

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.737

National Policy

Effective Date:
5/28/25

Cancellation Date:
5/28/26

SUBJ: Interim Guidance Based on the Amendments to Title 14 of the Code of Federal Regulations Part 5

1. Purpose of This Notice. This notice provides interim guidance related to the amendments to Title 14 of the Code of Federal Regulations (14 CFR) Part 5, Safety Management Systems, effective May 28, 2024. The amendments to part 5 are applicable to existing and new applicants for 14 CFR part 121; part 135; and part 91, § 91.147 commercial air tour operations. This notice also provides guidance for new and existing participants in the Safety Management System (SMS) Voluntary Program (SMSVP) that hold an existing Federal Aviation Administration (FAA) letter of acknowledgment and that are now required to comply with part 5.

2. Audience. The primary audience for this notice is Flight Standards District Offices (FSDO), certificate management offices (CMO), principal inspectors (PI), and aviation safety inspectors (ASI) assigned to aviation organizations who are authorized to conduct part 121, part 135, and § 91.147 operations and those aviation organizations that are participating in the SMSVP.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the FAA's website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Reissuance. This notice reissues Notice N 8900.700, Interim Guidance Based on the Amendments to Title 14 of the Code of Federal Regulations Part 5, dated May 29, 2024.

5. Effective Date. The effective date for this notice is May 28, 2025.

6. Background.

a. In 2015, the FAA published part 5, which required part 121 certificate holders (CH) or applicants to implement an SMS. Part 5 harmonizes U.S. requirements for aviation organizations implementing an SMS requiring State acceptance with International Civil Aviation Organization (ICAO) SMS standards.

b. The amendment to part 5 now extends the applicability of the SMS requirements to include part 135 and § 91.147 commercial air tour operators with a Letter of Authorization

(LOA). This amendment enhances safety and more closely aligns the FAA's SMS requirements with ICAO Annex 19, Safety Management.

Note: Part 5, §§ 5.11 through 5.19 only apply to 14 CFR part 21 production CHs.

7. General Information. The following table defines the applicable requirement for each 14 CFR part and the SMSVP.

14 CFR Part	Existing	New Applicants
Part 121	<p>Must revise their SMS to meet the new requirements of part 5 no later than May 28, 2025.</p> <p>Appendix A provides part 121 interim guidance regarding policy.</p>	Applicants pursuing a part 121 Air Carrier Certificate must develop and implement an SMS that meets the requirements of part 5 as a part of certification.
Part 135	<p>Must develop and implement an SMS that meets the requirements of part 5 by May 28, 2027.</p> <p>A declaration of compliance will be submitted to the responsible Flight Standards office when part 5 requirements are met.</p> <p>Appendix B provides part 135 interim guidance regarding policy.</p>	Applicants pursuing a part 135 Air Carrier Certificate must develop and implement an SMS that meets the requirements of part 5 as a part of certification.
Part 91, § 91.147	<p>Must develop and implement an SMS that meets the requirements of part 5 by May 28, 2027.</p> <p>A declaration of compliance will be submitted to the responsible Flight Standards office when part 5 requirements are met.</p> <p>Appendix C provides § 91.147 interim guidance regarding policy.</p>	Applicants applying for an LOA to conduct § 91.147 commercial air tour operations must develop and implement an SMS that meets the requirements of part 5.
SMSVP	<p>Must revise their SMS to meet the new requirements of part 5 no later than May 28, 2025.</p> <p>Appendix D provides SMSVP interim guidance regarding policy.</p>	Voluntarily develop and implement an SMS that meets the requirements of part 5. Once the aviation organization voluntarily implements an SMS that meets part 5 requirements, they will submit a declaration of compliance in a form and manner acceptable to the Administrator.

8. Continued Operational Safety (COS). Future COS guidance will be incorporated into FAA Order 8900.1, Volume 17, Safety Management System, and other applicable policy.

9. SMS Briefings and Development. Briefings and educational resources will be developed to support SMS implementation and oversight.

