

CIVIL AVIATION REGULATIONS

PART 1—GENERAL POLICIES, PROCEDURES AND DEFINITIONS

FEDERATED STATES OF MICRONESIA

2001

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PART I. GENERAL POLICIES, PROCEDURES, AND DEFINITIONS

1.1 RULES OF CONSTRUCTION

1.1.1.1 RULES OF CONSTRUCTION

- (a) Throughout these regulations the following word usage applies:
- (1) *Shall* indicates a mandatory requirement.
 - (2) The words "*no person may...*" or "*a person may not...*" mean that no person is required, authorized, or permitted to do an act described in a regulation..
 - (3) *May* indicates that discretion can be used when performing an act described in a regulation.
 - (4) *Will* indicates an action incumbent upon the Authority.
 - (5) *Includes* means "includes but is not limited to."
 - (6) *Approved* means the Authority has reviewed the method, procedure, or policy in question and issued a formal written approval.
 - (7) *Acceptable* means the Authority has reviewed the method, procedure, or policy and has neither objected to nor approved its proposed use or implementation.
 - (8) *Prescribed* means the Authority has issued written policy or methodology which imposes either a mandatory requirement, if the written policy or methodology states "shall," or a discretionary requirement if the written policy or methodology states "may."

1.1.2 APPLICABILITY

- (a) These regulations shall apply to all persons operating or maintaining the following—
- (1) Federated States of Micronesia registered aircraft;
 - (2) Aircraft registered in another Contracting State that are operated by a person licensed by Federated States of Micronesia, and must be maintained in accordance with the standards of the aircraft State of Registry, wherever that maintenance is performed;
 - (3) Aircraft of other Contracting States operating in Federated States of Micronesia.
- (b) Those regulations addressing persons certificated under any Part of these regulations apply also to any person who engages in an operation governed by any Part of these regulations without the appropriate certificate, operations specification, or similar document required as part of the certification.
- (c) Regulations addressing general matters establish minimum standards for all aircraft operated In Federated States of Micronesia. Specific standards applicable to the holder of a certificate shall apply if they conflict with a more general regulation.
- (d) Foreign air operators who conduct commercial air transport into from or, within Federated. States of Micronesia, shall be governed by the provisions of the Operations Specification issued by the Authority, and by those provisions in Parts 7, 8, and 10 that specifically address commercial air transport. Regulations that address.AOC holders apply only to operators certificated by Federated States of. Micronesia.

1.1.2.1 ORGANIZATION OF REGULATIONS

- (a) These regulations are subdivided into five hierarchical categories:
- (1) *Part* refers to the primary subject area.

- (2) *Subpart* refers to any subdivision of a Part.
 - (3) *Section* refers to any subdivision of a Subpart.
 - (4) *Subsection* refers to the title of a regulation and can be a subdivision of a Subpart or Section.
 - (5) *Paragraph* refers to the text describing the regulations. All paragraphs are outlined alphanumerically in the following hierarchical order: (a), (1), (i), (A).
- (b) Definitions used throughout these regulations are organized as follows:
 - (1) Definitions applicable to two or more Parts appear in Part 1, Subsection 1.1.1.4;
 - (2) Definitions applicable only to one Part appears at the beginning of that Part; and
 - (3) Definitions contained in the Civil Aviation Act of Federated States of Micronesia are presented therein, and not in these regulations
 - (c) Acronyms used within each Part are defined at the beginning of those Parts, and if a definition is supplied, a note will indicate the Part where the definition is located.
 - (d) Notes appear in Subsections to provide exceptions, explanations, and examples to individual requirements.
 - (e) Subsections may refer to Implementing Standards of the Model Regulations, which are incorporated herein by reference. The Implementing Standards provide additional detailed requirements that support the purpose of the subsection, and where specifically referenced by the subsection, gain the legal force and effect of the referring subsection. The rules of construction, Subsection 1.1.1.1, apply to Implementing Standards.

