IMPLEMENTATION PROCEDURES

FOR

AIRWORTHINESS

Covering

DESIGN APPROVAL, PRODUCTION ACTIVITIES,
EXPORT AIRWORTHINESS APPROVAL,
POST DESIGN APPROVAL ACTIVITIES, AND
TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

Under the Agreement between
The Government of the United States of America
and
The Government of Japan
For Promotion of Aviation Safety

April 27, 2009

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IMPLEMENTATION PROCEDURES
For
AIRWORTHINESS

SECTION I GENERAL

1.0 Authorization. These Implementation Procedures are authorized by Article III of the Agreement between the Government of the United States of America and the Government of Japan for the Promotion of Aviation Safety, dated April 27, 2009 also known as the Bilateral Aviation Safety Agreement, or "BASA executive agreement." In accordance with Article III, the Federal Aviation Administration (FAA) and the Civil Aviation Bureau of Japan (JCAB) have determined that the aircraft certification systems of each authority for the design approval, production approval, airworthiness certification, and continuing airworthiness of civil aeronautical products, parts, and appliances are sufficiently similar in structure and performance to support these Implementation Procedures.

1.1 Purpose. The purpose of this document is to address the civil aeronautical products, parts, and appliances eligible for import into the United States and Japan, and to define the interface requirements and activities between the authorities for the import and continued support of those civil aeronautical products.

1.2 Principles. These Implementation Procedures address the performance of design, production, airworthiness, and related certification functions, and are based on a high degree of mutual confidence in the FAA's and JCAB's technical competence and regulatory capabilities to perform these tasks within the scope of these Implementation Procedures. The FAA and JCAB, as importing civil airworthiness authorities, shall give the same validity to the certification made by the other, as the exporting civil airworthiness authority, as if the certification had been made by the FAA or JCAB in accordance with its own applicable laws, regulations, and requirements. Also, when a finding is made by one authority in accordance with the laws and regulations of the other authority and with these Implementation Procedures, that finding is given the same validity as if it were made by the other authority. Therefore, the fundamental principle of these Implementation Procedures is to maximize the use of the exporting civil airworthiness authority's aircraft certification system to ensure that the airworthiness standards of the importing civil airworthiness authority are satisfied.

1.2.0 The FAA and JCAB agree that all information, including technical documentation, exchanged under these Implementation Procedures will be in the English language.

1.2.1 The FAA and JCAB mutually recognize each other's delegation and designee systems as part of their overall aircraft certification systems. Findings made pursuant to these Implementation Procedures through these systems are given the same validity as those made directly by the authority. The FAA and JCAB understand that there may be occasional situations where, upon prior notification to the other authority, either authority may interact directly with an individual designee of the other country. Unless otherwise agreed for specific projects, the FAA or JCAB will not routinely notify the other of designee or organization activities in advance of designees or representatives of approved organizations traveling to the United States or Japan to make findings of compliance and/or to perform conformity inspections.

1.3 Changes in Authority Aircraft Certification Systems.

1.3.0 These Implementation Procedures are based upon sufficiently similar aircraft certification systems being in place at the time of signing. Therefore, the importing and exporting authorities shall keep each other informed of significant changes within those systems, such as:

(a) statutory responsibilities;

(b) organizational structure (e.g., key personnel, management structure, technical training, office location);

(c) significant revisions to airworthiness and environmental standards and procedures;

(d) production quality control system oversight, including oversight of out-of-country production of parts; or

(e) delegated functions or the kinds of organizations to which functions have been delegated.

1.3.1 The FAA and JCAB recognize that revision by either authority to its regulations, policies, procedures, statutory responsibility, organizational structure, production quality control system oversight, or delegation system may affect the basis and the scope of these Implementation Procedures. Accordingly, upon notice of such changes by one authority, the other authority may request a meeting to review the need for amendment to these Implementation Procedures.

1.4 Authority Meetings. The FAA and JCAB agree to meet as necessary to review these Implementation Procedures and their continued validity. The frequency of these meetings will be mutually agreed by both authorities, and will depend on the number and significance of the issues to be discussed between the authorities. Every effort should be made to alternate the location of these meetings between Washington, DC, and Tokyo, Japan.

1.5 Applicable National Requirements, Procedures, and Guidance Material.

1.5.0 The FAA's standards for aircraft, engine and propeller airworthiness and environmental certification are contained in the Code of Federal Regulations (CFR), Title 14, Parts 21, 23, 25, 26, 27, 29, 33, 34, 35, and 36. The FAA also uses European Certification Specifications (CS) -22 and CS-VLA for some special class aircraft. Guidance material, policy, and procedures are contained in FAA Advisory Circulars, Orders, Notices, and Policy Memoranda.

1.5.1 The JCAB's standards for aircraft, engine and propeller airworthiness and environmental certification are contained in the Civil Aeronautics Law (CAL) Civil Aeronautics Regulations (CAR), and Airworthiness Inspection Manual (AIM). The JCAB has incorporated the equivalent of FAR parts 23, 25, 27, 29, 33 and 35 into the AIM. The JCAB also uses CS -22 for some special class aircraft. The JCAB has incorporated the equivalent of International Civil Aviation Organization (ICAO) Annex 16 into the CAR. Guidance material, policy and procedures are contained in JCAB Circulars.

1.6 Interpretations. In the case of conflicting interpretations of the laws, airworthiness or environmental regulations/standards, requirements, or acceptable means of compliance pertaining to certifications, approvals, or acceptance under these Implementation Procedures, the interpretation of the civil airworthiness authority whose law, regulation/standard, requirement, or acceptable means of compliance is being interpreted shall prevail.

1.7 Amendments and Points of Contact.

1.7.0 These Implementation Procedures may be amended by mutual consent of the FAA and JCAB. Such amendments shall be made effective by signature of the duly authorized representatives of the FAA and the JCAB.

1.7.1 The designated offices for the technical implementation of these Implementation Procedures are:

For the FAA:

Aircraft Certification Service
International Policy Office (AIR-40)
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
USA
Telephone: 1-202-385-8950
Fax: 1-202-493-5144

For the JCAB:

Airworthiness Division
Engineering Department
Civil Aviation Bureau
2-1-3, Kasumigaseki, Chiyoda-ku,
Tokyo, 100-8918,
Japan
Telephone: 81-3-5253-8735
Fax: 81-3-5253-1661

1.7.2 The designated offices for administrative coordination of these Implementation Procedures are:

For the FAA:

Office of International Aviation (API-1)
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591
USA
Telephone: 1-202-385-8900
Fax: 1-202-385-7179

For the JCAB:

Airworthiness Division
Engineering Department
Civil Aviation Bureau
2-1-3, Kasumigaseki, Chiyoda-ku,
Tokyo, 100-8918,
Japan
Telephone: 81-3-5253-8735
Fax: 81-3-5253-1661

1.8 Entry Into Force and Termination. These Implementation Procedures shall enter into force upon signature and shall remain in force until terminated by either party. Either the FAA or JCAB may terminate these Implementation Procedures upon sixty days written notice to the other party. Termination will not affect the validity of activity conducted under these Implementation Procedures prior to termination.

1.9 Definitions. For the purpose of these Implementation Procedures, the following definitions are provided. Additional definitions can be found in Article I of the BASA executive agreement.

(a) "Additional Technical Condition" means a requirement of the importing country that is in addition to the applicable airworthiness requirements of the State of Design or that may be prescribed to provide a level of safety equivalent to that provided by the applicable airworthiness requirements for the importing country.

(b) "Airworthiness Standards" means regulations governing the design and performance of civil aeronautical products, parts, and appliances.

(c) "Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight and is installed in or attached to the aircraft.

(d) "Civil Aeronautical Product" (herein also referred to as "product") means each civil aircraft, aircraft engine, or propeller.

(e) "Critical Component" means a part identified as critical by the type design approval holder during the product validation process, or otherwise by the exporting authority. Typically, such components include parts for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of the manufacturer's maintenance manual or Instructions for Continued Airworthiness.

(f) "Environmental Approval" means an approval issued when a civil aeronautical product has been found to comply with standards concerning noise, fuel venting, and/or exhaust emissions.

(g) "Environmental Standards" means regulations governing designs with regard to noise characteristics, fuel venting, and exhaust emissions of civil aeronautical products and appliances.

(h) "Environmental Testing" means a process by which a civil aeronautical product or appliance is determined to comply with environmental standards.

(i) "Equivalent Level of Safety Finding" means a finding that alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought.

(j) "Exemption" means a grant of relief from requirements of a current regulation when processed through the appropriate regulatory procedure by the FAA or JCAB, and found to have a level of safety at least equal to the regulation for which the relief is granted.

(k) "Export" means the process by which a product, part or appliance is released from a civil aviation authority's regulatory system for subsequent use by another country.

(l) "Exporting Civil Airworthiness Authority" means the national organization within the exporting State, charged by the laws of the exporting State, to regulate the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The exporting civil airworthiness authority will be referred to herein as the exporting authority.

(m) "Familiarization" means the process whereby the importing authority obtains information and experience on an aeronautical product designed in the exporting State in order to prescribe additional technical conditions for that product; implement corrective airworthiness action in the event that the product experiences service difficulties during its operation in the importing State; and to ensure the development of appropriate maintenance, operating, and pilot type rating information, if applicable, for the product.

(n) "Finding" means a determination of compliance/non-compliance as the result of an airworthiness authority's review, investigation, inspection, test, and/or analysis.

(o) "Import" means the process by which an exported product, part or appliance is accepted by a country's civil airworthiness authority for its own use and subsequently placed under that authority's regulatory system.

(p) "Importing Civil Airworthiness Authority" means the national organization within the importing State, charged by the laws of the importing State with regulating the airworthiness and environmental certification, approval, or acceptance of civil

aeronautical products, parts, and appliances. The importing civil airworthiness authority will be referred to herein as the importing authority.

(q) "Issue Paper" means a document representing an item that requires resolution prior to the issuance of the JCAB or FAA Type Certificate (TC) or Supplemental Type Certificate (STC).

(r) "Licensing Agreement" means a commercial contract between a TC or STC holder and a Production Approval Holder (or applicant) formalizing the rights and duties of both parties to use the design data for the purpose of manufacturing the product or part.

(s) "Maintenance" means the performance of inspection, overhaul, repair, preservation, and the replacement of parts or appliances of a product, but excludes preventive maintenance.

(t) "Manufacturer" means the person who, by FAA or JCAB regulation, is responsible for determining that all products or parts thereof produced within the quality control system conform to an FAA or JCAB-approved design or established government or industry standard and are in a condition for safe operation.

(u) "Multi-National Consortium" means a group of manufacturers from multiple countries who have agreed to form a single company for production of a particular product.

(v) "New Aircraft" means an aircraft that is still owned by the manufacturer, distributor, or dealer, if there is no intervening private owner, lease, or time sharing arrangement, and the aircraft has not been used in any pilot school and/or other commercial operation.

(w) "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, or other similar representative of any of them.

(x) "Product" see (d) Civil Aeronautical Product.

(y) "Production Quality System" means a systematic process which meets the requirements of the exporting authority and ensures that products, parts, and appliances will conform to the approved design and will be in a condition for safe operation.

(z) "Rebuilt engine" means a U.S. engine that has been disassembled, cleaned, inspected, repaired, as necessary, reassembled, and tested by the production approval holder in accordance with 14 CFR part 43.

(aa) "Special Condition" means an additional airworthiness standard(s) prescribed by the FAA or JCAB when the airworthiness standards for the category of product do not contain adequate or appropriate safety standards due to novel or unusual design features. Special Conditions contain such safety standards as the FAA or JCAB finds necessary to establish a level of safety equivalent to that established in the applicable regulations.

(bb) "Standard Part" means a part that is manufactured in complete compliance with an established government or industry-accepted specification, which includes design, manufacturing and uniform identification requirements. The specification must include all information necessary to produce and conform the part, and must be published so that any party may manufacture the part.

(cc) "Supplier" means a person or organization at any tier contracted to furnish aviation products, parts, appliances, components, material or services.

(dd) "Used Aircraft" means each aircraft that is not a new aircraft, as defined in paragraph (v) above.

(ee) "Validation" means the importing authority's process for type certification or equivalent of a product certificated by either the FAA or JCAB, as exporting authorities.

SECTION II SCOPE OF THESE IMPLEMENTATION PROCEDURES

2.0 General. These Implementation Procedures cover new products, parts, and appliances as agreed between the JCAB and FAA after applicable assessment activities. The focal points identified in paragraph 1.7.1 will maintain documentation regarding the current scope of products, parts and appliances covered under this agreement. Products, parts and appliances will be accompanied by the appropriate export documentation as defined in section 3.2.

2.1 Design and Design Change Approvals. These Implementation Procedures also cover the acceptance of design data for changes to type design and repairs for the products, parts and appliances covered above.

2.2 Standard Parts.

(a) Japanese Acceptance of Standard Parts. Japan shall accept Standard Parts for all products, parts, and appliances covered under these Implementation Procedures when they conform to established U.S. industry or U.S. government specifications, or to an FAA parts TSO (e.g., TSO C148, C149, or C150).

