

### § 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

engineer course in accordance with part 63 of this chapter.

(2) The FSTD will be used, or will be offered for use, in the sponsor's FAA-approved flight training program for the aircraft being simulated as evidenced in a request for evaluation submitted to the NSPM.

(b) A person is a sponsor if the following conditions are met:

(1) The person is a certificate holder under part 119, 141, or 142 of this chapter or has an approved flight engineer course in accordance with part 63 of this chapter.

(2) The person has—

(i) Operations specifications authorizing the use of the specific aircraft or set of aircraft and has an FAA-approved training program under which at least one FSTD, simulating the aircraft or set of aircraft and for which the person is the sponsor, is used by the sponsor as described in paragraphs (b)(5) or (b)(6) of this section; or

(ii) Training specifications or an FAA-approved course of training under which at least one FSTD, simulating that aircraft or set of aircraft and for which the person is the sponsor, is used by the sponsor as described in paragraphs (b)(5) or (b)(6) of this section.

(3) The person has a quality management system currently approved by the NSPM in accordance with § 60.5.

(4) The NSPM has accepted the person as the sponsor of the FSTD and that acceptance has not been withdrawn by the FAA.

(5) At least one FSTD (as referenced in paragraph (b)(2)(i) or (b)(2)(ii) of this section) that is initially qualified on or after October 30, 2007, is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the initial/upgrade evaluation, and at least once within each subsequent 12-month period thereafter.

(6) At least one FSTD (as referenced in paragraph (b)(2)(i) or (b)(2)(ii) of this section) that was qualified before October 30, 2007, is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the first continuing qualification evaluation conducted by the

NSPM after October 30, 2007 and at least once within each subsequent 12-month period thereafter.

(c) If the use requirements of paragraphs (b)(2) and either (b)(5) or (b)(6) of this section are not met, the person will forfeit the right to sponsor that FSTD and that person will not be eligible to apply to sponsor that FSTD for at least 12 calendar months following the expiration of the qualification status.

(d) In addition to the FSTD described in paragraph (b) of this section, an FSTD sponsor may sponsor any number of other FSTDs regardless of specific aircraft or set of aircraft provided either—

(1) During the preceding 12-month period, all of the other FSTDs are used within the sponsor's or another certificate holder's FAA-approved flight training program for the aircraft or set of aircraft simulated; or

(2) The sponsor obtains a written statement at least annually from a qualified pilot who has flown the aircraft or set of aircraft (as appropriate) during the preceding 12-month period stating that the subject FSTD's performance and handling qualities, within the normal operating envelope, represent the aircraft or set of aircraft described in the FAA Type Certificate and the type data sheet, if appropriate. The sponsor must retain the two most current written statements for review by the NSPM.

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

#### **§ 60.9 Additional responsibilities of the sponsor.**

(a) The sponsor must allow the NSPM upon request to inspect the FSTD as soon as practicable. This inspection may include all records and documents relating to the FSTD, to determine its compliance with this part.

(b) The sponsor must do the following for each FSTD:

(1) Establish a mechanism to receive written comments regarding the FSTD and its operation in accordance with the QPS appendix E of this part.

(2) Post in or adjacent to the FSTD the Statement of Qualification issued by the NSPM. An electronic copy of the Statement of Qualification that