1.1.2.2 DEFINITIONS

- (a) For the purpose of these regulations, the following definitions shall apply:
 - (1) **Accountable manager.** The manager who has corporate authority for ensuring that all prescribed actions are performed to the standard required by the Authority. When authorized by the Authority, the accountable manager may delegate all or part of his or her authority in writing to another person within the organization, who becomes the accountable manager for the matters delegated.
 - (2) **Aerodrome.** A defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.
 - (3) **Aeronautical experience.** Pilot time obtained in an aircraft, approved flight simulator, or approved flight-training device for meeting the training and flight time requirements of these regulations.
 - (4) **Aeronautical product.** Any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed thereon.
 - (5) **Airplane.** A power-driven heavier than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.
 - (6) **Air Traffic Control.** A service that promotes the safe, orderly, and expeditious flow of air traffic at aerodromes and during the approach, departure, and en route environments.
 - (7) **Air Traffic Control (ATC) facility.** A building holding the persons and equipment responsible for providing ATC services (e.g., airport tower, approach control, Centre).
 - (8) **Aircraft category.** Classification of aircraft according to specified basic characteristics (e.g., airplane, helicopter, glider, free balloon).
 - (9) **Aircraft component.** Any component part of an aircraft up to and including a complete powerplant and/or any operational/emergency equipment.
 - (10) **Aircraft type.** All aircraft of the same basic design.
 - (11) **Airframe.** The fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of a powerplant), and landing gear of an aircraft and their accessories and controls.

- (12) **Airworthiness data.** Any information necessary to ensure that an aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment, as appropriate, is assured.
- (13) **Airworthiness release.** A certification signed by a licensed mechanic authorized by the AOC holder indicating that work was performed in accordance with the AOC holder's maintenance manual, was inspected by a licensed mechanic, and the aircraft was found satisfactory for safe operation.
- (14) **Appliance.** Any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, powerplant, or propeller.
- (15) **Approved by the Authority.** Approved by the Authority directly or in accordance with a procedure approved by the Authority.
- (16) **Approved Maintenance Organization (AMO).** An organization approved to perform specific aircraft maintenance activities by the Authority. These activities may include the inspection, overhaul, maintenance, repair and/or modification and release to service of aircraft or aeronautical products.
- (17) **Approved continuous maintenance program.** A maintenance program approved by the State of Registry.
- (18) **Approved standard.** A manufacturing, design, maintenance, or quality standard approved by the Authority.
- (19) **Approved training.** Training carried out under special curricula and supervision approved by the Authority.
- (20) **Authority.** The Secretary of the FSM Department of Transportation, Communication, and Infrastructure, or the Division of Civil Aviation within the FSM Department of Transportation, Communication, and Infrastructure.
- (21) **Category II (CAT 11) operations.** With respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category I 1LS instrument approach procedure issued by the Authority or other appropriate authority.
- (22) **Category III (CAT III) operations.** With respect to the operation of aircraft, means an ILS approach to, and landing on, the runway of an airport using a Category III ILS instrument approach procedure issued by the Authority or other appropriate authority. -
- (23) **Certify as airworthy.** The required maintenance record entry completed by a properly authorized person after the modification, overhaul, repair, or the inspection of an aircraft, or aeronautical product required by the Authority. -
- (24) **Certifying staff.** Those personnel who are authorized by the Approved Maintenance Organization in accordance with a procedure acceptable to the Authority to certify aircraft or aircraft components for release to service.
- (25) **Commercial air transport.** An aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire.
- (26) **Contracting States.** All States that are signatories to the Convention on International Civil Aviation (Chicago Convention).
- (27) **Course.** A program of instruction to obtain an airman license, rating, qualification, authorization, or currency.
- (28) **Courseware.** Instructional material developed for each course or curriculum, including lesson plans, flight event descriptions, computer software programs, audio-visual programs, workbooks, and handouts.