(b) U.S. Acceptance of Standard Parts. The U.S. shall accept Standard Parts for all products, parts, and appliances covered under these Implementation Procedures when they conform to established U.S. or Japanese industry specifications.

2.3 Airworthiness Certification. These Implementation Procedures for design approval apply to such aircraft type designs to be type certificated by the FAA and JCAB for standard category airworthiness certification. Aircraft for which a special airworthiness certificate is to be issued will be dealt with on a case-by-case basis through the special arrangements provision in Section V of this document.

2.4 Provisions for Environmental Testing and Approvals. These Implementation Procedures define how the JCAB and FAA will review data submitted for environmental approvals (see Sections 3.0.1.8 and 3.0.2.9).

2.5 Provisions for Technical Assistance. The scope of all technical assistance activities between the FAA and JCAB are specified in Section IV.

2.6 Provisions for Special Arrangements. These Implementation Procedures provide for designated officials within the FAA and JCAB to make special arrangements -- with respect to design approval, production activities, export airworthiness approval, post design approval, or technical assistance -- in unique situations which have not been specifically addressed in these Implementation Procedures, but which are anticipated by the BASA. All special arrangements between the authorities are listed in Appendix C.

SECTION III ESTABLISHED WORKING PROCEDURES

3.0 DESIGN APPROVAL PROCEDURES

3.0.0 General.

(a) The FAA and JCAB, as importing authorities, will normally conduct certification activities under a validation process on a product in order to make a finding of compliance and issue its design approval. The validation process is initiated by an application. The FAA and JCAB's will normally require a familiarization briefing by the applicant, the establishment of the certification basis by the importing authority, a technical information exchange in the form of data, specialist meetings on technical compliance, and/or the development of issue papers, establishment of the scope of delegation to the exporting authority, compliance determinations, and finally, the issuance of the design approval. The design approval issued by the importing authority is based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance certifications made by the exporting authority.

(b) The expectation is that, with only a few exceptions, the determinations of compliance with the importing authority's requirements would be made by the exporting authority, as delegated by the importing authority. The importing authority is able to make findings of compliance, without further showing, based upon statements of compliance by the exporting authority. Since the exporting authority must understand the importing authority's position on all the items for which the exporting authority will be making determinations of compliance, both authorities shall ensure that they communicate adequately on these items. Both authorities will meet to discuss certification/validation issues before meeting together with the applicant. Also, the importing authority will seek the exporting authority's opinions before significant issues are resolved and, accordingly, may postpone a meeting with the applicant to discuss and resolve technical issues until the exporting authority is adequately represented. Working in accordance with the principle that communications should occur authority-to-authority, correspondence will be answered through and coordinated with the exporting authority. The FAA and JCAB also recognize that direct communications between the validating authority and the applicant are sometimes necessary. Direct communications should be limited to technical questions regarding the product (familiarization). The certificating authority should be informed on the outcome from these discussions.

(c) Close cooperation between the importing and the exporting authorities is necessary to provide for effective management of the validation process and for the most cost effective utilization of resources.

(d) The FAA does not normally issue a design approval for a product manufactured outside the United States, except for an aircraft to be U.S.-registered or an engine, propeller, appliance, or part to be incorporated into the design of a U.S.-registered aircraft or U.S.-manufactured product. Therefore, Japanese applicants for U.S. design approval should provide the FAA with evidence that the product, part, or appliance will be imported into the United States, or will be installed on a U.S.-registered or U.S.-manufactured product.

(e) The JCAB does not normally issue a design approval for a product manufactured outside Japan, except for an aircraft to be Japanese-registered or engine, propeller, appliance, or part to be incorporated into the design of an Japanese-registered aircraft or Japanese-manufactured product. Therefore, U.S. applicants for Japanese design approval should provide the JCAB with evidence that the product, part, or appliance will be imported into Japan, or will be installed on a Japanese-registered or Japanese-manufactured product.

(f) Both authorities may agree to streamline the validation process based on the complexity of the products.

3.0.1 Design Approval Procedures for U.S. Type Certificates.

3.0.1.0 Application for U.S. Type Certification.

(a) An application for a U.S. TC, in accordance with 14 CFR § 21.15, from an applicant in Japan will be sent to the JCAB. Applications may be submitted for the products mutually agreed to per paragraph 2.0.with a Japanese Type Certificate/Type Approval (TC/TA), or for these products where application for type certification/type approval has been made to the JCAB. The JCAB should ensure the application has the following information:

(1) The Japanese TC/TA and TC/TA Data Sheet, if available, and a general description of the design, including a definition of the national airworthiness and environmental standards upon which the JCAB design approval was (or is to be) based, and the amendment level of the U.S. airworthiness and environmental standards the JCAB believes to be satisfied by its own standards; and

(2) A planning date for FAA type certification.

(b) The application should contain the following, if known at the time of application:

(1) A description of all novel or unusual design features known to the applicant or JCAB at the time of application which might necessitate issuance of FAA special conditions under 14 CFR § 21.16, or which might require a special review of acceptable means of compliance;

(2) All known or expected exemptions or equivalent level of safety findings relative to the JCAB's airworthiness standards for design approval that might affect compliance with the applicable U.S. airworthiness and environmental standards; and

(3) Available information on U.S. market potential, including specific customers and U.S. content of the product, if known.

(c) The JCAB should forward the application to the appropriate FAA Aircraft Certification Service Directorate, based on the class and category of product. Appendix A contains a list of addresses for the FAA Aircraft Certification Service Directorates.

(d) If the application is for a product which is of a level of complexity that has not been previously certificated by the JCAB, the JCAB should notify the FAA. This notification should be made as soon as the JCAB becomes aware of this type of application, so that the FAA may plan the scope of its validation program.

3.0.1.1 Familiarization Meeting.

(a) The JCAB will arrange a familiarization meeting between the FAA, JCAB, and the applicant to discuss the validation process, the approved or proposed domestic (Japanese) certification basis, and all novel or unusual features of the product.

(b) At this meeting the FAA will work to establish the U.S. type certification basis and the means of compliance for the product under application by determining the U.S. airworthiness and environmental standards that would be applied to a similar product if it were to be produced in the United States. The extent to which these activities are accomplished at the meeting will depend on the FAA's familiarity with the product and applicant, the applicant's familiarity with the FAA's process and, in general, the overall preparedness of all parties.

(c) For simple projects or less complex products, technical familiarization may be streamlined if agreed by both the FAA and JCAB.

(d) As a part of the familiarization meeting, the FAA may require the applicant to provide a briefing on its production quality system, if it is a facility with which the FAA is not previously familiar.

3.0.1.2 Establishment of Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The FAA and JCAB will mutually agree on a plan to ensure adequate compliance finding capability. The FAA will notify the JCAB of its Project Manager.

3.0.1.3 Establishment of U.S. Type Certification Basis.

(a) New type certificates. The FAA will develop the certification basis using the applicable airworthiness standards in effect on the date the application was made to the JCAB for a domestic TC/TA.

(b) Additional requirements.

(1) In general, the FAA may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in the United States as a result of service history and actions taken by the JCAB to correct unsafe conditions.

(2) The FAA will review all novel and unusual design features for development of special conditions. The FAA will work closely with the JCAB in the development of special conditions and, if applicable, exemptions providing the JCAB and the applicant an opportunity to comment on the proposal.

(c) Environmental (Type) Certification Basis. The regulatory basis for compliance with 14 CFR Parts 34 and 36 is the effective amendment on the date of FAA application. An applicant for a TC or STC must show that the aircraft meets the applicable airworthiness standards, special conditions, fuel venting and exhaust emission standards of 14 CFR Part 34 and the noise standards of 14 CFR Part 36.

3.0.1.4 Compliance to the U.S. Certification Basis. The JCAB will review the FAA's proposed U.S. type certification basis and notify the FAA Project Manager of the proposed methods of compliance. The FAA and JCAB agree that the certification basis will be to Title 14 of the Code of Federal Regulations, plus environmental standards of the United States.

3.0.1.5 Data Submittal & Design Review. In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the FAA may make written requests for data to the JCAB. The JCAB, in responding to such requests, will verify that the data provided has been reviewed and, if required, approved by the JCAB. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) should be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

3.0.1.6 Technical Meetings.

(a) In addition to the initial familiarization meeting, other technical meetings may be necessary to assure that any additional technical conditions that have

been communicated to the JCAB are well understood, and that any outstanding technical issues are resolved. These meetings will be justified in writing and should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the JCAB and will normally have both authorities' representatives in attendance.

(b) Early in the program, based on the known design and information presented in the familiarization and technical meetings, the FAA will identify the areas in which further FAA activity will be required (e.g., reports, tests and test witnessing, areas of concern or special emphasis). The anticipated level of activity by the FAA will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or subsequent design changes are made. It is anticipated that any additional involvement will be based on:

(1) New or novel features,

(2) New FAA airworthiness requirements where judgment may be required in their initial application,

(3) Sensitive issues (usually associated with accidents or incidents of similar products), or

(4) New methods of compliance or novel applications of existing methods of compliance.

(c) The JCAB will keep the FAA informed of the progress of its domestic type certification program on a regular basis. The JCAB should notify the FAA Project Manager as soon as possible of all additional novel or unusual design features, and all other design features that might cause or have caused the JCAB to develop a special condition or to make an equivalent level of safety finding.

3.0.1.7 Issue Papers.

(a) The FAA will prepare issue papers which identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent level of safety findings, and special conditions. However, when the FAA's and JCAB's positions are equivalent, the JCAB's issue papers may be used directly by the FAA in lieu of an FAA issue paper. Nevertheless, the FAA must process its own issue papers which address equivalent levels of safety or special conditions.

(b) The FAA will coordinate all issue papers and changes to issue papers with the JCAB. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

3.0.1.8 Environmental Testing and Approval Procedures.

(a) The FAA is authorized to make findings of compliance to 14 CFR Parts 34 and 36 based upon FAA witnessed tests, conducted in accordance with FAA-approved test plans, and based upon FAA review and approval of all data and compliance demonstration reports submitted via the JCAB.

(b) Environmental Testing and Approval Process. The typical FAA process for environmental testing and approvals includes the following:

(1) Environmental (noise, fuel venting, and exhaust emissions) certification compliance demonstration plans must be submitted to the FAA for review, comment, and subsequent approval prior to undertaking certification testing.

(2) Information and data must be supplied to the FAA in order to conduct a finding in accordance with the Noise Control Act of 1972 (P.L. 92-574). The FAA, before issuing an original TC for an aircraft of any category, must assess the extent of noise abatement technology incorporated into the type design and determine whether additional noise reduction is achievable. This examination must be initiated as soon as possible after the application for type certification in each original type certification project and reflect noise reduction potentials that become evident during the design and certification process.

(3) Information and data must be supplied to the FAA in order to conduct an evaluation of the measurement and analysis methods and practices, and data correction procedures of the applicant for aircraft noise certification under 14 CFR Part 36, Subpart B and/or Subpart H.

(4) Compliance demonstration aircraft noise test plans and engine exhaust emissions test plans to be used for demonstrating U.S. environmental certification compliance must be submitted to the FAA for review and comment, and subsequent approval not less than 90 days prior to commencing testing.

(5) Proposed equivalent procedures to be used by the applicant during testing, data processing, data reduction, and data analysis must be specifically identified to the FAA and approved in advance by the FAA as part of items (1) and (4).

(6) Compliance demonstration tests must be witnessed by FAA personnel, or FAA designated engineering representatives. Prior to the start of testing it is necessary to assure the conformity of the test article (aircraft or engine configuration) to that identified in the FAA approved compliance demonstration test plans.

(7) Compliance demonstration reports must be submitted to the FAA for review and comment and subsequent approval prior to type certification approval.

3.0.1.9 Final Certification Meeting/Issuance of the Type Certificate. The FAA will prepare the TC and TC Data Sheet and forward them to the JCAB for transmittal to the applicant once the following have occurred:

(a) The applicant has demonstrated compliance to the U.S. type certification basis,

(b) The JCAB has issued a certifying statement to the FAA in accordance with 14 CFR § 21.29, along with all additional requested materials, and

(c) The JCAB has issued its TC.

3.0.1.10 Evaluation of Operational and Maintenance Aspects. The FAA has established Aircraft Evaluation Groups (AEG), located at the product-accountable Directorates. The AEGs are responsible for the operational and maintenance aspects of the type certification process. The AEG will conduct Boards and consult with its JCAB counterpart, as appropriate, to review the following items on Japanese products prior to their entry into U.S. operations: Maintenance Review Board (MRB) Report and associated Instructions for Continued Airworthiness documentation; Operational configuration; Pilot training and licensing requirements; and the formulation and approval of a Master Minimum Equipment List (MMEL). The AEG will be invited to participate in the familiarization meeting by the FAA Project Manager, and will generate issue papers as appropriate to the type design. Compliance with AEG requirements is not required at the time of the issuance of the U.S. TC, but to avoid operational suitability problems, applicants are encouraged to complete AEG requirements early in the project.