10. Disposition. Some of the information in this notice will be incorporated into Order 8900.1, Volume 17; FAA Order 1800.56, National Flight Standards Work Program Guidelines (NPG); and other applicable guidance before this notice expires. Direct questions or comments concerning the information in this notice to the Safety Analysis and Promotion Division (AFS-900) at 9-NATL-SMS-ProgramOffice@faa.gov.

A handwritten signature in blue ink, appearing to read 'R. Reckert', with a stylized flourish at the end.

Robert H. Reckert for
Lawrence Fields
Executive Director, Flight Standards Service

Appendix A. Part 121

1. Title 14 CFR Part 121 Existing Certificate Holders (CH). Part 121 CHs will submit a revision to their Safety Management System (SMS) for FAA acceptance in a form and manner acceptable to the Administrator no later than May 28, 2025.

Note: Revisions will be submitted in accordance with the accepted office policy of the responsible Flight Standards office having certificate management oversight responsibility.

2. Part 121 Safety Assurance System (SAS) Automation. SAS will be updated (in FY24, 4th quarter) to include the following:

- All System or Subsystem Performance (SP) Data Collection Tools (DCT) will include two new questions addressing “Safety Risk Management” and “Safety Assurance.” Additionally, future automation enhancements will alter the way these questions present and are answered in SAS. Further information will be provided when this change is deployed.
- SP DCT 1.5 Safety Management will be modified to the four new elements:
 - 1.5.1 Safety Policy,
 - 1.5.2 Safety Risk Management,
 - 1.5.3 Safety Assurance, and
 - 1.5.4 Safety Promotion.
- Element Performance (EP) and Element Design (ED) DCTs will be developed to support SP DCT 1.5 new elements.

3. Part 121 Applicant. Applicants pursuing part 121 air carrier certification must develop and implement an SMS that meets the 14 CFR part 5 requirements as a part of certification.

4. Part 121 Continued Operational Safety (COS). Future COS guidance will be incorporated into FAA Order 8900.1, Volume 17, Safety Management System.

5. SMS Custom DCT (C DCT). The current Design and Performance SMS C DCTs will no longer be used. New SMS EP and ED DCTs will be developed for certification and COS.

Appendix B. Part 135

1. Title 14 CFR Part 135 Existing Certificate Holders (CH). Part 135 CHs have until May 28, 2027 to develop and implement a Safety Management System (SMS) that meets the requirements of 14 CFR part 5. Once the CH has developed and implemented an SMS that meets part 5 requirements, they will submit a declaration of compliance to the responsible Flight Standards office. A declaration of compliance is a legal document that states the CH has developed and implemented an SMS that meets the part 5 requirements. The office will acknowledge receipt of the declaration of compliance utilizing their normal office procedure for submissions. (Refer to FAA Order 8900.1, Volume 3, Chapter 1, Section 1, General).

Note: CHs with an existing SMS Voluntary Program (SMSVP) acknowledgement letter will remain valid until a declaration of compliance is submitted or until May 28, 2027 (whichever comes first).

A declaration of compliance must contain the following information:

- The name of the CH and certificate number.
- The physical address of the CH.
- A statement that the CH developed and implemented an SMS that meets the requirements of part 5.
- The declaration of compliance must be signed by the Accountable Executive or another senior member of management.

Once the declaration of compliance has been received, a principal inspector (PI) with the Certificate Management Team (CMT) will create a configuration data change request in Safety Assurance System (SAS) Configuration [Module 1] using the standard method.

- The PI shall check the “SMS – Declaration of Compliance/Initial Certification” box in the Vitals tab when proposing the change; and
- If the operations are conducted by a sole individual, as defined by part 5 and AC 120-92D, Safety Management Systems for Aviation Service Providers, the PI will check the “SMS – Sole Individual” box.

The PI will approve/accept the configuration change.

Note: If a part 135 CH who was previously in the SMSVP submits a declaration of compliance, the PI will need to uncheck the “SMSVP” box in the Vitals tab when proposing the change.

2. Part 135 SAS Automation Updates. SAS will be updated to include the following:

- A new Vitals field will identify which CHs have submitted a declaration of compliance. This applies to Peer Groups B, C, D, and E.
- A new Vitals field will identify which single-pilot CHs are “sole individual,” as defined by part 5 and AC 120-92D. This applies to Peer Group D.

