

### § 60.3

to mistakenly credit use of the FSTD for purposes of meeting any requirement of this chapter.

(b) A situation in which paragraph (a) of this section would not apply to a person would be when each of the following conditions are met:

(1) The person sold or leased the FSTD and merely represented to the purchaser or lessee that the FSTD is in a condition in which it should be able to obtain FAA approval and qualification under this part;

(2) The person does not falsely claim to be the FAA-approved sponsor for the FSTD;

(3) The person does not falsely make representations that someone else is the FAA-approved sponsor of the FSTD at a time when that other person is not the FAA-approved sponsor of the FSTD; and

(4) The person's acts or omissions do not cause another person to detrimentally rely on such acts or omissions for the mistaken conclusion that the FSTD is FAA-approved and qualified under this part at the time the FSTD is sold or leased.

#### § 60.3 Definitions.

In addition to the definitions in part 1 of this chapter, other terms and definitions applicable to this part are found in appendix F of this part.

#### § 60.4 Qualification Performance Standards.

The Qualification Performance Standards (QPS) are published in appendices to this part as follows:

(a) Appendix A contains the QPS for Airplane Flight Simulators.

(b) Appendix B contains the QPS for Airplane Flight Training Devices.

(c) Appendix C contains the QPS for Helicopter Flight Simulators.

(d) Appendix D contains the QPS for Helicopter Flight Training Devices.

(e) Appendix E contains the QPS for Quality Management Systems for FSTDs.

(f) Appendix F contains the QPS for Definitions and Abbreviations for FSTDs.

#### § 60.5 Quality management system.

(a) After October 30, 2009, no sponsor may use or allow the use of or offer the

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use of an FSTD for flight crewmember training or evaluation or for obtaining flight experience to meet any requirement of this chapter unless the sponsor has established and follows a quality management system (QMS), currently approved by the National Simulator Program Manager (NSPM), for the continuing surveillance and analysis of the sponsor's performance and effectiveness in providing a satisfactory FSTD for use on a regular basis as described in QPS appendix E of this part.

(b) The QMS program must provide a process for identifying deficiencies in the program and for documenting how the program will be changed to address these deficiencies.

(c) Whenever the NSPM finds that the QMS program does not adequately address the procedures necessary to meet the requirements of this part, the sponsor must, after notification by the NSPM, change the program so the procedures meet the requirements of this part. Each such change must be approved by the NSPM prior to implementation.

(d) Within 30 days after the sponsor receives a notice described in paragraph (c) of this section, the sponsor may file a petition with the Director of Flight Standards Service (the Director) for reconsideration of the NSPM finding. The sponsor must address its petition to the Director, Flight Standards Service, AFS-1, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591. The filing of such a petition to reconsider stays the notice pending a decision by the Director. However, if the Director finds that there is a situation that requires immediate action in the interest of safety in air commerce, he may, upon a statement of the reasons, require a change effective without stay.

[71 FR 63426, Oct. 30, 2006, as amended at 72 FR 59599, Oct. 22, 2007]

#### § 60.7 Sponsor qualification requirements.

(a) A person is eligible to apply to be a sponsor of an FSTD if the following conditions are met:

(1) The person holds, or is an applicant for, a certificate under part 119, 141, or 142 of this chapter; or holds, or is an applicant for, an approved flight