3.0.2 Design Approval Procedures for Japanese Type Certificates/Type Approvals.

3.0.2.0 General. The JCAB only issues TCs for aircraft. The JCAB issues Type Approvals (TA) for engines, propellers and Japanese critical parts, as defined in CAR Article 27. The JCAB issues Specification Approvals (SA) for all other Japanese parts. The JCAB's TAs or SAs for parts and appliances are a design approval, but not an installation approval.

3.0.2.1 Application for Japanese Type Certification/Type Approvals.

(a) An application for Japanese TC or TA, in accordance with CAR Articles 17 and 14-2, from an applicant in the United States will be sent to the FAA Aircraft Certification Office (ACO) responsible for the applicant's geographic area. Applications may be submitted for products with a U.S. TC, or for products where applications for type certification has been made to the FAA. The FAA should ensure the application has the following information:

(1) The FAA TC and Type Certificate Data Sheet (TCDS), if available, and a general description of the design, including a definition of the

national airworthiness and environmental standards upon which the FAA design approval was (or is to be) based, and the amendment level of the Japanese airworthiness and environmental standards the FAA believes to be satisfied by its own standards; and

(2) A planning date for JCAB type certification/type approval.

(b) Also, the application should contain the following, if known at the time of application:

(1) A description of all novel or unusual design features known to the applicant or the FAA at the time of application which might necessitate issuance of JCAB special conditions or which might require a special review of acceptable means of compliance;

(2) All known or expected exemptions or equivalent level of safety findings relative to the FAA's airworthiness standards for design approval that might affect compliance with the applicable Japanese airworthiness and environmental standards; and

(3) Available information on Japanese market potential, including specific customers and Japanese content of the product, if known.

(c) The FAA should forward the application to the appropriate JCAB office, based on the class and category of product. Appendix A contains the address for the JCAB.

(d) If the application is for a product which is of a level of complexity that has not been previously certificated by the FAA, the FAA should notify the JCAB. This notification should be made as soon as the FAA becomes aware of this type of application, so that the JCAB may plan the scope of its validation program.

3.0.2.2 Familiarization Meeting.

(a) The FAA will arrange a familiarization meeting between the JCAB, the FAA, and the applicant to discuss the validation process, the approved or proposed domestic (U.S.) certification basis, and all novel or unusual features of the product.

(b) At this meeting the JCAB will work to establish the Japanese type certification basis and the means of compliance for the product under application by determining the Japanese airworthiness and environmental standards that would be applied to a similar product if it were to be produced in Japan. The extent to which these activities are accomplished at the meeting will depend on the JCAB's familiarity with the product and applicant, the applicant's familiarity with the JCAB's process and, in general, the overall preparedness of all parties.

(c) For simple projects or less complex products, technical familiarization may be streamlined if agreed by both the JCAB and FAA.

(d) As a part of the familiarization meeting, the JCAB may require the applicant to provide a briefing on its production quality system, if it is a facility with which the JCAB is not previously familiar.

3.0.2.3 Establishment of Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The JCAB and FAA will mutually agree on a plan to ensure adequate compliance finding capability. The JCAB will notify the FAA of its Project Manager.

3.0.2.4 Establishment of Japanese Type Certification/Type Approval Basis.

(a) New Type Certificates. The JCAB will develop the certification basis using the applicable airworthiness standards in effect on the date the application was made to FAA for a domestic TC.

(b) Additional Requirements.

(1) In general, the JCAB may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in Japan as a result of service history and actions taken by the FAA to correct unsafe conditions.

(2) The JCAB will review all novel and unusual design features for development of special conditions. The JCAB will work closely with the FAA in the development of special conditions and, if applicable, exemptions providing the FAA and the applicant an opportunity to comment on the proposal.

(c) Environmental (Type) Certification Basis. The regulatory basis for compliance to environmental requirements (CAR Annexes 2 and 3; equivalent to ICAO Annex 16) is the effective amendment on the date of application to the JCAB. An applicant for a TC or STC must show that the aircraft meets the applicable airworthiness standards, special conditions, noise standards of CAR Annex 2, fuel venting and exhaust emissions standards of CAR Annex 3.

3.0.2.5 Compliance to Japanese Certification Basis. The FAA will review the JCAB's proposed Japanese type certification/type approval basis and notify the JCAB Project Manager of the proposed methods of compliance. The FAA and JCAB agree that the certification basis will be to AIM (equivalent to 14 CFR), plus environmental standards of Japan.

3.0.2.6 Data Submittal & Design Review. In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the JCAB may make written requests for data to the FAA. The FAA, in responding to such requests, will verify that the data provided has been reviewed and, if required, approved by the FAA. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) should be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

3.0.2.7 Technical Meetings.

(a) In addition to the initial familiarization meeting, other technical meetings may be necessary to assure that any additional technical conditions that have been communicated to the FAA are well understood, and that any outstanding technical issues are resolved. These meetings will be justified in writing and should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the FAA and will normally have both authorities' representatives in attendance.

(b) Early in the program, based on the known design and information presented in the familiarization and technical meetings, the JCAB will identify the areas in which further JCAB activity will be required (e.g., reports, tests and test witnessing, areas of concern or special emphasis). The anticipated level of activity by the JCAB will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or subsequent design changes are made. It is anticipated that any additional involvement will be based on:

(1) New or novel features,

(2) New JCAB airworthiness requirements where judgment may be required in their initial application,

(3) Sensitive issues (usually associated with accidents or incidents of similar products), or

(4) New methods of compliance or novel applications of existing methods of compliance.

(c) The FAA will keep the JCAB informed of the progress of its domestic type certification program on a regular basis. The FAA should notify the JCAB Project Manager as soon as possible of all additional novel or unusual design features, and all other design features that might cause or have caused the FAA to develop a special condition or to make an equivalent level of safety finding.

3.0.2.8 Issue Papers.

(a) The JCAB will prepare issue papers which identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent level of safety findings, and special conditions. However, when the JCAB's and FAA's positions are equivalent, the FAA's issue papers may be used directly by the JCAB in lieu of a JCAB issue paper. Nevertheless, the JCAB must still process its own issue papers which address equivalent levels of safety or special conditions.

(b) The JCAB will coordinate all issue papers and changes to issue papers with the FAA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

3.0.2.9 Environmental Testing and Approval Procedures.

(a) The JCAB is authorized to make findings of compliance to CAR Annexes 2 and 3 based upon JCAB witnessed tests, conducted in accordance with JCAB-approved test plans, and based upon JCAB review and approval of all data, compliance demonstration reports and compliance statements submitted via the FAA.

(b) Environmental Testing and Approval Process.

The typical process for environmental testing and approvals, if needed, includes the following:

(1) A U.S. applicant for a Japanese TC/TA or STC will show that the aircraft or engine meets the fuel venting and exhaust emission standards of 14 CFR Part 34 and the noise standards of 14 CFR Part 36. The FAA will make findings of compliance to 14 CFR Parts 34 and 36 based upon FAA witnessed tests, conducted in accordance with FAA approved test plans, and based upon FAA review and approval of all data and compliance demonstration reports submitted by the applicant. Compliance test witnessing, conformity inspections and other noise certification related functions may be delegated by the FAA to appropriate designees.

(2) The JCAB may review any FAA-approved test plans, data and reports that show compliance to 14 CFR Parts 34 and 36, if necessary. If determined to be equivalent by the JCAB, compliance with 14 CFR Parts 34 and 36 may be accepted by the JCAB as compliance with the requirements set forth in CAR Annexes 2 and 3. The JCAB will identify any additional requirements stemming from the environmental standards of CAR Annexes 2 and 3.

(3) The JCAB will require the documents to demonstrate compliance with the JCAB-identified additional requirements. The FAA will, as

resources permit, review documents and validate that appropriate testing or evaluation has been completed to demonstrate compliance with the JCAB-identified additional requirements.

(4) The FAA will specifically identify to the JCAB any equivalent means of compliance that were used to demonstrate compliance with the noise and fuel venting/exhaust emissions requirements. The JCAB will verify and accept FAA approval of such equivalent procedures as compliance with CAR Annexes 2 and 3.

(5) Upon written request by the JCAB, the FAA will arrange for a meeting with the applicant to review particular details of the noise and/or fuel venting/exhaust emissions certification, and to discuss any additional requirements that may result from the JCAB's review of the documents and compliance statements provided by the applicant through the FAA.

(6) Noise certification documentation and FAA compliance statements as specified in the latest revision of FAA Advisory Circular (AC) 21-2 will be provided.

(7) A manufacturer or exporter of the first aircraft of a model which has not been type certificated by the JCAB who wishes to obtain a Japanese Airworthiness Certificate must substantiate that the aircraft meets the requirements of paragraph (1) above.

3.0.2.10 Final Certification Meeting/Issuance of the Type Certificate. The JCAB will prepare the TC and TC Data Sheet and forward them to the FAA for transmittal to the applicant once the following have occurred:

(a) The applicant has demonstrated compliance to the Japanese type certification basis;

(b) The FAA has issued a certifying statement to the JCAB along with all additional requested materials; and

(c) The FAA has issued its TC.

3.0.2.11 Aircraft Flight Manual. Aircraft flight manual for JCAB approval shall be in Japanese except in case of aircraft expected to be operated by air carriers carrying a JCAB approved airplane operation manual, which is prepared by air carriers to be carried on board instead of aircraft flight manual. Approval by the JCAB of the aircraft flight manual in Japanese will be the responsibility of the JCAB without involvement of FAA.

3.0.2.12 Evaluation of Operational and Maintenance Aspects. JCAB will evaluate, as necessary, and accept FAA evaluation, or be provided with information in order to conduct its own evaluation, on the following items with regard to the operational and maintenance aspects of aircrafts: Maintenance

Review Board (MRB) Report and associated Instructions for Continued Airworthiness documentation; operational configuration; pilot training and licensing requirements; and the formulation and approval of a Master Minimum Equipment List (MMEL).

3.0.3 Design Approval Procedures for U.S. Supplemental Type Certificates.

(a) U.S. STC will only be issued for those products mutually agreed to in paragraph 2.0. U.S. STCs may be issued under the provisions of 14 CFR § 21.117 for approval of major changes to the type design of an eligible product which has been validated by the FAA when Japan is the State of Design for the design change and the JCAB has issued an STC.

(b) Japanese applicants shall submit STC applications to the JCAB with a request that the application and required information be forwarded to the FAA office responsible for the original FAA validation of the Japanese product. Appendix A contains a list of addresses for FAA Offices.

(c) Each application should contain the following information:

(1) A description of the change, together with the make and model of the product;

(2) A copy of the Japanese STC, if available, and certification basis;

(3) A planning date for FAA issuance of the STC;

(4) A description of all novel or unusual design features which might necessitate issuance of FAA special conditions; and

(5) All exemptions or equivalent level of safety findings granted by the JCAB for the Japanese STC.

(d) The FAA shall develop the STC certification basis, including the environmental requirements, in accordance with FAA Order 8110.4, *Type Certification,* and 14 CFR 21.115 in a manner that is consistent with the criteria that is used to establish the certification basis for a domestic STC of similar design and service history. The date of application is the date application is made to JCAB for the STC.

(e) In the case of an STC involving an acoustical change, compliance must be shown with the applicable noise requirements of 14 CFR Part 36 in effect on the date of application to the FAA for the STC. In the case of an emissions change, compliance must be shown with the applicable fuel venting and exhaust emissions requirements of 14 CFR Part 34 in effect on the date of application to the FAA for the STC. The FAA retains all findings of acoustical or emissions change under 14 CFR 21.93 (b) and (c).

(f) The basic design approval procedures for U.S. type certification (paragraph 3.0.1 above) should be used for STCs, but both authorities may agree to streamline these procedures, and minimize onsite validation activities, based on the magnitude and complexity of the design change. .

(g) The following documentation will be required, as applicable, for review by the FAA during the STC approval process:

(1) Compliance checklist;

(2) Aircraft Flight Manual (AFM) Supplement;

(3) Master document list/master drawing list;

(4) Manufacturing and installation instruction drawings;

(5) Maintenance/repair manual supplements;

(6) Weight and balance data; and

(7) Instructions for Continued Airworthiness.

(h) The FAA will prepare the STC and forward it to the JCAB for transmittal to the applicant once the following have occurred:

(1) The applicant has demonstrated compliance to the U.S. type certification basis,

(2) The JCAB has issued a certifying statement to the FAA in accordance with 14 CFR § 21.29, along with the materials listed in (g) above, and

(3) The JCAB has issued its STC.

3.0.4 Design Approval Procedures for Japanese Supplemental Type Certificates.

(a) Japanese STCs will only be issued for those products per paragraph 2.0. Japanese STCs may be issued under the provisions of CAR Article 23 for approval of major changes to the type design of an eligible product which has been validated by the JCAB, when the U.S. is the State of Design for the design change and the FAA has issued an STC.

(b) U.S. applicants will submit STC applications to the FAA ACO responsible for the applicant's geographic area, with a request that the application and required information be forwarded to the JCAB. Appendix A contains the addresses for the JCAB.