- (29) **Crew Resource Management.** A program designed to improve the safety of flight operations by optimizing the safe, efficient, and effective use of human resources, hardware, and information through improved crew communication and co-ordination.
- (30) **Cross-country time.** That time a pilot spends in flight in an aircraft which includes a landing at a point other than the point of departure and, for the purpose of meeting the cross-country time requirements for a private pilot license (except with a rotorcraft rating), commercial pilot license, or an instrument rating, includes a landing at an aerodrome which must be a straight-line distance of more than 50 nautical miles from the original point of departure.
- (31) **Evaluator.** A person employed by a certified Aviation Training Organization who performs tests for licensing, added ratings, authorizations, and proficiency checks that are authorized by the certificate holder's training specification, and who is authorized by the Authority to administer such checks and tests.
- (32) **Examiner.** Any person authorized by the Authority to conduct a pilot proficiency test, a practical test for an airman license or rating, or a knowledge test under these regulations.
- (33) **Flight crewmember.** A licensed crewmember charged with duties essential to the operation of an aircraft during flight time.
- (34) **Flight simulator.** A device that --
- (i) Is a full-size aircraft cockpit replica of a specific type of aircraft, or make, model, and series of aircraft;
 - (ii) Includes the hardware and software necessary to represent the aircraft in ground operations and flight operations;
 - (iii) Uses a force cueing system that provides cues at least equivalent to those cues provided by a 3 degree freedom of motion system;
 - (iv) Uses a visual system that provides at least a 45 degree horizontal field of view and a 30 degree vertical field of view simultaneously for each pilot; and
 - (v) Has been evaluated, qualified, and approved by the Authority.
- (35) **Flight time.** The total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight.
- Note: Flight time as here defined is synonymous with the term "block-to-block" time or "chock-to-chock" time in general usage, which is measured from the time an aircraft moves from the loading point until it stops at the unloading point.*
- (36) **Flight training device.** A device that-
- (i) Is a full-size replica of the instruments, equipment, panels, and controls of an aircraft, or set of aircraft, open or in an enclosed cockpit, including the hardware and software for the systems installed, that is necessary to simulate the aircraft in ground and flight operations;
 - (ii) Need not have a force (motion) cueing or visual system; and
 - (iii) Has been evaluated, qualified, and approved by the Authority.
- Note: A set of aircraft are those that share similar performance characteristics, such as similar airspeed and altitude operating envelopes, similar handling characteristics, and the same number and type of propulsion systems.*
- (37) **Flight training.** Training, other than ground training, received from an authorized instructor in flight in an aircraft.
- (38) **Inspection.** The examination of an aircraft or aeronautical product to establish conformity with a standard approved by the Authority.
- (39) **Instrument approach.** An approach procedure prescribed by the Authority baying jurisdiction over the aerodrome.
- (40) **Instrument time.** Time in which cockpit instruments are used as the sole means for navigation and control.

- (41) **Instrument training.** Training which is received from an authorized instructor under actual or simulated instrument meteorological conditions.
- (42) **Knowledge test.** A test on the aeronautical knowledge areas required for an airman license or rating that can be administered in written form or by a computer.
- (43) **Large airplane.** An airplane having a maximum certified take-off mass of 5,700 kg. (12,500 lbs.), or more.
- (44) **Maintenance.** Tasks required to ensure the continued airworthiness of an aircraft or aeronautical and defect rectification.
- (45) **Maintenance release.** A document containing a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed by the Authority.
- (46) **Minimum equipment list (MEL).** A list approved by the Authority which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List established for the aircraft type by the aircraft manufacturer, and approved by the State of Design.
- (47) **Night.** The hours between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise. Civil twilight ends in the evening when the Centre of the sun's disc is 6 degrees below the horizon and begins in the morning when the Centre of the sun's disc is 6 degrees below the horizon.
- (48) **Operational control.** The exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight.
- (49) **Pilot in command.** The pilot responsible for the operation and safety of the aircraft during flight time.
- (50) **Pilot time.** That time a person --
 - (i) Serves as a required pilot;
 - (ii) Receives training from an authorized instructor in an aircraft, approved flight simulator, or approved flight training device; or
 - (iii) Gives training as an authorized instructor in an aircraft, approved flight simulator, or approved flight-training device.
- (51) **Powered-lift.** A heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight - regimes and on non-rotating airfoil(s) for lift during horizontal flight.
- (52) **Powerplant.** An engine that is used or intended to be used for propelling aircraft. It includes turbo superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers.
- (53) **Practical test.** A competency test on the areas of operations for a license, certificate, rating, or authorization that is conducted by having the applicant respond to questions and demonstrate maneuvers in-flight, in an approved flight simulator, or in an approved flight training device, or in a combination of these.
- (54) **Pre-flight inspection.** The inspection carried out before flight to insure that the aircraft is fit for the intended flight
- (55) **Pressurized aircraft.** For airman-licensing purposes, means an aircraft that has a service ceiling or maximum operating altitude, whichever is tower, above 25,000 feet MSL.
- (56) **Propeller.** A device for propelling an aircraft that has blades on a powerplant driven shaft and that when rotated, produces by its action on the air,, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants.
- (57) **Rating.** An authorization entered on or associated with a license or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such license or certificate.
- (58) **Repair.** The restoration of an aircraft/aeronautical product to a serviceable condition in conformity with an approved standard.