The following version in SAS automation will be available in FY24, 4th quarter:

- When the “SMS – Declaration of Compliance/Initial Certification” box is checked in the Vitals tab, System or Subsystem Performance (SP) Data Collection Tool (DCT) 1.5 Safety Management and SP DCT 1.0 Organizational Management will autopopulate on the Comprehensive Assessment Plan (CAP).

Note: For those PIs that have previously checked the “SMS – Declaration of Compliance/Initial Certification” box in the Vitals tab, once the SAS DCT release occurs (FY24, 4th quarter), SP DCT 1.5 and SP DCT 1.0 will become available.

- All SP DCTs for Peer Groups B, C, and E, will include two new questions addressing “Safety Risk Management” and “Safety Assurance.” Additionally, future automation enhancements will alter the way these questions present and are answered in SAS. Further information will be provided when this change is deployed.
- SP DCT 1.5 and SP DCT 1.0 will be modified to the four new elements:
 - 1.5.1 Safety Policy,
 - 1.5.2 Safety Risk Management,
 - 1.5.3 Safety Assurance, and
 - 1.5.4 Safety Promotion.

3. Part 135 Applicant. Applicants pursuing part 135 certification must develop and implement an SMS that meets part 5 requirements as a part of certification.

After the SAS Automation Update (FY24, 4th quarter), the certification project manager (CPM)/applicant will select the following:

- The “SMS – Declaration of Compliance/Initial Certification” box in the Vitals tab. Element Design (ED) DCT 1.5 and ED DCT 1.0 will be available to populate on the CAP. The CPM will have available SP/Custom DCTs (C DCT) for the performance phase with the four new elements:
 - 1.5.1 Safety Policy,
 - 1.5.2 Safety Risk Management,
 - 1.5.3 Safety Assurance, and
 - 1.5.4 Safety Promotion.
- If the operations are conducted by a sole individual, as defined by part 5 and AC 120-92D, the PI will check the “SMS – Sole Individual” box.

4. Part 135 Continued Operational Safety (COS). Future COS guidance will be incorporated into Order 8900.1, Volume 17, Safety Management System.

5. SMS C DCT. The current Design and Performance SMS C DCTs will no longer be used. New SMS Element Performance (EP) and ED DCTs will be developed for certification and COS.

Appendix C. Part 91, § 91.147 Commercial Air Tour Operators

1. Title 14 CFR Part 91, § 91.147 Existing Aviation Organizations. Aviation organizations operating as a commercial air tour operator under § 91.147 with a Letter of Authorization (LOA) have until May 28, 2027 to develop and implement a Safety Management System (SMS) that meets the requirements of 14 CFR part 5. Once the aviation organization has developed and implemented an SMS that meets part 5 requirements, they will submit a declaration of compliance to the responsible Flight Standards office. A declaration of compliance is a legal document that states the aviation organization has developed and implemented an SMS that meets the part 5 requirements. The office will acknowledge receipt of the declaration of compliance utilizing their normal office procedure for submissions. (Refer to FAA Order 8900.1, Volume 3, Chapter 1, Section 1, General).

A declaration of compliance must contain the following information:

- The name of the aviation organization and Operator Designator Code.
- The physical address of the aviation organization.
- A statement that the aviation organization developed and implemented an SMS that meets the requirements of part 5.
- The declaration of compliance must be signed by the Accountable Executive or another senior member of management.

Once the declaration of compliance has been received, an aviation safety inspector (ASI) assigned to the aviation organization on the Web-Based Operations Safety System (WebOPSS) will create a new Safety Assurance System (SAS) Activity Recording (AR) activity and enter the following:

- a. 14 CFR: Enter “91.”
- b. Non-Cert: Enter the name of the aviation organization as it is listed in SAS.
- c. Activity Code: 2301 (OP), or 4301 (MX), or 6301 (AV).
- d. Description: If the operations are conducted by a sole individual, include “Sole Individual.”
- e. Save or Perform Activity.
- f. Enter Common Data Fields: Enter the date the declaration of compliance was received and end date.
- g. Division Use: Select on the drop-down menu “Current LOA Holder.”
- h. Performance Tab: Add new comment (e.g., “Declaration of Compliance submitted by the aviation organization”).
- i. Check/Submit for Data Quality Review.