(c) Each application should contain the following information:

(1) A description of the change, together with the make and model of the product;

(2) A copy of the U.S. STC, if available, and the certification basis;

(3) A planning date for JCAB issuance of the STC;

(4) A description of all novel or unusual design features which might necessitate issuance of JCAB special conditions; and

(5) All exemptions or equivalent level of safety findings granted by the FAA for the U.S. STC.

(d) The JCAB shall develop the STC certification basis, including the environmental requirements, in accordance with JCAB Circular 1-001, *General Policy and Procedures for Certification and Inspection,* in a manner that is consistent with the criteria that is used to establish the certification basis for a domestic STC of similar design and service history. The date of application for both the design and any related environmental change is the date application is made to the FAA for the STC.

(e) In the case of an STC involving an acoustical change, compliance must be shown with the applicable noise requirements of CAR Annex 2 in effect on the date of application to the JCAB for the STC. In the case of an emissions change, compliance must be shown with the applicable fuel venting and exhaust emissions requirements of CAR Annex 3 in effect on the date of application to the JCAB for the STC.

(f) The basic design approval procedures for Japanese type certification (paragraph 3.0.2 above) should be used for STCs, but both authorities may agree to streamline these procedures, and minimize onsite validations, based on the magnitude and complexity of the design change.

(g) The following documentation will be required, as applicable, for review by the JCAB during the STC approval process:

(1) Compliance checklist;

(2) Aircraft Flight Manual (AFM) Supplement;

(3) Master document list/master drawing list;

(4) Manufacturing and installation instruction drawings;

(5) Maintenance/repair manual supplements;

(6) Weight and balance data; and

(7) Instructions for Continued Airworthiness.

(h) The JCAB will prepare the STC and forward it to the FAA for transmittal to the applicant once the following have occurred:

(1) The applicant has demonstrated compliance to the Japanese type certification basis;

(2) The FAA has issued a certifying statement to the JCAB along with the materials listed in (g) above; and

(3) The FAA has issued its STC.

3.0.5 Design Approval Procedures for FAA Letters of Technical Standard Order (TSO) Design Approval.

3.0.5.0 Application. The FAA only issues a Letter of TSO Design Approval for appliances of a kind for which a minimum performance standard has been published in an FAA TSO.

(a) All Japanese applicants for an FAA letter of TSO design approval will make application through JCAB with a request that the application and required information be forwarded to the Los Angeles Aircraft Certification Office at the address indicated in Appendix A.

(b) The application should include evidence that the appliance will be imported into the U.S. for installation on a U.S.-registered aircraft or on a U.S. product.

(c) The JCAB should contact the FAA for the latest FAA technical policy and procedures related to the TSO performance standard.

3.0.5.1 Issuance of a Letter of TSO Design Approval. The appropriate form of TSO design approval, within the scope of these Implementation Procedures, may be issued to the applicant by the FAA after:

(a) Receipt of all the required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO appliance;

(b) Receipt of other specific technical data, as jointly agreed between the JCAB and the FAA, needed to demonstrate compliance with a TSO standard (e.g., a first-of-a-kind TSO);

(c) Receipt and approval of all proposed deviations; and

(d) Receipt of a certifying statement from the applicant through the JCAB, with certification by the JCAB, that the performance of the appliance complies with the applicable FAA TSO or other accepted standards of the FAA which provide an equivalent level of safety.

3.0.5.2 Installation Approval. An FAA Letter of TSO Design Approval does not constitute an installation approval for the TSO appliance on an aircraft. The installer must obtain installation approval from the FAA.

3.0.6 JCAB Design Acceptance Procedures for U.S. TSO Appliances.

3.0.6.0 General. The JCAB will accept the design of U.S. appliances issued an FAA TSOA without issuing an additional JCAB approval. However, appliances that are to be installed in Japanese State of Design aircraft may undergo additional evaluation by the JCAB as necessary.

3.0.6.1 Installation Approval. JCAB acceptance of an FAA-approved appliance design does not constitute an installation approval for the appliance on an aircraft. The installer must obtain installation approval from JCAB.

3.0.7 Submission of Electronic Data.

(a) For the FAA, where electronic data is submitted, it must be in a format that is compatible with FAA's information systems and there must be an arrangement between the Japanese applicant and JCAB for the use, storage and access to this electronic data. Both the FAA and JCAB must concur with this arrangement for the submission and storage of electronic data.

(b) For the JCAB, where electronic data is submitted, it must be in a format that is compatible with the JCAB's information systems. The U.S. applicant may provide a copy of its arrangement with the FAA under FAA Order 8000.79, *Use of Electronic Technology and Storage of Data,* to satisfy this requirement.

3.0.8 Joint Design Approval Procedures. The FAA and JCAB may undertake concurrent type certification/validation and other design approval projects with respect to products covered by the Scope of these Implementation Procedures when it is in the interest of both authorities and their aviation industries. The procedures for such projects will be mutually agreed by the FAA and JCAB.

3.1 PRODUCTION AND SURVEILLANCE ACTIVITIES

3.1.0 Production Quality System.

3.1.0.0 All products, parts, and appliances exported under the provisions of these Implementation Procedures shall be produced in accordance with a production quality system which ensures conformity to the approved design of the importing authority and ensures that completed products are in a condition

for safe operation. This production quality system covers the fabrication of products, parts, and appliances within and outside of the country of export. When these fabrication and/or production activities occur outside of the country of export, the associated products or parts shall be considered as being manufactured in the exporting country.

3.1.0.1 Because the FAA's and JCAB's regulatory systems for production are considered sufficiently comparable, the importing authority will not issue its own production approval for those manufacturers regulated by the exporting authority. The importing authority will recognize the manufacturer's approved quality system.

3.1.1 Surveillance of Production Approval Holders.

3.1.1.0 The FAA and JCAB, as exporting authorities, shall conduct regulatory surveillance of production approval holders and their suppliers in accordance with the exporting authority's specific policies, practices, and/or procedures. Both ongoing and scheduled evaluations should be conducted to verify that the production approval holder is in continual compliance with their approved production quality system, manufacturing products, appliances, and parts which fully conform to the approved design, and are in a condition for safe operation. The correction of all deficiencies should be verified by the exporting authority.

3.1.1.1 Production surveillance includes the surveillance of manufacturers and their suppliers who may be fabricating prototype or pre-production parts for products which are still undergoing type certification. These parts must be produced by the manufacturer or its approved supplier, with the concurrence of the exporting authority, using an existing approved production quality system for similar type certificated products. The approved production quality system must ensure the prototype or pre-produced parts are properly controlled so that a final determination of airworthiness can be undertaken prior to their export.

3.1.1.2 FAA production approval and supplier surveillance programs are described in FAA Order 8120.2, *Production Approval and Certificate Management Procedures*, Advisory Circular 21-20, *Supplier Surveillance Procedures*, and FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program.*

3.1.1.3 JCAB production approval and supplier surveillance programs are described in JCAB Circulars No. 2-001, *General Policy for Approved Organizations,* and 2-002, *Supplier Surveillance of Production Approved* Organizations.

3.1.2 Extensions of Production Approvals.

3.1.2.0 When a production approval has been granted or extended by the FAA or JCAB, as exporting authorities, to include manufacturing sites and facilities in each other's countries or in a third country, the exporting authority remains fully responsible for the surveillance and oversight of these manufacturing sites and facilities.

3.1.2.1 The FAA is responsible for surveillance and oversight of U.S. production approval holders located in Japan. Routine surveillance and oversight may be performed by the JCAB on behalf of the FAA through the provisions of Section IV. The JCAB is responsible for surveillance and oversight of JCAB production approval holders located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the JCAB through the provisions of Section IV.

3.1.2.2 The FAA or JCAB may seek assistance from the civil airworthiness authority of a third country in the undertaking of FAA or JCAB regulatory surveillance and oversight functions when a production approval has been granted or extended in that third country. This should be done only when an arrangement for technical assistance has been formalized between the FAA or JCAB and the civil airworthiness authority of the third country.

3.1.3 Production Approval Based on a Licensing Agreement.

3.1.3.0 For products, either the FAA or JCAB can grant a production approval in their respective country based on design data obtained through a licensing agreement with a type design holder in the other country or in a third country (i.e., licensing the rights to use the design data). In this case, the authority granting that production approval shall ensure the production approval holder establishes adequate manufacturing processes and quality control procedures to assure that each product conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the licensee are approved. These design changes shall be submitted to the type design holder who shall obtain approval from its authority using normal procedures. For production approvals based on a licensing agreement involving companies in the United States and Japan, a working procedure must be developed, under the Special Arrangements provision of Section V of these Implementation Procedures, by the FAA and JCAB to define the overall roles and responsibilities of the State of Design and the State of Manufacture.

3.1.3.1 For parts, either the FAA or JCAB can grant a production approval in their respective country based on design data obtained through a licensing agreement with a design approval holder in the other country or in a third country (i.e., licensing the rights to use the design data). In this case, the

authority granting that production approval shall ensure the production approval holder establishes adequate manufacturing processes and quality control procedures to assure that each part conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the licensee are approved. These design changes shall be submitted to the design approval holder who shall obtain approval from its authority using normal procedures.

3.1.4 Supplier Surveillance - Outside the Exporting Country.

3.1.4.0 The FAA and JCAB, as exporting authorities, shall include in their regulatory surveillance and oversight programs a means of surveilling production approval holders' suppliers who are located outside the exporting country. This surveillance and oversight shall be equivalent to that program for domestic suppliers. This surveillance activity will assist the FAA and JCAB in determining conformity to approved design and whether the parts are safe for installation on type certificated products.

3.1.4.1 The FAA is responsible for surveillance and oversight of U.S production approval holders' suppliers located in Japan. Routine surveillance and oversight may be performed by the JCAB on behalf of the FAA through the provisions of Section IV. The JCAB is responsible for surveillance and oversight of JCAB production approval holders' suppliers located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the JCAB through the provisions of Section IV.

3.1.4.2 The FAA or JCAB may seek assistance from a third country civil airworthiness authority at the supplier's location in the undertaking of FAA or JCAB regulatory surveillance and oversight functions at suppliers to production approval holders of the exporting country. This should only be done when an arrangement for technical assistance has been formalized between the FAA or JCAB and the civil airworthiness authority of the third country.

3.1.4.3 The production approval holder may not use a supplier in a country where the authority of the production approval holder is denied unimpeded access, by either the supplier or the supplier's civil airworthiness authority, to the supplier's facility to perform surveillance activities. The production approval holder also may not use a supplier located in a country if that country denies entry to the authority of the production approval holder.

3.1.5 Multi-National Consortia.

3.1.5.0 Multi-national consortia may be issued approvals for the design and production of products, appliances, and/or parts in either the United States or Japan. These consortia clearly define one responsible design and production approval holder, for the purposes of regulatory accountability, located in the exporting country. There may be, however, suppliers to the approval holder(s)

which are located both domestically and in other countries which produce parts for use in the final product which is to be exported.

3.1.5.1 The FAA and JCAB, as exporting authorities, shall continue to conduct regulatory surveillance and oversight of the domestic design and production approval holder, and should emphasize surveillance and oversight of critical parts suppliers. The exporting authority shall use its regulatory surveillance and oversight programs to best enable it to determine that consortia suppliers are producing parts that conform to the approved design and are in a condition for safe operation.

3.2 EXPORT AIRWORTHINESS APPROVAL PROCEDURES

3.2.0 General. Export Certificates of Airworthiness are issued by the FAA and JCAB, as exporting authorities, for completed aircraft, aircraft engines, and propellers. Authorized Release Certificates (airworthiness approval tags) are issued by the FAA and JCAB for appliances and parts.

3.2.1 FAA Acceptance of JCAB Export Certificates of Airworthiness, Authorized Release Certificates, and Manufacturer's Certificates of Conformity.

(a) The FAA's requirements and procedures for import are described in 14 CFR Part 21, FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*, and Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States.*

(b) The JCAB's process for issuing export certificates is described in CAL Article 10 and CAR Article 14 and JCAB Circular 1-014, *Issuance of Export Certificate of Airworthiness for Aircrafts, Appliances and Parts*. [Note: Japan has two forms for the export of appliances and parts depending on who issues the airworthiness approval. An Export Certificate of Airworthiness for Appliances and Parts, JCAB Ministerial Notification 135, 1981, Form 1 is issued by the JCAB; an Authorized Release Certificate, JCAB CAR Form 18 is issued by an approved manufacturing organization.]

3.2.1.0 New Products.

(a) Except as provided in paragraph 3.2.1.4, the FAA shall accept JCAB Export Certificates of Airworthiness on new products, only when the JCAB certifies that each product:

(1) Conforms to a type design approved by the FAA, as specified in the FAA's TCDS, and any additional STCs approved by the FAA;

(2) Is in a condition for safe operation, including compliance with applicable FAA Airworthiness Directives, as notified;

(3) Meets all additional requirements prescribed by the FAA, as notified; and,

(4) Has undergone a final operational check as appropriate.