- (59) **Second in command.** A licensed pilot serving in a piloting capacity other than as pilot-in-command, who is designated as second in command and who meets second in command requirements of Part 8 of these regulations.
- (60) **Small airplane.** An airplane having a maximum certified take-off mass of less than 5,700 kg. (12,500 lbs.).
- (61) **State of Registry.** The Contracting State on whose registry an aircraft is entered.
- (62) **Technical log.** A document carried on an aircraft that contains information to meet ICAO requirements; a technical log contains two independent sections: a journey record section and an aircraft maintenance record section.
- (63) **Training program.** Program that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum.
- (64) **Training time.** The time spent receiving from an authorized instructor flight training, ground training, or simulated flight training in an approved flight simulator or approved flight-training device.

1.2 GENERAL ADMINISTRATIVE RULES GOVERNING TESTING, LICENSES, AND CERTIFICATES

1.2.1.1 DISPLAY AND INSPECTION OF LICENSES AND CERTIFICATES

- (a) Pilot license:
 - (1) To act as a pilot of a civil aircraft of Federated States of Micronesia registry, a pilot shall have in his or her physical possession or readily accessible in the aircraft a valid pilot license or special purpose authorization issued under these regulations.
 - (2) To act as a pilot of a civil aircraft of foreign registry within Federated States of Micronesia, a pilot shall be the holder of a valid pilot license, and have the pilot license in his or her physical possession or readily accessible in the aircraft. -
- (b) Flight instructor license:[RESERVED]
- (c) Other airman license: A person required by any part of these regulations to have an airman's license shall have it in their physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that license
- (d) Medical certificate: A person required by any part of these regulations to have a current medical certificate shall have it in their physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that certificate.
- (e) Pilot School certificate and Aviation Maintenance Technician School certificate: [RESERVED]
- (f) Training Centre Certificate: [RESERVED]
- (g) Aircraft Airworthiness Certificate: Each owner or operator of an aircraft shall display that certificate in the cabin of the aircraft or at the entrance to the aircraft flight deck.
- (h) Approved Maintenance Organization (AMO) Certification: Each holder of an AMO certificate in the cabin of the aircraft or at the entrance to the aircraft flight deck.
- (i) Inspection of license: Each person who holds an airman or crewmember license, medical certificate, or authorization required by these regulations shall present it for inspection upon a request from:
 - (1) The Authority; or
 - (2) Any national or local law enforcement officer.

1.2.1.2 CHANGE OF NAME

- (a) A holder of a license or certificate issued under these regulations may apply to change the name on a license or certificate. The holder shall include with any such request—
 - (1) The current license or certificate; and
 - (2) A copy of the marriage license, court order, or other document verifying the name change.
- (b) The Authority will return to the airman the documents specified in paragraph (a) of this subsection.

1.2.1.3 CHANGE OF ADDRESS

The holder of an airman license or pilot school, training Centre, or aviation maintenance school certificate who has made a change in permanent mailing address may not, after 30 days from that date, exercise the - privileges of the license or certificate unless the holder has notified the Authority in writing of the new permanent mailing address, or current residential address if the permanent mailing address includes a post office box number.

1.2.1.4 REPLACEMENT OF A LOST OR DESTROYED AIRMAN OR MEDICAL CERTIFICATE OR KNOWLEDGE TEST REPORT

- (a) An applicant who has lost or destroyed one of the following documents issued under these regulations shall request a replacement in writing from the office designated by the Authority:
 - (1) An airman license.
 - (2) A medical certificate.
 - (3) A knowledge test report.
- (b) The airman or applicant shall state in the request letter —
 - (1) The name of the airman or applicant;
 - (2) The permanent mailing address, or if the permanent mailing address includes a post office box number, the person's current residential address;
 - (3) The social security number or equivalent national identification number;
 - (4) The date and place of birth of the airman or applicant; and
 - (5) Any available information regarding the-
 - (i) Grade, number, and date of issuance of the license, and the ratings, if applicable;
 - (ii) Date of the medical examination, if applicable; and
 - (iii) Date the knowledge test was taken, if applicable.
- (c) After receiving a facsimile from the Authority confirming that the lost or destroyed document was issued, an airman may carry the facsimile in lieu of the lost or destroyed document for up to 60 days pending the airman's receipt of a duplicate document.

