewer or different positions, this approval will be made part of the Operation Specifications.

4.5. Proposed Schedule of Events (CA 96-15)

The proposed schedule of events CA 96-15 is a key document that needs to be presented with the formal application. It is a timeline used to manage the expectations of both the applicant and the SACAA.

- a. The proposed schedule of events is a list of items, activities, programs or actions that the applicant must accomplish or make ready for SACAA inspection before approval.
- b. The proposed schedule of events will include the applicant's best estimate of the date the item, activity, program or actions will be accomplished.
- c. The proposed schedule of events must be constructed in a logical and sequential manner.
- d. The proposed schedule of events must also provide for a reasonable amount of time as per the relevant SLA, for the SACAA to review and accept or approve each item or event, before scheduling other items or events that are dependent on such acceptance or approval.
- e. Failure to accomplish an item or event in a satisfactory or timely manner in accordance with the schedule of events could result in a delay in approval.
- f. If deficiencies are detected during the review of manuals and other documents, they will be returned for amendment or correction. Such action may also cause additional delays in the approval process.

4.6. Statement of Compliance (CA 96-06)

Preparation of the Statement of Compliance CA 96-06 benefits the applicant by systematically ensuring that all applicable regulatory aspects are appropriately addressed during the approval process.

- a. The compliance statement shall be in the form of a complete listing of all appropriate CAR sections pertinent to the operation the applicant is proposing.
- b. This list should reference any applicable subpart and each relevant section of the subpart.
- c. Next to each subparagraph, the applicant must provide a specific reference to a manual, or other document, and may provide a brief narrative description that describes how the applicant will comply with each regulation.
- d. Where the compliance information has been developed (for example, the manual material submitted with the formal application), a manual reference or a description of the method of compliance must be entered next to the applicable regulatory section.
- e. This statement also serves as a master index to the applicant's manual system to expedite the SACAA's review and approval of the operation and manual system.

The compliance statement is an important source document during the approval process. After the approval process is completed, the compliance statement should be kept current as changes are incorporated in the applicant's system.

4.7. Manuals

Along with the formal application the Operations Manual and the Maintenance Control Manual (MCM) must be submitted to the SACAA. The applicant must ensure that the manuals are in accordance with the relevant provisions of the CAR's.

4.7.1. Operations manual

The structure and the contents of the operations manual is detailed below, further details on the contents of the operations manual can be found in SA CATS 96.

4.7.1.1. Part 1 General

- a. Administration and control of the operations manual

- b. Organisations and responsibilities
- c. Operation control and supervision
- d. Quality control system
- e. Flight crew compositions
- f. Qualification requirements
- g. Flight crew health precautions
- h. Flight time and limitations
- i. Operating procedures
- j. Dangerous goods and weapons
- k. Security
- l. Handling of aviation accidents and incidents
- m. Rules of the air

4.7.1.2. Part 2 Aircraft Operating Matters – Type Related

- a. General information and units of measurement
- b. Limitations
- c. Normal procedures
- d. Abnormal and emergency procedures
- e. Performance
- f. Flight planning
- g. Mass and balance
- h. Loading
- i. Configuration Deviation List
- j. Minimum Equipment List (MEL)
- k. Survival and emergency equipment including oxygen
- l. Emergency evacuation procedures
- m. Aircraft systems

4.7.1.3. Part 3 Route and aerodrome instructions and information

4.7.1.4. Part 4 Training

The SACAA inspectors will provide guidance and advice during the preparation of required documents and manuals. The production of acceptable documents and manuals is solely the responsibility of the applicant.

4.8. Contracts/Agreements

This attachment should provide evidence that the must has a contract or agreement in place if not the registered aircraft owner. These documents must provide evidence that the applicant is, in good faith, committed to planning for aircraft maintenance, supporting facilities, training and other services as necessary for the proposed operation.

5. DOCUMENT EVALUATION PHASE

5.1. After the formal application has been accepted, SACAA inspectors will begin a thorough evaluation of all the manuals and documents that are required by regulation. The SACAA will endeavor to complete these evaluations in accordance with the operator's schedule of events. If a manual or document is incomplete or deficient, or if non-compliance with the regulations or safe operating practices is detected, the manual or document will be returned for correction. If the manuals and documents are satisfactory, they will be approved or accepted, as required by the CAR's. Approvals may be indicated by letter, stamp, signature or certificate as appropriate, or by approval on the Operating Specifications.