(b) Each aircraft exported to the United States with JCAB airworthiness approval will have a JCAB Form 1-014-3, Export Certificate of Airworthiness, and each engine exported to the United States will have a JCAB Ministerial Notification 135, 1981, Form 1, Export Certificate of Airworthiness, issued in accordance with JCAB Circular 1-014, *Issuance of Export Certificate of Airworthiness for Aircraft, Appliances and Parts.*

(c) The JCAB Export Certificate of Airworthiness should contain the following statement: "The [INSERT PRODUCT MODEL] covered by this certificate conforms to the type design approved under U.S. Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation." For aircraft engines, an additional statement is required that the engine has undergone a final operational check. The export statement must address any other "import requirements" text as specified in the U.S. TCDS.

3.2.1.1 New TSO Appliances.

(a) Each new appliance exported to the United States with a JCAB airworthiness approval will have an Export Certificate of Airworthiness for Appliances and Parts, JCAB Ministerial Notification 135, 1981, Form 1 or an Authorized Release Certificate, JCAB CAR Form 18.

(b) The FAA shall accept a JCAB Export Certificate of Airworthiness for Appliances and Parts or an Authorized Release Certificate on new TSO appliances. Issuance of the certificate certifies that each TSO appliance:

(1) Conforms to the design approved by the FAA, as specified in the FAA Letter of TSO Design Approval;

(2) Complies with applicable FAA Airworthiness Directives, as notified;

(3) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by the FAA, as notified.

3.2.1.2 New Modification, Replacement, and Standard Parts.

(a) The FAA shall accept a JCAB Export Certificate of Airworthiness for Appliances and Parts or an Authorized Release Certificate on a new modification and/or replacement part for the products and appliances and that has been produced by a Japanese manufacturer.

(b) All new modification and replacement parts exported to the United States with a JCAB airworthiness approval will have an Export Certificate of Airworthiness for Appliances and Parts, JCAB Ministerial Notification 135, 1981, Form 1 or Authorized Release Certificate, JCAB CAR Form 18, as appropriate. Issuance of either form certifies that each part:

(1) Is eligible for installation in a product or appliance which has been granted an FAA design approval;

(2) Conforms to FAA-approved design data and is safe for installation;

(3) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by the FAA, as notified.

(c) The FAA will accept new standard parts (reference paragraph 2.2) exported from Japan when accompanied with an Authorized Release Certificate, JCAB CAR Form 18, if the standard part is eligible for a CAR Form 18. All other new standard parts will be accepted when accompanied by a manufacturer's Certificate of Conformity verifying the part's conformance to an established Japanese specification.

3.2.1.3 Used Aircraft for Which There Has Been a Design Approval Granted by the FAA.

(a) Acceptance of Used Aircraft Exported by Japan as the State of Design. The FAA shall accept Export Certificates of Airworthiness on used aircraft for which Japan is the State of Design (per paragraph 2.0) for import into the United States for airworthiness certification when the JCAB certifies that each used aircraft:

(1) Conforms to the FAA-approved type design as specified in the FAA's TCDS, and any additional STCs approved by the FAA, as notified to the JCAB;

(2) Is in a condition for safe operation, including compliance with all applicable State of Design Airworthiness Directives, as notified;

(3) Has been properly maintained using approved procedures and methods during its service life (evidenced by logbooks and maintenance records);

(4) Meets all additional requirements prescribed by the FAA, as notified; and

(5) The JCAB Export Certificate of Airworthiness includes the statement in paragraph 3.2.1.0(c).

(b) Acceptance of Used Aircraft being Exported (Returned) to the United States as the State of Design.

(1) The FAA shall accept the JCAB's Certificate of Airworthiness on used aircraft being exported (returned) to the United States, as the State of Design for that aircraft, when the conditions of 3.2.1.3.(a)(1) through (4) have been met.

(2) If the JCAB is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the FAA accordingly.

(c) Acceptance of Used Aircraft for which a Third Country is the State of Design. The FAA shall also accept the JCAB's Export Certificate of Airworthiness for used aircraft manufactured in a third country when that country has a bilateral agreement/arrangement with both the FAA and the JCAB covering the same class of product, and the conditions of paragraph 3.2.1.3(a)(1) through (5) have been met. If the JCAB is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the FAA accordingly.

(d) Request for Inspection and Maintenance Records. The FAA may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness issued by the JCAB; records which verify that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log book entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.1.4 Export Certificate of Airworthiness Exceptions. The JCAB shall notify the FAA' s geographic-responsible Manufacturing Inspection Office (MIO) prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the FAA-approved design is to be noted under the "Exceptions" section of the form. Addresses for all FAA MIOs are listed in Appendix A. This notification should help to resolve all issues concerning eligibility for a U.S. airworthiness certificate. A written acceptance from the FAA is required before the issuance of such a JCAB Export Certificate of Airworthiness. A copy of this written acceptance shall be included with the export documentation.

3.2.1.5 Authorized Release Certificate Exceptions. The JCAB shall notify the FAA's geographic-responsible Manufacturing Inspection Office (MIO) prior to the issuance of (1) an Export Certificate of Airworthiness for Appliances and Parts (JCAB Ministerial Notification 135, Form 1); or (2) an Authorized Release Certificate (JCAB CAR Form 18) for a TSO appliance in which a non-compliance to the FAA-approved type design is to be noted in the "Remarks" block of the Export Certificate of Airworthiness for Appliances and Parts or the Authorized

Release Certificate. A written acceptance from the FAA is required before the issuance of the JCAB Export Certificate of Airworthiness for Appliances and Parts or the Authorized Release Certificate for such TSO appliances. A copy of this written acceptance shall be included with the export documentation.

3.2.2 JCAB Acceptance of FAA Export Certificates of Airworthiness and Authorized Release Certificates (Airworthiness Approval Tags) and Manufacturer's Certificates of Conformity.

(a) The JCAB's requirements and procedures for import are described in CAL Articles 10 and 17, and JCAB Circular 1-001, *General Policy and Procedures for Certification/Inspection*.

(b) The FAA's process for issuing export airworthiness approvals is described in 14 CFR Part 21 and FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Parts,* FAA Order 8130.21, *Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag,* and FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures.*

3.2.2.0 New Products and Rebuilt Engines.

(a) Except as provided in paragraph 3.2.2.4, the JCAB shall accept FAA Export Certificates of Airworthiness on new products and rebuilt engines only when the FAA certifies that each product:

(1) Conforms to a type design approved by the JCAB, as specified in the JCAB's TCDS and any additional STCs approved by the JCAB;

(2) Is in a condition for safe operation, including compliance with applicable Japanese and U.S. Airworthiness Directives, as notified;

(3) Meets all additional requirements prescribed by the JCAB, as notified;

(4) Has undergone a final operational check as appropriate.

(5) For a rebuilt engine, has been rebuilt by the engine's manufacturer.

(b) Each product exported to Japan with FAA airworthiness approval will have an FAA Form 8130-4, Export Certificate of Airworthiness, issued in accordance with the requirements of 14 CFR Part 21, Subpart L.

(c) The FAA Export Certificate of Airworthiness should contain the following statement: "The [INSERT PRODUCT MODEL] covered by this certificate conforms to the type design approved under Japanese Type Certificate / Type Approval Number [INSERT TYPE CERTIFICATE / TYPE APPROVAL NUMBER AND TCDS/TADS REVISION LEVEL], and is found to be in a condition for safe

operation." For engines, an additional statement will be made that the aircraft has undergone a final operational check. The export statement must address any other "import requirements" text as specified in the Japanese TCDS.

3.2.2.1 New TSO Appliances.

(a) Each new appliance exported to Japan with FAA airworthiness approval will have an FAA Form 8130-3, FAA Authorized Release Certificate (*Airworthiness Approval Tag).*

(b) The JCAB shall accept FAA Authorized Release Certificates on new TSO appliances when the appliance complies with 14 CFR Part 21, Subpart L.

3.2.2.2 New Modification, Replacement, and Standard Parts.

(a) The JCAB shall accept an FAA Authorized Release Certificate on a new, modification and/or replacement part, that has been produced by a U.S. production approval holder (i.e., under U.S. Type Certificate, Production Certificate, Technical Standard Order Authorization, or a Parts Manufacturer Approval).

(b) All new modification and replacement parts that are exported to Japan with an FAA airworthiness approval will have an Authorized Release Certificate, FAA Form 8130-3. Issuance of the FAA form certifies that each part:

(1) Is eligible for installation in a product or appliance which has been granted a JCAB design approval;

(2) Conforms to JCAB-approved design data and is safe for installation;

(3) Is marked in accordance with paragraph 3.2.3.1(a) of these Implementation Procedures; and

(4) Meets all additional requirements prescribed by the JCAB, as notified.

(c) The JCAB will accept new standard parts (reference paragraph 2.2) exported from the United States when accompanied with an FAA Form 8130-3, Authorized Release Certificate, if the standard part is eligible for a Form 8130-3. All other new standard parts will be accepted when accompanied by a manufacturer's Certificate of Conformity verifying the part's conformance to an established U.S. specification.

(d) In accordance with FAA Order 8130.21, if a part is shipped under direct ship authorization, the FAA Authorized Release Certificate must indicate that the production approval holder has authorized direct shipment. This indication may be a supplemental "remark" entry on the FAA Authorized Release Certificate indicating the authorization to the supplier for direct shipment of parts from the

supplier's location.

3.2.2.3 Used Aircraft for Which There Has Been a Design Approval Granted by the JCAB.

(a) Acceptance of Used Aircraft (per paragraph 2.0) Exported by the U.S. as the State of Design.

The JCAB shall accept Export Certificates of Airworthiness on used aircraft for which U.S. is the State of Design, for import into Japan for airworthiness certification when the FAA certifies that each used aircraft:

(1) Conforms to the JCAB-approved type design as specified in the JCAB's type certificate data sheet, and any additional STCs approved by the JCAB, as notified to the FAA;

(2) Is in a condition for safe operation, including compliance with all applicable State of Design Airworthiness Directives, as notified;

(3) Has been properly maintained using approved procedures and methods during its service life (evidenced by logbooks and maintenance records);

(4) Meets all additional requirements prescribed by the JCAB, as notified; and

(5) The JCAB Export Certificate of Airworthiness includes the statement in paragraph 3.2.2.0(c).

(b) Acceptance of Used Aircraft being Exported (Returned) to Japan as the State of Design.

(1) The JCAB shall accept the FAA's Certificate of Airworthiness on used aircraft being exported (returned) to Japan, as the State of Design for that aircraft, when the conditions of 3.2.2.3.(a)(1) through (4) have been met.

(2) If the FAA is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the JCAB accordingly.

(c) Acceptance of Used Aircraft for which a Third Country is the State of Design. The JCAB shall also accept the FAA's Export Certificate of Airworthiness for used aircraft manufactured in a third country when that country has a bilateral agreement/arrangement with both the JCAB and the FAA covering the same class of product, and the conditions of paragraph 3.2.2.3(a)(1) through (5) have been met. If the FAA is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the

JCAB accordingly.

(d) Request for Inspection and Maintenance Records. The JCAB may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness issued by the FAA; records which verify that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.2.4 Export Certificate of Airworthiness Exceptions. The FAA shall notify JCAB prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the JCAB-approved design is to be noted under the "Exceptions" section of the Export Certificate of Airworthiness. This notification should help resolve all issues concerning an aircraft's eligibility for a JCAB airworthiness certificate or an appliance's eligibility for installation. A written acceptance from the JCAB is required before the issuance of the FAA Export Certificate of Airworthiness. A copy of this written acceptance shall be included with the export documentation.

3.2.2.5 Authorized Release Certificate Exceptions. The FAA shall notify the JCAB prior to the issuance of an Authorized Release Certificate for a TSO appliance in which a non-compliance to the JCAB-approved type design is to be noted in the "Remarks" block of the Authorized Release Certificate. A written acceptance from the JCAB is required before the issuance of the FAA Authorized Release Certificate for such TSO appliances. . A copy of this written acceptance shall be included with the export documentation.

3.2.3 Additional Requirements for Imported Products, Parts, and Appliances. The following identifies those additional requirements which must be complied with as a condition of acceptance for products, parts, and appliances imported into the United States or Japan, or for use on either a U.S. - or Japanese-registered aircraft.

3.2.3.0 U.S. Requirements.

(a) Identification and Marking.

(1) Products per paragraph 2.0 must be identified in a manner outlined in 14 CFR § 45.11.

(2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with 14 CFR § 45.14.

(3) Each appliance of a design approved by an FAA letter of TSO design

approval must be marked in accordance with the requirements in 14 CFR Part 21, Subpart O, and all additional marking requirements specified in the particular TSO.

(4) Each part to be used as a replacement or modification part must be marked with a part number, serial number if applicable, and the manufacturer's name or trade mark. In addition, information concerning the model designation of the FAA type certificated product, for which the part is eligible for installation, must be furnished.

(b) Instructions for Continued Airworthiness. Each product must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitation sections, as prescribed in 14 CFR § 21.50.

(c) Maintenance Records. Each product or appliance must be accompanied by maintenance records equivalent to those specified in 14 CFR § 91.417.

3.2.3.1 Japanese Requirements.

(a) Identification and Marking.

(1) Each product must be appropriately identified in a manner outlined in CAR Article 141.