Note: Only “ONE” activity code (2301 (OP), or 4301 (MX), or 6301 (AV)) will be entered when a declaration of compliance is submitted.

Note: Post-declaration oversight timelines will be incorporated into surveillance based on Risk-Based Decision Making (RBDM) and/or frequency minimums.

Note: SAS Automation Update (FY25) will change the method used for documenting the submittal of the declaration of compliance by the aviation organization. The ASI will create a change in the Non-Certificated screen of SAS Configuration [Module 1] as follows:

- The ASI will select the applicable aviation organization from the Select Non-Certificated tab, then check the “SMS – Declaration of Compliance/LOA Authorization” box in the Details tab under the General Information section; and
- If the operations are conducted by a sole individual, as defined by part 5 and AC 120-92D, Safety Management Systems for Aviation Service Providers, the ASI will check the “SMS – Sole Individual” box.

2. Section 91.147 Applicant. New entrants applying for operating authority as a commercial air tour operator under § 91.147 must develop and implement an SMS that meets the part 5 requirements. SMS design and performance questions for initial operating authorization are located in the SRG, under the Initial Certification section. Additionally, applicants must:

- Meet the requirements of § 91.147(b); and
- Submit a request for an LOA to the responsible Flight Standards office.

a. The LOA will be accomplished using guidance in Order 8900.1, Volume 3, General Technical Administration.

Note: On the SAS AR Division Use field, select on the drop-down menu “New Applicant.”

b. After the SAS Automation Update (FY25), once the LOA process is completed, the ASI will check the following:

- The “SMS – Declaration of Compliance/LOA Authorization” box in the Details tab under the General Information section; and
- If the operations are conducted by a sole individual, as defined by part 5 and AC 120-92D, the ASI will check the “SMS – Sole Individual” box.

c. The responsible Flight Standards office will develop the surveillance plan based on FAA Order 1800.56, National Flight Standards Work Program Guidelines (NPG).

3. Section 91.147 Surveillance Oversight. The responsible Flight Standards office, at a minimum, will conduct surveillance of all four SMS components within 24 months after a declaration of compliance is submitted by the commercial air tour operator and thereafter. Increased risk may increase the frequency of surveillance. The order of planned surveillance will be based on RBDM. Some example criteria include aviation organizations:

- Known to not comply with § 91.147;
- With known high turnover rates of certificated individuals or management personnel;
- With high-volume, growth, or complex operations;
- That are not associated with some type of Air Carrier Operating Certificate; or
- With a history of accidents, incidents, occurrences, or pilot deviations.

4. Section 91.147 Surveillance Activities. SMS surveillance activities should be captured on all operators within 24 months from the submittal of the declaration of compliance.

5. Activity Codes for Surveillance. Will include the following four SMS components:

- Safety Policy: 2602 (OP), or 4602 (MX), or 6602 (AV).
- Safety Risk Management: 2603 (OP), or 4603 (MX), or 6603 (AV).
- Safety Assurance: 2604 (OP), or 4604 (MX), or 6604 (AV).
- Safety Promotion: 2605 (OP), or 4605 (MX), or 6605 (AV).

Note: New unique codes will be used in SAS AR records for surveillance. The activity codes selected will generate questions within the new SAS AR activity for “Safety Risk Management” and “Safety Assurance.” SAS AR instructions will be incorporated into Order 8900.1, Volume 17, Safety Management System, and Order 1800.56.

Appendix D. Safety Management System Voluntary Program

1. Safety Management System (SMS) Voluntary Program (SMSVP). Upon publication of 14 CFR part 5 in the Federal Register (FR), aviation organizations with an accepted SMS recognized by the FAA must revise their SMS to meet the new requirements of part 5 and submit a declaration of compliance to their responsible Flight Standards office no later than May 28, 2025. The office will acknowledge receipt of the declaration of compliance utilizing their normal office procedure for submissions. (Refer to FAA Order 8900.1, Volume 3, Chapter 1, Section 1, General).