5.2. The complexity of the information which must be addressed in the operator's manuals and other documents depend on the complexity of the planned operation. The following list provides examples of information that may be required from the operator and evaluated by the CAA during this phase:

- a. Management personnel resume outlining proposed management qualifications and civil aviation compliance histories.
- b. Operations Manual (a system of manuals, may be in one or more parts).
- c. Maintenance Control Manual (may be in one or more parts).
- d. Aircraft Maintenance Programs and supporting manuals such as Maintenance Review Board (MRB) and Corrosion Prevention Control Program (CPCP).
- e. Mass and Balance procedures/program.
- f. Training Program Manual.
- g. Aircraft Flight Manual.
- h. Aircraft Operations Manual.
- i. Minimum Equipment List (MEL) and MEL Management Program
- j. Configuration Deviation List (CDL).
- k. Cockpit checklist.
- l. Passenger briefing cards.
- m. Noise and emission plan (if applicable).
- n. Airport Runway Analysis
- o. Deviation requests.
- p. Dangerous Goods.
- q. Cabin Attendant Manual.
- r. Dispatch/flight following/flight locating procedures/emergency response plan.
- s. Draft Specific Operating Provisions (operations and airworthiness).
- t. Maintenance Reliability Program (optional).
- u. Plan for Demonstration Flights.
- v. Emergency evacuation demonstration plan.
- w. Fully completed Statement of Compliance.

Once the documentation phase has been completed the approval team will move on to phase 4.

6. DEMONSTRATION OR INSPECTION PHASE

- 6.1. The CAR's allow for inspectors to conduct safety inspections or audits to verify the validity of an application. These may include but not limited to an inspection, demonstration or audit.
- 6.2. An applicant may be required to demonstrate their ability to comply with regulations and safe operating practices before beginning operations. These demonstrations may include:
 - a. Actual performance of activities and/or operations while being observed by SACAA inspectors.
 - b. On-site evaluations of aircraft maintenance equipment and support facilities.
 - c. Evaluation of the effectiveness of the policies, methods, procedures, and instructions as described in the operator's manuals and other documents.
 - d. Emphasis is placed on the operator's management effectiveness.
 - e. Deficiencies will be brought to the attention of the operator and corrective action must be taken before a certificate is issued.
- 6.3. The approval team will provide feedback on any deficiencies during the demonstration process and provide informal guidance. At the end, the team will evaluate if the exercise was successful and provide a report.
- 6.4. Although the document evaluation and the demonstration and inspection phases have been discussed separately in this TGM, these phases overlap, or are accomplished simultaneously in actual practice. The following list provides examples of the types of items, equipment, facilities, and activities which may be evaluated during the demonstration and inspection phase.
 - a. Training programs (classroom, simulators, aircraft, flight and ground personnel training).
 - b. Crewmember and Flight Operations Officer testing and certification.
 - c. Station facilities (equipment, procedures, personnel, fueling, technical data).
 - d. Recordkeeping procedures (documentation of training, flight and duty times, flight papers).
 - e. Flight control (Flight supervision and monitoring system or flight following system)

- f. Maintenance and inspection programs (procedures, record keeping).
- g. Aircraft (conformity inspection, aircraft maintenance records, etc.).
- h. MEL's and CDL's (compliance with operating and maintenance procedures, etc., if applicable).
- i. Mass and balance program (procedures, accuracy, and document control).
- j. Passenger emergency evacuation demonstration (aborted take-off demonstration and ditching demonstration).
- k. Demonstration Flights. Includes full-scale simulation of revenue operations to demonstrate the ability to operate independently, safely, and in compliance with all applicable CAR's.




6.5. If any changes need to be made it will be the responsibility of the applicant to rectify or make the necessary changes before the approval process can be continued.

7. . CERTIFICATION PHASE

7.1. After the Pre-Application, Formal Application, Document Evaluation and Demonstration phases have been satisfactorily completed, the SACAA will prepare and approve the Part 96 Operating Certificate and Operations Specifications (OpSpecs). The OpSpecs contain authorisations, limitations, and provisions specific to a Part 96 operator's operation. The operator must acknowledge receipt of these documents.

7.2. The certificate holder is responsible for continued compliance with CAR's and the authorisations, limitations, and provisions of its Operating Certificate and OpSpecs. As a certificate holder's operation changes, the OpSpecs must be amended accordingly. The process for amending OpSpecs is similar to the approval process. In some cases, it may be a less complex procedure depending on the nature of the amendment. The SACAA will conduct periodic inspections of the certificate holder's operation to ensure continued compliance with the CAR's and safe operating practices.

Note: Under no circumstances will an applicant be certificated, unless the SACAA is confident that the prospective certificate holder can fulfill the required responsibilities and will be able to comply with the CAR's in an appropriate and continuous manner.

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