(2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent).

(3) Each TSO appliance and part of a design approved by a JCAB Type Approval/Specification approval must be marked in accordance with the JCAB Circular 1-004, *General Policy for Type Approval and Specification Approval,* and all additional marking requirements specified in the particular TSO.

(4) Each part to be used as a replacement or modification part must be marked with a part number, serial number if applicable, and the manufacturer's name or trade mark. In addition, information concerning the model designation of the JCAB type certificated or type approved product, for which the part is eligible for installation, must be furnished.

(b) Instructions for Continued Airworthiness. Each product must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitation sections, as prescribed in JCAB Circular 1-001, *General Policy and Procedures for Certification/Inspection.*

(c) Maintenance Records. Each product or appliance must be accompanied by maintenance records equivalent to those specified in JCAB Circular 1-001,

General Policy and Procedures for Certification/Inspection.

3.3 POST DESIGN APPROVAL PROCEDURES

3.3.0 CONTINUED AIRWORTHINESS

3.3.0.0 General.

(a) The exporting authority is responsible as the State of Design (under International Civil Aviation Organization (ICAO) Annex 8) for resolving in-service safety issues related to design or production. The exporting authority shall provide applicable information which it has found to be necessary for mandatory modifications, required limitations and/or inspections to the importing authority to ensure continued operational safety of the product, part, or appliance. The importing authority will review and normally accept the corrective actions taken by the exporting authority in the issuance of its own mandatory corrective actions.

(b) At the request of the importing authority, the exporting authority shall assist the importing authority in determining what action is considered necessary by the importing authority for the continued operational safety of the product, part, or appliance. The decision as to the final action to be taken with respect to the products, parts, or appliances under the jurisdiction of the importing country lies solely with the importing authority.

3.3.0.1 Sharing of Service Difficulty Reports (SDR) and Information on Malfunctions and Defects (M&D).

(a) The FAA and JCAB agree to perform the following functions for the products, parts, and appliances exported to the other country:

(1) Collecting SDR and M&D reports and accident/incidents.

(2) Evaluating SDR and M&D and accident/incidents.

(3) Investigating and resolving all suspected unsafe conditions.

(4) Advising the importing authority of all unsafe conditions and the necessary corrective actions (see paragraph 3.3.0.2 below).

(5) Upon request, providing the importing authority with the following:

(i) Reports of M&D and accidents/incidents;

(ii) Status of investigations into M&D and accidents/incidents;

(iii) Copies of conclusions reached in its investigation into M&D; and

(iv) Copies of conclusions reached in investigation into accidents/incidents in accordance with ICAO Annex 13.

(6) Making a reasonable effort to resolve issues raised by the importing authority concerning matters of safety for products registered in the importing country.

(b) The FAA and JCAB, as importing authorities, agree to perform the following functions:

(1) Advising the exporting authority of M&D and accidents/incidents which are believed to be potentially unsafe conditions occurring on the products and appliances which are imported from the country of the exporting authority.

(2) Supporting the exporting authority in investigations of unsafe conditions and their occurrences on the imported aircraft.

(3) Advising the exporting authority, if as a result of investigations made by the importing authority into M&D and accidents/incidents, it has determined that it will make corrective actions mandatory.

(c) Copies of U.S. SDR/M&D reports are available from the FAA Mike Monroney Aeronautical Center, Delegation and Airworthiness Programs Branch, AIR-140. U.S. SDRs and accident /incident reports are also available on the FAA internet web site at www.faa.gov (http://av-info.faa.gov/isdr). Copies of Japanese M&D reports are available from the JCAB Airworthiness Division [See Appendix A].

3.3.0.2 Unsafe Condition and Mandatory Continuing Airworthiness Actions.

(a) The FAA (under 14 CFR Part 39) and JCAB (under JCAB Circular 3-003, *Management of Mandatory Continuing Airworthiness Actions)* agree to perform the following functions for the products, appliances, and parts for which it is the State of Design (exporting authority):

(1) Issuing a mandatory continuing airworthiness action (Airworthiness Directive) whenever the authority determines that an unsafe condition exists in a type certificated product or appliance, and is likely to exist or develop on a type certificated product or appliance of the same type design. This may include a product or appliance that has another product, part, or appliance installed on it and the installation causes the unsafe condition. The contents of such a mandatory continuing airworthiness action should include, but are not limited to, the following:

(i) Make, model, and serial numbers of affected aircraft, aircraft engines, propellers, appliances, and parts;

(ii) Description of the unsafe condition, reasons for the mandatory action, and its impact on the overall aircraft and continued operation;

(iii) Description of the cause of the unsafe condition (e.g., stress corrosion, fatigue, design problem, quality control, unapproved part);

(iv) The means by which the unsafe condition was detected and, if resulting from in-service experience, the number of occurrences; and

(v) Corrective actions and corresponding compliance times, with a list of the relevant manufacturer's service information including reference number, revision number and date.

(2) Ensuring that the following information is provided to the other authority as part of the mandatory continuing airworthiness action or directly from the approval holder:

(i) The number of aircraft world-wide needing corrective action;

(ii) A statement on the availability of parts; and

(iii) An estimate of the number of labor hours and the cost of parts required for the corrective actions.

(3) Issuing a revised or superseding mandatory continuing airworthiness action whenever the exporting authority finds any previously issued mandatory continuing airworthiness action was incomplete or inadequate to fully correct the unsafe condition.

(4) Notifying the importing authority of the unsafe condition and the necessary corrective actions by submitting a copy of the mandatory continuing airworthiness action at the time of publication to the address referenced in 3.3.0.1(c) above. Additionally, for Japanese products, the JCAB should arrange for copies of all relevant service bulletins referenced in the mandatory action, as well as other supporting documentation, to be forwarded to the appropriate focal point in the product-responsible FAA Directorate.

(5) In the case of emergency airworthiness information, the exporting authority should ensure special handling so that the importing authority is notified immediately.

(6) Advising and assisting the importing authority in defining the appropriate actions for the importing authority to take in the issuance of its own mandatory continuing airworthiness action.

(7) Providing sufficient information to the importing authority for its use in making determinations as to the acceptability of alternative means of compliance to mandatory continuing airworthiness actions.

(b) The FAA and JCAB recognize that they may disagree as to the finding of an unsafe condition. In that case, it is expected that the importing authority will normally consult with the authority of the State of Design (exporting authority) prior to issuing its own airworthiness directive. If the State of Design agrees that mandatory action is needed, then they will issue the AD. If the State of Design disagrees with the proposed mandatory action, it will notify the importing authority with its justification in writing via email. The importing authority will hold a teleconference with appropriate management of both authorities to discuss the unilateral AD action and when it will commence.

(c) The FAA and JCAB, as importing authorities, agree to respond quickly to the issuance of a mandatory continuing airworthiness action by the exporting authority in making its own determination of the need for issuing its own similar mandatory continuing airworthiness action that addresses all unsafe conditions on affected products or appliances certified, approved or otherwise accepted by the importing authority.

3.3.0.3 Alternative Means of Compliance (AMOC) to a Mandatory Continuing Airworthiness Action. If an AMOC of general applicability to an existing AD is issued by the FAA or JCAB for its own State of Design products, the authority issuing the AMOC will electronically notify the other authority of the decision.

(a) JCAB will provide sufficient information to the FAA for its use in making a determination as to the acceptability of the AMOC. Based on this information, the FAA will write an AMOC approval letter for U.S. operators.

(b) FAA will provide sufficient information to the JCAB for its use in making a determination as to the acceptability of the AMOC. Based on this information, the JCAB will accept the AMOC for Japanese operators or approve its own AMOC if a change to operating limitations is required.

3.3.1 DESIGN CHANGES

3.3.1.0 Procedures for Changes to a U.S. Type Certificate.

(a) Major changes (e.g., model changes, product improvements, etc.) to a type design, sought by the TC holder, may be issued as amendments to the TC under the provisions of 14 CFR § 21.29 or otherwise approved by the FAA. A certification procedure similar to that described in paragraph 3.0.1 shall be applied, but adjusted as appropriate for the magnitude and complexity of the design change. The FAA retains the right to determine if the proposed change is so substantial that a new TC is required for the changed type design.

(b) To assist the FAA in determining its level of activity with a specific design change, the JCAB should notify the FAA of each major type design change proposed by the TC holder that would affect:

(1) the Aircraft Flight Manual,

(2) the Approved Airworthiness Limitations,

(3) the Type Certificate Data Sheet,

(4) the Master Minimum Equipment List,

(5) a Certification Maintenance Requirement, or

(6) any other specific items identified by the FAA.

Based on this information, the FAA will determine whether the changes can be considered approved by the FAA upon JCAB's approval under its normal procedures.

(c) The JCAB must notify the FAA whenever the certification basis of a proposed change includes a requirement where the FAA may exercise discretion in making the finding. This includes findings of equivalent level of safety, additional technical conditions, special conditions, and other requirements where the FAA exercises its judgment in making the finding.

(d) Major changes to a type certificated design which are not great enough to require new application for a TC may also be approved through the issuance of a U.S. STC. Procedures for the issuance of a U.S. STC are found in paragraph 3.0.3.

(e) Minor design changes made by the TC holder shall be considered approved by the FAA upon approval by the JCAB under its normal procedures.

(f) As specified in 14 CFR § 21.93, for the purpose of complying with 14 CFR Part 34, each voluntary change in the type design of an aircraft or engine that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR Part 36, each voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an "acoustical change," requiring further demonstration of compliance. The FAA retains all findings of acoustical or emissions change under 14 CFR 21.93 (b) and (c).

3.3.1.1 Procedures for Changes to a Japanese Type Certificate or Type Approval.

(a) Major changes (e.g., model changes, product improvements, etc.) to a type design, sought by the TC holder may only be issued as amendments to theTC under the provisions of CAL Article 13 and CAR Articles 14, 14-2, 15 and 20-22, or otherwise approved by the JCAB. A certification procedure similar to that described in paragraph 3.0.2 shall be applied, but adjusted as appropriate for the magnitude and complexity of the design change. The JCAB retains the right to determine if the proposed change is so substantial that a new TC/TA is required for the changed type design.

(b) To assist the JCAB in determining its level of activity with a specific design change, the FAA should notify the JCAB of each major type design change proposed by the TC/TA holder that would affect:

(1) the Aircraft Flight Manual,

(2) the Approved Airworthiness Limitations,

(3) the Type Certificate Data Sheet,

(4) the Master Minimum Equipment List,

(5) a Certification Maintenance Requirement, or

(6) any other specific items identified by the JCAB.

Based on this information, the JCAB will determine whether the changes can be considered approved by the JCAB upon FAA's approval under its normal procedures.

(c) The FAA must notify the JCAB whenever the certification basis of a proposed change includes a requirement where the JCAB may exercise discretion in making the finding. This includes findings of equivalent level of safety, additional technical conditions, special conditions, and other requirements where the JCAB exercises its judgment in making the finding.

(d) Major changes to a type certificated/type approved design by anyone other than the TC holder may also be approved through the issuance of a Japanese STC. Procedures for the issuance of a Japanese STC are found in paragraph 3.0.4.

(e) Minor design changes made by the TC holder shall be considered approved by the JCAB upon approval by the FAA under its normal procedures.

(f) As specified in CAL 13 and CAR 22-2, for the purpose of complying with CAR Annex 3, each voluntary change in the type design of an aircraft or engine that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the purpose of complying with CAR Annex 2, each voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an "acoustical change," requiring further demonstration of compliance.

3.3.1.2 Procedures for Changes to a Supplemental Type Certificate. The FAA and the JCAB agree to follow the procedures in paragraphs 3.3.1.0 and 3.3.1.1 to the extent applicable. Where unique situations may occur, the FAA and JCAB will consult with each other on the specific process to be applied.

3.3.1.3 Procedures for Changes to an Aircraft Flight Manual. The FAA and JCAB may delegate the review and signature of revisions to aircraft flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. Minor revisions will be reviewed by the exporting authority on behalf of the importing authority, and the exporting authority will ensure that the data meets the importing authority's requirements. Significant revisions must be submitted to the importing authority for review and acceptance before any signature on behalf of the importing authority. For an individual certification project, the exporting authority will consult with the importing authority when it decides which revisions are significant and which are minor.

3.3.1.4 Procedures for Changes to an FAA Letter of TSO Design Approval for a Japanese Manufacturer. Major changes to a TSO design require re-substantiation of the new design and re-issuance of the Letter of TSO Design Approval, and shall be done in accordance with the procedures in paragraph 3.0.5.

3.3.1.5 Procedures for Changes to a U.S. TSO Appliance installed on a Japanese State of Design aircraft. Major changes to an FAA TSO design require re-substantiation and re-issuance of the FAA TSOA and therefore may require reevaluation by the JCAB in accordance with the procedures in paragraph 3.0.6.

3.3.2 APPROVAL OF DESIGN DATA USED IN SUPPORT OF REPAIRS.

3.3.2.0 General. Design data used in support of repairs must be approved or accepted, as appropriate, by the exporting authority (State of Design) in a manner that is acceptable to the importing authority. Design data approved by the exporting authority in accordance with the procedures set forth below is considered to be approved by the importing authority.