Note: Existing SMSVP acknowledgement letters will remain valid until a declaration of compliance is submitted or until May 28, 2025 (whichever comes first).

a. If no declaration is submitted by May 28, 2025, the principal inspector (PI)/aviation safety inspector (ASI) will notify the aviation organization of their removal of their SMSVP acknowledgement; and

b. The PI/ASI will uncheck the aviation organization's "SMSVP" box in the Vitals tab.

2. SMSVP Applicability. The FAA SMSVP participation is available to the following 14 CFR parts:

- Part 61 Flight School;
- Part 91 Living History Flight Experience (LHFE);
- Part 91 Banner Tow;
- Part 91 Executive Corporate Operator;
- Part 91 subpart K (part 91K);
- Part 91, 107, and 137 Unmanned Aircraft System (UAS);
- Part 105 Parachute;
- Part 125;
- Part 133;
- Part 137;
- Part 141;
- Part 142;
- Part 145; and
- Part 147.

3. SMSVP Participant. Aviation organizations requesting to voluntarily enter the SMSVP must develop and implement an SMS and that meets the requirements of part 5. After the aviation organization voluntarily implements their SMS, they will submit a declaration of compliance in a form and manner acceptable to the Administrator to their responsible Flight Standards office.

A declaration of compliance must contain the following information:

- The name of the aviation organization and certificate number (if applicable).
- Physical address of the aviation organization.
- A statement that the aviation organization developed and implemented an SMS that meets the requirements of part 5.
- The declaration of compliance must be signed by the Accountable Executive or another senior member of management.

a. Documentation for Aviation Organizations With a Vitals Tab in SAS. Prior to the Safety Assurance System (SAS) Automation Update (FY24, 4th quarter), the PI/ASI will document receipt of the aviation organization's declaration of compliance and participation in the SMSVP by creating a new SAS Activity Recording (AR) record and entering the following:

- (1) 14 CFR: "Enter applicable CFR part."
- (2) CH/A Name/Designator or Non-Cert: Enter the aviation organization's information.
- (3) Activity Code: 2301 (OP), or 4301 (MX), or 6301 (AV).
- (4) Description: If the operations are conducted by a sole individual, include "Sole Individual."
- (5) Save or Perform Activity.
- (6) Enter Common Data Fields: Enter the date the declaration of compliance was received and end date.
- (7) Performance Tab: Add new comment (e.g., "Declaration of Compliance submitted by the aviation organization").
- (8) Check/Submit for Data Quality Review.

Note: Only *one* activity code (2301 (OP), or 4301 (MX), or 6301 (AV)) will be entered when a declaration of compliance is submitted.

Note: For those PI/ASIs that created a SAS AR record, once the SAS Data Collection Tool (DCT) release occurs (FY24, 4th quarter), the PI/ASI will need to create a configuration change and check the "SMSVP – Declaration of Compliance" box in the Vitals tab. If the operations are conducted by a sole individual, as defined by part 5 and AC 120-92D, Safety Management Systems for Aviation Service Providers, the PI will check the "SMSVP – Sole Individual" box.

After the SAS Automation Update (FY24, 4th quarter), once the declaration of compliance has been received, the PI/ASI will create a configuration data change request in SAS Configuration [Module 1] using the standard method. The PI will check the following in the Vitals tab:

- The “SMSVP” box, if not already checked;
- The “SMSVP – Declaration of Compliance” box; and
- If the operations are conducted by a sole individual, as defined by part 5 and AC 120-92D, the PI will check the “SMSVP – Sole Individual” box.

The PI will approve/accept the configuration change.

Note: If a part 135 certificate holder (CH), who was previously in the SMSVP, submits a declaration of compliance, the PI will need to uncheck the “SMSVP” box in the Vitals tab when proposing the change.

b. Documentation for Those Aviation Organizations Without a Vitals Tab in SAS.

