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## 49 U.S.C. § 44709 - U.S. Code - Unannotated Title 49. Transportation § 44709. Amendments, modifications, suspensions, and revocations of certificates

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**(a) Reinspection and reexamination.** --The Administrator of the Federal Aviation Administration may reinspect at any time a civil aircraft, aircraft engine, propeller, appliance, design organization, production certificate holder, air navigation facility, or air agency, or reexamine an airman holding a certificate issued under [section 44703 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=LQ&originatingDoc=l6e5df850f04511e5b85b8f8002](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=LQ&originatingDoc=l6e5df850f04511e5b85b8f8002)

of this title.

**(b) Actions of the Administrator.** --The Administrator may issue an order amending, modifying, suspending, or revoking--

(1) any part of a certificate issued under this chapter if--

(A) the Administrator decides after conducting a reinspection, reexamination, or other investigation that safety in air commerce or air transportation and the public interest require that action; or

(B) the holder of the certificate has violated an aircraft noise or sonic boom standard or regulation prescribed under [section 44715\(a\) \(https://1.next.westlaw.com/Link/Document/FullText?findType=Y&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=RB&originatingDoc=l6e6ac990f04511e5b85b8f8002](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=RB&originatingDoc=l6e6ac990f04511e5b85b8f8002)

of this title; and

(2) an airman certificate when the holder of the certificate is convicted of violating section 13(a) of the Fish and Wildlife Act of 1956 ( [16 U.S.C. 742j-1\(a\) \(https://1.next.westlaw.com/Link/Document/FullText?findType=Y&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=RB&originatingDoc=l6e6fab90f04511e5b85b8f8002](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=RB&originatingDoc=l6e6fab90f04511e5b85b8f8002)

1)).

**(c) Advice to certificate holders and opportunity to answer.** --Before acting under subsection (b) of this section, the Administrator shall advise the holder of the certificate of the charges or other reasons on which the Administrator relies for the proposed action. Except in an emergency, the Administrator shall provide the holder an opportunity to answer the charges and be heard why the certificate should not be amended, modified, suspended, or revoked.

**(d) Appeals.--(1)** A person adversely affected by an order of the Administrator under this section may appeal the order to the National Transportation Safety Board. After notice and an opportunity for a hearing, the Board may amend, modify, or reverse the order when the Board finds--

(A) if the order was issued under subsection (b)(1)(A) of this section, that safety in air commerce or air transportation and the public interest do not require affirmation of the order; or

(B) if the order was issued under subsection (b)(1)(B) of this section--

(i) that control or abatement of aircraft noise or sonic boom and the public health and welfare do not require affirmation of the order; or

(ii) the order, as it is related to a violation of aircraft noise or sonic boom standards and regulations, is not consistent with safety in air commerce or air transportation.

(2) The Board may modify a suspension or revocation of a certificate to imposition of a civil penalty.

(3) When conducting a hearing under this subsection, the Board is not bound by findings of fact of the Administrator.

## (e) Effectiveness of orders pending appeal. –

(1) **In general.** –When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

(2) **Exception.** –Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

(3) **Review of emergency order.** –A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

(4) **Final disposition.** –The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.

(f) **Judicial review.** –A person substantially affected by an order of the Board under this section, or the Administrator when the Administrator decides that an order of the Board under this section will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under [section 46110 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=LQ&originatingDoc=l6ea22d40f04511e5b85b8f8002](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=LQ&originatingDoc=l6ea22d40f04511e5b85b8f8002) of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

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