3.3.2.1 FAA and JCAB Repair Data Approval Processes.

(a) FAA will approve design data used in support of major repairs in accordance with FAA Order 8110.4, *Type Certification,* FAA Order 8110.37, *Designated Engineering Representative Guidance Handbook* and FAA Order 8900.1, *Flight Standards Information Management System.* Minor repairs are made in accordance with "acceptable" data, in accordance with14 CFR Part 43.

(b) JCAB will approve design data used in support of major repairs in accordance with JCAB Circular 1-001, *General Policy and Procedures for Certification/Inspection.* Minor repairs are made in accordance with "acceptable" data, in accordance with "Standards of Aircraft Maintenance Works" (equivalent to 14 CFR Part 43).

3.3.2.1.1 FAA Acceptance of JCAB Repair Data.

(a) The FAA will accept JCAB approved design data used in support of major repairs for Japanese products, parts and appliances included in the scope of this agreement. The JCAB design data approval will be substantiated via a JCAB Form 1-003-1, Statement of Compliance. The FAA may request compliance documentation of the JCAB-approved design data, if needed, on a case-by-case basis.

(b) The FAA will accept all minor repair data from a Japanese design approval holder or a third-party that has been accepted by the JCAB under its procedures for the products, parts and appliances included in the scope of this agreement.

3.3.2.1.2 JCAB Acceptance of FAA Repair Data.

(a) JCAB will accept FAA-approved design data used in support of major repairs for all products, parts and appliances included in the scope of this agreement. The FAA design data approval will be substantiated via an FAA Form 8110-3, 8100-9 or FAA Form 337 (block 3). The JCAB may request compliance documentation of the FAA-approved design data, if needed, on a case-by-case basis.

(b) JCAB will accept all minor repair data from a U.S. design approval holder or a third-party that has been accepted by the FAA under its procedures for the products, parts and appliances included in the scope of this agreement.

3.3.3 ADMINISTRATION OF DESIGN APPROVALS

3.3.3.0 Transfer of U.S. Type Certificate/Supplemental Type Certificate to a Person in Japan.

(a) Upon transfer or an agreed-upon date, the JCAB will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products and will notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) The FAA will transfer to the JCAB the ICAO State of Design responsibilities for TC/STCs only for products within the scope of these Implementation Procedures. The JCAB will not assume ICAO State of Design responsibilities for models that have not been found to meet the JCAB's certification requirements.

(c) Upon notification of a transfer by a U.S. TC/STC holder to a person in Japan, the FAA office that issued the TC/STC will notify the JCAB and establish procedures to transfer the ICAO State of Design responsibilities for the TC/STC to Japan. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.

(d) If a corresponding Japanese TC/TA already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on that Japanese TC/TA. For any FAA-certificated model not listed on the JCAB TC/TAI, the FAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable JCAB certification requirements. This support would include the FAA's statement of compliance that the model meets the JCAB's certification requirements. Upon acceptance, the JCAB will place the additional model on the Japanese TC/TA.

(e) If the transferee of the U.S. TC applies for a Japanese TC/TA, the FAA will provide support to establish acceptance of the U.S. TC as showing compliance to the applicable certification requirements of the JCAB. This would include the FAA's statement of compliance that the product meets the JCAB's certification requirements. Upon acceptance, the JCAB will issue the Japanese TC/TA.

(f) If a corresponding Japanese STC already exists for the changed product, the transfer will apply to the model listed on that Japanese STC.

(g) If the transferee of the STC applies for a Japanese STC, the FAA will provide support to establish acceptance of the U.S. STC as showing compliance to the applicable certification requirements of the JCAB. This would include the FAA's statement of compliance that the changed product meets the JCAB's certification requirements. Upon acceptance, the JCAB will issue the Japanese STC.

(h) The transfer of the ICAO State of Design responsibilities for the U.S. TC/STC to the JCAB will be considered complete when the JCAB confirms that all necessary data have been transferred to the new holder, and the new holder is able to perform the responsibilities required of a design approval holder.

(i) The FAA will reissue a U.S. TC/STC in the name of the transferee after the JCAB issues its TC/TA or STC, unless the new holder does not wish to maintain FAA approval.

(j) If the transferee does not hold and does not apply for a Japanese TC/TA or STC, as applicable, or if the transferee's Japanese TC/TA covers only some models covered by the FAA TC and the transferee does not apply for an additional approval, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to the JCAB. The FAA will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on the FAA.

3.3.3.1 Transfer of Japanese Type Certificate/Type Approval or Supplemental Type Certificate to a Person in the United States.

(a) Upon transfer or an agreed-upon date, the FAA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products and will notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) The JCAB will transfer to the FAA the ICAO State of Design responsibilities for TC/TAs and STCs only for products within the scope of these Implementation Procedures. The FAA will not assume ICAO State of Design responsibilities for models that have not been found to meet the FAA certification requirements.

(c) Upon notification of a transfer by a Japanese TC/TA or STC holder to a person in the United States, the JCAB will notify the FAA Office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibilities for the TC/TA or STC to the United States. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.

(d) If a corresponding U.S. TC already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on the U.S. TC. For any JCAB certificated model not listed on the U.S. TC, the JCAB will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable FAA certification requirements. This support would include the JCAB's statement of compliance that the model meets the U.S. certification requirements. Upon acceptance, the FAA will place the additional model on the U.S. TC.

(e) If the transferee of the Japanese TC/TA applies for an U.S. TC, the JCAB will provide support to establish acceptance of the Japanese TC/TA as showing compliance to the applicable certification requirements of the FAA. This would include the JCAB's statement of compliance that the product meets the FAA's certification requirements. Upon acceptance, the FAA will issue the U.S. TC.

(f) If a corresponding U.S. STC already exists for the changed product, the transfer will apply to the model listed on that U.S. STC.

(g) If the transferee of the STC applies for a U.S. STC, the JCAB will provide support to establish acceptance of the Japanese STC as showing compliance to the applicable certification requirements of the FAA. This would include the JCAB's statement of compliance that the changed product meets the FAA's certification requirements. Upon acceptance, the FAA will issue the U.S. STC.

(h) The transfer of the ICAO State of Design responsibilities for the TC/STC to the FAA will be considered complete when the FAA confirms that all necessary data have been transferred to the new holder, and the new holder is able to perform the responsibilities required of a design approval holder.

(i) The JCAB will reissue a TC/TA or STC, as applicable, in the name of the transferee after the FAA issues its TC/STC, unless the new holder does not wish to maintain JCAB approval.

(j) If the transferee does not hold and does not apply for a U.S. TC/STC, or if the transferee's U.S.TC covers only some models covered by the Japanese TC/TA or STC and the transferee does not apply for an additional approval, the JCAB will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. The JCAB will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on the JCAB.

3.3.3.2 Surrender of Type Certificate/Type Approval or Supplemental Type Certificate. If a certificate holder elects to surrender a TC or STC issued by the FAA or a TC/TA or STC issued by the JCAB, as the exporting authorities, the FAA or JCAB shall immediately notify the other in writing of the action. The FAA

and JCAB, as exporting authorities, shall accomplish all actions necessary to ensure continued airworthiness of the product until such time as:

(a) The TC/TA or STC is reissued to a new holder when that new holder demonstrates competence to fulfill the necessary obligations; or

(b) The FAA or JCAB, as the exporting authority, terminates the TC/TA or STC. Prior to termination, the exporting authority shall notify the importing authority of the pending cancellation.

3.3.3.3 Revocation or Suspension of Type Certificate/Type Approval or Supplemental Type Certificate.

(a) In the event the JCAB revokes or suspends a TC/TA or STC of a product for which the JCAB is the authority of the State of Design, it should immediately inform the FAA product-responsible Directorate. The FAA, upon notification, will conduct an investigation to determine if action is required in the United States. If the revocation or suspension was "for cause" and the FAA concurs with the JCAB's certificate action, the FAA will initiate revocation or suspension of the U.S. TC or STC. The FAA may decide to continue to support its State of Registry responsibilities if there is sufficient information for it to support the continued operational safety of the fleet in the United States. In this case the JCAB should obtain and provide type design data as requested to the FAA. Final certificate action is at the sole discretion of the FAA. The FAA may revoke the U.S. TC or STC if the continued airworthiness responsibilities would cause an undue burden for the FAA.

(b) In the event the FAA revokes or suspends a TC or STC of a product for which the FAA is the authority of the State of Design, the FAA product-responsible Directorate should immediately inform the JCAB. The JCAB, upon notification, will conduct an investigation to determine if action is required in Japan. If the revocation or suspension was "for cause" and the JCAB concurs with the FAA's certificate action, the JCAB will initiate revocation or suspension of the Japanese TC/TA or STC. The JCAB may decide to continue to support its State of Registry responsibilities if there is sufficient information for it to support the continued operational safety of the fleet in Japan.
In this case the FAA should obtain and provide type design data as requested to the JCAB. Final certificate action is at the sole discretion of the JCAB. The JCAB may revoke the Japanese TC/TA or STC if the continued airworthiness responsibilities would cause an undue burden for the JCAB.

3.3.3.4 Surrender or Withdrawal of an FAA Letter of TSO Design Approval or JCAB TA/SA.

(a) Surrenders. If an FAA TSO Authorization or Letter of Design Approval holder, or a JCAB TA/SA holder elects to surrender the TSO or TA/SA approval issued by the FAA or JCAB respectively, as exporting authorities, the FAA or

JCAB will immediately notify the other in writing of the action. The exporting authority shall accomplish all actions necessary to ensure continued airworthiness of the product, until such time as the TSO approval is formally withdrawn by the exporting authority.

(b) Withdrawals. If a TSO approval or TA/SA is withdrawn, the FAA or JCAB, as exporting authorities, will immediately notify the other in writing of the action. The exporting authority shall accomplish all actions necessary to ensure continued airworthiness of the appliance produced under its TSO approval or TA/SA. In the event of withdrawal of a TSO approval or TA/SA for noncompliance, the exporting authority will investigate all nonconformities for corrective action and notify the importing authority of the corrective action. The exporting authority still has the responsibility for the continued airworthiness of those appliances manufactured under its authority.

SECTION IV TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

4.0 General. Upon request and after mutual agreement, and as resources permit, the FAA and JCAB may provide technical assistance to each other when significant activities are conducted in either the United States or Japan. These technical assistance activities will help to avoid the undue burden imposed on the exporting authority in the undertaking of its regulatory surveillance and oversight functions at locations outside of the country of export. These supporting technical assistance activities shall in no way relieve the exporting authority of the responsibilities for regulatory control and airworthiness certification of products, appliances, and parts manufactured at facilities located outside the exporting country. Each authority will use its own policies and procedures when providing technical assistance to the other authority, unless other special arrangements are agreed upon. Types of assistance may include, but are not limited to, the following:

(a) Determination of Compliance.

(1) Witnessing tests;

(2) Performing compliance and conformity inspections;

(3) Reviewing reports; and

(4) Obtaining data.

(b) Surveillance and Oversight.

(1) Witnessing of first article inspection of parts;

(2) Monitoring the controls on special processes;

(3) Conducting sample inspections on production parts;

(4) Monitoring the activities and functions of designees;

(5) Conducting investigations of service difficulties; and

(6) Evaluating/surveilling of production quality systems.

4.1 Witnessing of Tests During Design Approval.

(a) The airworthiness authority of the country in which a design approval applicant is located may request assistance in the witnessing of tests from the airworthiness authority of the country in which a design approval applicant's supplier is located.

(b) Only authority-to-authority requests are permissible and authorities will not respond to a test witnessing request from the manufacturer or supplier. Witnessing of tests will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed and agreement has been obtained from the airworthiness authority in the country in which the supplier is located. The airworthiness authority of the country in which the design approval applicant is located makes the written request for witnessing of tests.

(c) Approval of the design approval applicant's test plans, test procedures, test specimens, and hardware configuration remains the responsibility of the airworthiness authority of the country in which the design approval applicant is located. Establishing the conformity of each test article prior to the conduct of the test is the responsibility of the design approval applicant.

(d) Requests for witnessing of tests must be specific enough to provide for identification of the location, timing, and nature of the test to be witnessed. An approved test plan must be provided by the requesting authority at least two weeks prior to each scheduled test.

(e) JCAB requests for witnessing of tests will be sent to the appropriate FAA Aircraft Certification Office. For tests associated with a current JCAB or FAA validation program, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For tests associated with an Japanese certification program only, the requests should be sent to the FAA Aircraft Certification Office which has geographic responsibility for the State in which the tests will take place. FAA Aircraft Certification Offices are listed in Appendix A. JCAB's requests will be sent on a completed JCAB Form 1-309-1. The FAA requests for witnessing of tests will be sent on a completed FAA Form 8120-10, *Request for Conformity,* to the appropriate JCAB address, as listed in Appendix A.

(f) Upon completion of test witnessing on behalf of the requesting authority, the FAA or JCAB will send a report stating that the test was conducted in accordance with approved test plans and confirming the test results, as well as any other documentation as notified by the requesting authority.