The PI/ASI will document receipt of the aviation organization’s declaration of compliance and participation in the SMSVP by creating a new SAS AR record. Enter the following information:

- (1) 14 CFR: “Enter applicable CFR part.”
- (2) Non-Cert: Enter the name of the aviation organization exactly as it is listed in SAS.
- (3) Activity Code: 2301 (OP), or 4301 (MX), or 6301 (AV).
- (4) Description: If the operations are conducted by a sole individual, include “Sole Individual.”
- (5) Save or Perform Activity.
- (6) Enter Common Data Fields: Enter the date the declaration of compliance was received and end date.
- (7) Performance Tab: Add new comment (e.g., “Declaration of Compliance submitted by the aviation organization”).
- (8) Check/Submit for Data Quality Review.

Note: SAS Automation Update (FY24, 4th quarter) will change the method used for documenting the submittal of the declaration of compliance by the SMSVP participant without a CAP. The PI/ASI will create a change in the Non-Certificated screen of SAS [Module 1] as follows:

- The PI/ASI will select the applicable aviation organization from the Select Non-Certificated tab, then check the “SMSVP – Declaration of Compliance” and “SMSVP” boxes in the Details tab under the General Information section; and
- If the operations are conducted by a sole individual, as defined by part 5 and AC 120-92D, the PI/ASI will check the “SMSVP – Sole Individual” box in the Details tab under the General Information section.

4. SAS Automation for CHs With a CAP. SAS will be updated to include the following:

- A new Vitals field will identify which aviation organizations have submitted a declaration of compliance. This applies to Peer Groups F, G, H, I, J, and K.
- A new Vitals field will identify which aviation organizations are “sole individual,” as defined by part 5 and AC 120-92D.

The following version in SAS Automation will be available in FY24, 4th quarter:

- When the “SMSVP – Declaration of Compliance” box is checked in the Vitals tab, System or Subsystem Performance (SP) DCT 1.5 Safety Management or SP DCT 1.0 Organizational Management, as applicable, will autopopulate on the CAP.

Note: For those PI/ASIs that have previously checked the “SMSVP – Declaration of Compliance” box in the Vitals tab, once the SAS DCT release occurs (FY24, 4th quarter), the SP DCT 1.5 and SP DCT 1.0 will become available.

- All SP DCTs for Peer Groups F, G, H, I, and K will include two new questions addressing “Safety Risk Management” and “Safety Assurance.” Additionally, future automation enhancements will alter the way these questions present and are answered in SAS. Further information will be provided when this change is deployed.
- SP DCT 1.5 and SP DCT 1.0 will be modified to the four new elements:
 - 1.5.1 Safety Policy,
 - 1.5.2 Safety Risk Management,
 - 1.5.3 Safety Assurance, and
 - 1.5.4 Safety Promotion.

5. SAS Automation for Aviation Organizations Without a CAP. The responsible Flight Standards office, at a minimum, will conduct surveillance of all four SMS components within 24 months after a declaration of compliance is submitted by the SMSVP participant and thereafter. Increased risk may increase the frequency of surveillance. The order of planned surveillance will be based on Risk-Based Decision Making (RBDM). Some example criteria include aviation organizations:

- Known to not comply with 14 CFR parts;
- With known high turnover rates of certificated individuals or management personnel;
- With high-volume, growth, or complex operations;
- That are not associated with some type of Air Carrier Operating Certificate; or
- With a history of accidents, incidents, occurrences, or pilot deviations.

6. Activity Codes for Surveillance. Will include the following four SMS components:

- Safety Policy: 2602 (OP), or 4602 (MX), or 6602 (AV).
- Safety Risk Management: 2603 (OP), or 4603 (MX), or 6603 (AV).
- Safety Assurance: 2604 (OP), or 4604 (MX), or 6604 (AV).
- Safety Promotion: 2605 (OP), or 4605 (MX), or 6605 (AV).

Note: New unique codes will be used in SAS AR records for surveillance. The activity codes selected will generate questions within the new SAS AR activity. SAS AR instructions will be incorporated into Order 8900.1, Volume 17, Safety Management System, and FAA Order 1800.56, National Flight Standards Work Program Guidelines (NPG).

Note: SMS design and performance questions are located in the SAS Resource Guide (SRG) under the Initial Certification section.

7. SMS Custom DCT (C DCT). The current Design and Performance SMS C DCTs will no longer be used. New SMS Element Performance (EP) and Element Design (ED) DCTs will be developed for certification and Continued Operational Safety (COS).