

you provided as evidence of your exceptional skills and experience as a controller.

b. The Air Traffic Manager will then forward the written recommendation with a copy of your request to the senior executive manager in the Air Traffic Manager's regional chain-of-command.

c. The senior executive manager in the regional chain-of-command will make a written recommendation that the Administrator either approve or deny your request. If the senior executive manager recommends approval of your request, he or she will certify in writing the accuracy of the information you have provided as evidence of exceptional skills and experience.

d. The senior executive manager in the regional chain-of-command will then forward his or her recommendation with a copy of your request to the appropriate Vice President at FAA Headquarters. Depending on the facility in which you are employed, the request will be forwarded to either the Vice President for Flight Services, the Vice President for Enroute and Oceanic Services, the Vice President for Terminal Services or the Vice President for Systems Operations. For example, if you work at a flight service station at the time that you request a waiver, the request will be forwarded to the Vice President for Flight Services.

e. The appropriate Vice President will review your request and make a written recommendation that the Administrator either approve or deny your request, which will be forwarded to the Administrator.

f. The Administrator will issue the final decision on your request.

7. *If I am granted a waiver, when will it expire?*

a. Waivers will be granted for a period of one year.

b. No later than 90-days prior to expiration of a waiver, you may request that the waiver be extended using the same process identified in section 6.

c. If you timely request an extension of the waiver and it is denied, you will receive a 60-day advance notice of your separation date simultaneously with notification of the denial.

d. If you do not request an extension of the waiver granted, you will receive a 60-day advance notice of your separation date.

e. Action to separate you from your covered position becomes effective on the last day of the month in which the 60-day notice expires.

8. *Under what circumstances may my waiver be terminated?*

a. The FAA/DOT may terminate your waiver under the following circumstances:

i. The needs of the FAA; or

ii. If you are identified as a primary contributor to an operational error/deviation or runway incursion.

b. If the waiver is terminated for either of the reasons identified in paragraph 1 of this section, the air traffic control specialist will receive a 60-day advance notice.

c. Action to separate you from your covered position becomes effective on the last day of the month in which the 60-day notice expires.

9. *Appeal of denial or termination of waiver request:* The denial or termination of a waiver of mandatory separation request is neither appealable nor grievable.

[Doc. No. FAA-2004-17334, 70 FR 1636, Jan. 7, 2005]

Subpart A—General

§ 65.1 Applicability.

This part prescribes the requirements for issuing the following certificates and associated ratings and the general operating rules for the holders of those certificates and ratings:

- (a) Air-traffic control-tower operators.
- (b) Aircraft dispatchers.
- (c) Mechanics.
- (d) Repairmen.
- (e) Parachute riggers.

§ 65.3 Certification of foreign airmen other than flight crewmembers.

A person who is neither a U.S. citizen nor a resident alien is issued a certificate under subpart D of this part, outside the United States, only when the Administrator finds that the certificate is needed for the operation or continued airworthiness of a U.S.-registered civil aircraft.

[Doc. 65-28, 47 FR 35693, Aug. 16, 1982]

§ 65.11 Application and issue.

(a) Application for a certificate and appropriate class rating, or for an additional rating, under this part must be made on a form and in a manner prescribed by the Administrator. Each person who applies for airmen certification services to be administered outside the United States or for any certificate or rating issued under this part must show evidence that the fee prescribed in appendix A of part 187 of this chapter has been paid.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate and rating.

§ 65.12

(c) Unless authorized by the Administrator, a person whose air traffic control tower operator, mechanic, or parachute rigger certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise—

(1) A person whose air traffic control tower operator, aircraft dispatcher, or parachute rigger certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation; and

(2) A person whose mechanic or repairman certificate is revoked may not apply for either of those kinds of certificates for 1 year after the date of revocation.

[Doc. No. 1179, 27 FR 7973, Aug. 10, 1962, as amended by Amdt. 65-9, 31 FR 13524, Oct. 20, 1966; Amdt. 65-28, 47 FR 35693, Aug. 16, 1982; Amdt. 65-49, 72 FR 18559, Apr. 12, 2007]

§ 65.12 Offenses involving alcohol or drugs.

(a) A conviction for the violation of any Federal or state statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, or depressant or stimulant drugs or substances is grounds for—

(1) Denial of an application for any certificate or rating issued under this part for a period of up to 1 year after the date of final conviction; or

(2) Suspension or revocation of any certificate or rating issued under this part.

(b) The commission of an act prohibited by § 91.19(a) of this chapter is grounds for—

(1) Denial of an application for a certificate or rating issued under this part for a period of up to 1 year after the date of that act; or

(2) Suspension or revocation of any certificate or rating issued under this part.

[Doc. No. 21956, 50 FR 15379, Apr. 17, 1985, as amended by Amdt. 65-34, 54 FR 34330, Aug. 18, 1989]

§ 65.13 Temporary certificate.

A certificate and ratings effective for a period of not more than 120 days may

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be issued to a qualified applicant, pending review of his application and supplementary documents and the issue of the certificate and ratings for which he applied.

[Doc. No. 1179, 27 FR 7973, Aug. 10, 1962, as amended by Amdt. 65-23, 43 FR 22640, May 25, 1978]

§ 65.14 Security disqualification.

(a) *Eligibility standard.* No person is eligible to hold a certificate, rating, or authorization issued under this part when the Transportation Security Administration (TSA) has notified the FAA in writing that the person poses a security threat.

(b) *Effect of the issuance by the TSA of an Initial Notification of Threat Assessment.* (1) The FAA will hold in abeyance pending the outcome of the TSA's final threat assessment review an application for any certificate, rating, or authorization under this part by any person who has been issued an Initial Notification of Threat Assessment by the TSA.

(2) The FAA will suspend any certificate, rating, or authorization issued under this part after the TSA issues to the holder an Initial Notification of Threat Assessment.

(c) *Effect of the issuance by the TSA of a Final Notification of Threat Assessment.* (1) The FAA will deny an application for any certificate, rating, or authorization under this part to any person who has been issued a Final Notification of Threat Assessment.

(2) The FAA will revoke any certificate, rating, or authorization issued under this part after the TSA has issued to the holder a Final Notification of Threat Assessment.

[Doc. No. FAA-2003-14293, 68 FR 3775, Jan. 24, 2003]

§ 65.15 Duration of certificates.

(a) Except for repairman certificates, a certificate or rating issued under this part is effective until it is surrendered, suspended, or revoked.

(b) Unless it is sooner surrendered, suspended, or revoked, a repairman certificate is effective until the holder is relieved from the duties for which the holder was employed and certificated.