1.2.1.5 FALSIFICATION, REPRODUCTION, OR ALTERATION OF APPLICATIONS, CERTIFICATES, LOGBOOKS, REPORTS, OR RECORDS

- (a) No person may make or cause to be made concerning any license, certificate, rating, qualification, or authorization, application for or duplicate thereof, issued under these regulations:
 - (1) Any fraudulent or intentionally false statement;
 - (2) Any fraudulent or intentionally false entry in any logbook, record, or report that these regulations require, or used to show compliance with any requirement of these regulations;

- (3) Any reproduction for fraudulent purpose; or
- (4) Any alteration.
- (b) Any person who commits any act prohibited under paragraph (a) of this section may have his or her airman license, rating, certificate, qualification, or authorization revoked or suspended.

1.2.1.6 SURRENDER, SUSPENSION, OR REVOCATION OF LICENSE OR CERTIFICATE

- (a) Any license or certificate issued under these regulations ceases to be effective if it is surrendered, suspended, or revoked.
- (b) The holder of any license or certificate issued under these regulations that has been suspended or revoked shall return that license or certificate to the Authority when requested to do so by the Authority.

1.2.1.7 REAPPUCATION AFTER REVOCATION

Unless otherwise authorized by the Authority, a person whose license, certificate, rating, or authorization has been revoked may not apply for any license, certificate, rating, or authorization for 1 year after the date of revocation.

1.2.1.8 REAPPLICATION. AFTER SUSPENSION

Unless otherwise authorized by the Authority, a person whose license has been suspended may not apply for any license, rating, or authorization during the period of suspension.

1.2.1.9 VOLUNTARY SURRENDER OR EXCHANGE OF LICENSE

- (a) The holder of a license or certificate issued under these regulations may voluntarily surrender it for:
 - (1) Cancellation;
 - (2) Issuance of a lower grade license; or
 - (3) Another license with specific ratings deleted.
- (b) An applicant requesting voluntary surrender of a license shall include the following signed statement or its equivalent: "This request is made for my own reasons, with full knowledge that my (insert name of license or rating, as appropriate) may not be reissued to me unless I again pass the tests prescribed for its issuance."

1.2.1.10 PROHIBITION ON PERFORMANCE DURING MEDICAL DEFICIENCY

- (a) A person who holds a current medical certificate issued under these regulations shall not act in a capacity for which that medical certificate is required while that person:
 - (1) Knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the required medical certificate; or
 - (2) Is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the required medical certificate.

1.2.1.11

DRUG AND ALCOHOL TESTING AND REPORTING

- (a) An employee who performs any function requiring a license, rating, qualification, or authorization prescribed by these regulations directly or by contract for a certificate holder under the provisions of these regulations may—
 - (1) Be denied any license, certificate, rating, qualification, or authorization for a period of up to 1 year after the date of such refusal; and
 - (2) Have his or her license, certificate, rating, qualification, or authorization issued under these regulations suspended or revoked
- (b) Any person subject to these regulations who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or Substances, may—
 - (1) Be denied any license, certificate, rating, qualification, or authorization issued under these regulations for a period of up to 1 year after the date of final conviction; or
 - (2) Have his or her license, certificate, rating, qualification, or authorization issued under these regulations suspended or revoked.
- (c) Any person subject to these regulations who refuses to submit to a test to indicate the percentage by weight of alcohol in the blood, when requested by a law enforcement officer, or refuses to furnish or to authorize the release of the test results requested by the Authority may—
 - (1) Be denied any license, certificate, rating, qualification, or authorization issued under these regulations for a period of up to 1 year after the date of that refusal; or
 - (2) Have his or her license, certificate, rating, qualification, or authorization issued under these regulations suspended or revoked.

1.3 EXEMPTIONS AND EQUIVALENT SAFETY CASE

1.3.1.1 EXEMPTIONS AND EQUIVALENT SAFETY CASE

No person may introduce procedures contrary to those prescribed in these regulations unless needed and an equivalent safety case has first been approved by the Authority.

*FAR: 11
JAR-OPS 1: 1.935
ICAO Doc 9376, 5.2.5*