4.2 Conformity Certifications During Design Approval.

(a) The airworthiness authority of the country in which a design approval applicant is located may request conformity certifications from the airworthiness authority in the country in which the design approval applicant's supplier is located for prototype parts produced by that supplier.

(b) Only authority-to-authority requests are permissible and authorities will not respond to a conformity certification request from the manufacturer or supplier. Certifications will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed, and agreement has been obtained

from the airworthiness authority in the country in which the supplier is located. Requests for conformity certifications should be limited to prototype parts that are of such complexity that they are not inspectable by the manufacturer or its airworthiness authority after assembly but prior to installation in the final product. Conformity certifications may require the development of a working procedure based on the complexity of the requested certifications. At the discretion of the authority in receipt of such requests, conformity certifications may be delegated to authorized designees or delegated organizations.

(c) The JCAB requests for conformity certifications will be sent to the appropriate FAA Office. For conformity certifications associated with a current JCAB or FAA validation program, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For conformity certifications associated with an Japanese certification program only, the requests should be sent to the FAA Directorate Manufacturing Inspection Office which has geographic responsibility for the State in which the conformity certification will take place. FAA Offices are listed in Appendix A. JCAB's requests will be sent on a completed JCAB Form 1-309-1. FAA requests for conformity certifications will be sent on a completed FAA Form 8120-10, *Request for Conformity,* to the appropriate JCAB address, as listed in Appendix A.

(d) Upon completion of all conformity inspections conducted on behalf of the requesting authority, the FAA or JCAB will complete and return all documentation to the requesting authority, as notified. The airworthiness authority of the country in which the supplier is located will note all deviations from the requirements notified by the design approval applicant's airworthiness authority on the conformity certification for the particular part. Any nonconformity described as a deviation should be brought to the attention of the FAA or JCAB for evaluation and disposition. The FAA or JCAB should receive a report stating the disposition required on each deviation before an FAA Form 8130-3 or JCAB CAR Form 18 is issued.

(e) Neither conformity certification on prototype parts, nor inspections on production parts, should be construed as being an export airworthiness approval, since a conformity certification does not constitute an airworthiness determination. Airworthiness determinations remain the responsibility of the design/production approval holder and the airworthiness authority of the country in which the holder is located.

4.3 Airworthiness Certificates. There may be certain programs and conditions that warrant technical assistance from each authority for the issuance of standard airworthiness certificates so that aircraft may be placed directly into operation from the site of manufacture. The importing authority may seek assistance from the exporting authority in the final processing and delivery of an airworthiness certificate when the aircraft has completed its manufacturing cycle, and has subsequently been granted an Export Certificate of Airworthiness by the exporting authority. This will require the development of a special procedure between the exporting and importing authorities to mitigate all undue regulatory burdens.

4.4 Protection of Proprietary Data and Freedom of Information Act (FOIA) and Japanese Law Concerning Access to Information Held by Administrative Organizations (LAIA) Requests.

4.4.0 Protection of Proprietary Data. Both authorities recognize that data submitted by a design approval holder is the intellectual property of that holder, and release of that data by the FAA or JCAB is restricted. The FAA and JCAB agree that they will not copy, release, or show proprietary data obtained from either authority to anyone other than an FAA or JCAB employee without written consent of the design approval holder or other data submitter. This written consent should be obtained by the FAA or JCAB from the design approval holder through the authority of the country in which the holder is located and will be provided to the other authority.

4.4.1 FOIA Requests. The FAA often receives requests from the public under the United States Freedom of Information Act (FOIA) to release information which the FAA may have in its possession. Each record the FAA has in its possession must be disclosed under the FOIA unless a FOIA exemption applies to that record. One exemption is for trade secrets, and financial or commercial information that is confidential or privileged. Design approval holders' data may include trade secrets or other information that is confidential because release of the information would damage the competitive position of the holder or other person. When the FAA receives a FOIA request related to a product, part, or appliance of an FAA approval holder or applicant who is located in Japan, the FAA will request the JCAB's assistance in contacting the FAA approval holder or applicant to help determine what portions of that information may qualify for exemption under the criteria above and to ask them to provide factual information justifying use of the exemption. If the approval holder or applicant consents to the release of information, the JCAB must provide the written consent to the FAA. If release is objected to, a statement of the reasons must be furnished by the JCAB to the FAA.

4.4.2 LAIA Requests. The JCAB often receives requests from the public under the LAIA to release information which the JCAB may have in its possession. Each record the JCAB has in its possession must be disclosed under the LAIA unless a LAIA exemption applies to that record. One exemption is for information concerning a corporation where there is a risk that, if made public, the corporation's legitimate interests would be harmed. Design approval holders' data may include such information that is confidential because release of the information would damage the competitive position of the holder or other person. When the JCAB receives a LAIA request related to a product, part, or appliance of a JCAB approval holder or applicant who is located in the United States, the JCAB will request the FAA's assistance in contacting the JCAB approval holder or applicant to help determine what portions of that information may qualify for exemption under the criteria above and to ask them to provide factual information justifying use of the exemption. If the approval holder or applicant

consents to the release of information, the FAA must provide the written consent to the JCAB. If release is objected to, a statement of the reasons must be furnished by the FAA to the JCAB.

4.5 Accident/Incident and Suspected Unapproved Parts Investigation Information Requests. When either the FAA or JCAB needs information for the investigation of service incidents, accidents, or suspected unapproved parts involving a product, part, or appliance imported under these Implementation Procedures, the request for the information should be directed to the appropriate office of the exporting authority. In turn, upon receipt of the request for information, the exporting authority should immediately do everything necessary to make sure the requested information is provided in a timely manner. If urgency requires that either the FAA or JCAB requests the information directly from the manufacturer because immediate contacts cannot be made with the exporting authority, the importing authority shall inform its counterpart authority of this action as soon as possible.

SECTION V SPECIAL ARRANGEMENTS

5.0 It is anticipated that urgent or unique situations will develop which have not been specifically addressed in these Implementation Procedures, but which are within the scope of the BASA. When such a situation arises, it shall be reviewed by the respective FAA Aircraft Certification Service Director and the Director of the JCAB Airworthiness Division, and a procedure shall be developed to address the situation. The procedure shall be mutually agreed upon by the FAA and the JCAB in a separate working procedure. If it is apparent that the situation is unique, with little possibility of repetition, then the working procedure shall be of limited duration. However, if the situation has anticipated new technology or management developments which could lead to further repetitions, then these Implementation Procedures shall be revised accordingly by the FAA and the JCAB.

5.1 It should be noted that, when the unique or urgent situation falls within the responsibility of an FAA Aircraft Certification Service Directorate Manager, that Manager will be responsible for developing the necessary procedures with the JCAB. The special arrangements co-developed between the authorities are listed in Appendix C.

SECTION VI AUTHORITY

The FAA and JCAB agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives.

FEDERAL AVIATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA	CIVIL AVIATION BUREAU MINISTRY OF LAND, INFRASTRUCTURE , TRANSPORT AND TOURISM JAPAN
By Dorothy B Reinwald	By 宮下 徹
Title Acting Assistant Administrator for International Aviation	Title Director General, Engineering Department
Date April 27, 2009	Date April 27, 2009

APPENDIX A

List of Addresses for

FAA Headquarters Offices, FAA Mike Monroney Aeronautical Center,
FAA Aircraft Certification Service Directorates, FAA Manufacturing Inspection Offices,
FAA Aircraft Certification Offices and JCAB Offices

FAA Headquarters - Aircraft Certification Service

International Policy Office
AIR-40
Room 600W
c/o Wilbur Wright Building
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-385-8940
Fax: 1-202-493-5144

Aircraft Engineering Division
AIR-100
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-9580
Fax: 1-202-267-5340

Production & Airworthiness Division
AIR-200
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-8361
Fax: 1-202-267-5580

FAA Headquarters - Environmental Policy and Regulations

Office of Environment and Energy
AEE-1
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-3576
Fax: 1-202-267-5594

FAA Headquarters – Administrative Coordination

Office of International Aviation
API-1
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-385-8900
Fax: 1-202-267-5032

FAA Mike Monroney Aeronautical Center - Contact Point for FAA Airworthiness Directives

Mailing Address

Delegation and Airworthiness
Programs Branch
AIR-140
P.O. Box 26460
Oklahoma City, OK 73125

Office Address

Delegation and Airworthiness
Programs Branch
AIR-140
ARB, Room 304
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169

Telephone: 1-405-954-4103
Fax: 1-405-954-4104

FAA Aircraft Certification Service Directorates

Engine and Propeller Directorate
ANE-100

Regulatory and policy responsibility for all aircraft engines, propellers, and auxiliary power units.

12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7100
Fax: 1-781-238-7199

Rotorcraft Directorate
ASW-100

Regulatory and policy responsibility for normal and transport category rotorcraft.

2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5100
Fax: 1-817-222-5959

Small Airplane Directorate
ACE-100

Regulatory and policy responsibility for:

1. Airplanes weighing less than 12,500 pounds and having passenger configurations of 9 seats or less,
2. Commuter airplanes weighing 19,000 pounds or less, with passenger configurations of 19 seats or less, and
3. Gliders, airships, manned free balloons, and VLA.

901 Locust
Room 301
Kansas City, MO 64106-2641

Telephone: 1-816-329-4100
Fax: 1-816-329-4106

Transport Airplane Directorate
ANM-100

Regulatory and policy responsibility for all transport category airplanes.

1601 Lind Avenue, SW
Renton, WA 98057-3356

Telephone: 1-425-227-2100
Fax: 1-425-227-1100

FAA Manufacturing Inspection Offices

Engine and Propeller Directorate Manufacturing Inspection Office

For the States of: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

ANE-180
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7180
Fax: 1-781-238-7199

Rotorcraft Directorate Manufacturing Inspection Office

For the States of: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

ASW-180
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5180
Fax: 1-817-222-5136

Small Airplane Directorate Manufacturing Inspection Office

For the States of: Alabama, Alaska, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, and Wisconsin.

ACE-180

901 Locust
Room 301
Kansas City, MO 64106-2641

Telephone: 1-816-329-4180
Fax: 1-816-329-4157

Transport Airplane Directorate Manufacturing Inspection Office

For the States of: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

ANM-108
1601 Lind Avenue, SW
Renton, WA 98057-3356

Telephone: 1-425-227-2100
Fax: 1-425-227-1320

FAA Aircraft Certification Offices

Atlanta Aircraft Certification Office
ACE-115A
One Crown Center
1895 Phoenix Boulevard, Suite 450
Atlanta, GA 30349

Telephone: 1-770-703-6035
Fax: 1-770-703-6097

Anchorage Aircraft Certification Office
ACE-115N
222 West 8th Avenue,
Anchorage, AK 99513

Telephone: 1-907-271-2669
Fax: 1-907-271-6365

Boston Aircraft Certification Office
ANE-150
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7150
Fax: 1-781-238-7199

Boston Engine Certification Office
ANE-140
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7140
Fax: 1-781-238-7199

Chicago Aircraft Certification Office
ACE-115C
2300 East Devon Avenue
Room 323
Des Plaines, IL 60018

Telephone: 1-847-294-7357
Fax: 1-847-294-7834

Denver Aircraft Certification Office
ANM-100D
Technical Operations Center (TOC)
26805 E. 68th Avenue, Room 214
Denver, CO 80249

Telephone: 1-303-342-1080
Fax: 1-303-342-1088

Fort Worth Airplane Certification Office
ASW-150
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5150
Fax: 1-817-222-5960

Fort Worth Rotorcraft Certification Office
ASW-170
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5170
Fax: 1-817-222-5783

Fort Worth Special Certification Office
ASW-190
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5190
Fax: 1-817-222-5185

Los Angeles Aircraft Certification Office
ANM-100L
3960 Paramount Blvd.
Lakewood, CA 90712

Telephone: 1-562-627-5200
Fax: 1-562-627-5210

New York Aircraft Certification Office
ANE-170
1600 Stewart Avenue
Suite 410
Westbury, NY 11590

Telephone: 1-516-228-7300
Fax: 1-516-794-5531

Wichita Aircraft Certification Office
ACE-115W
1801 Airport Road
Room 100, Mid-Continent Airport
Wichita, KS 67209

Telephone: 1-316-946-4106
Fax: 1-316-946-4107

Seattle Aircraft Certification Office
ANM-100S
1801 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-917-6400
Fax: 1-425-917-6590

JCAB Offices

Airworthiness Division
Engineering Department
Civil Aviation Bureau
2-1-3, Kasumigaseki, Chiyoda-ku,Tokyo, 100-8918,
Japan
Telephone: 81-3-5253-8735
Fax: 81-3-5253-1661

APPENDIX B

List of Referenced Documents

FAA Referenced Documents

1. Code of Federal Regulations, Title 14, Parts 21-29, 33-36, 39, 43, 45, 91, and 183

2. FAA Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported into the United States*

3. FAA Order 8110.4, *Type Certification Process*

4. FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*

5. FAA Order 8130.21, *Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag*

6. FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*

7. ICAO Annex 8, *Airworthiness of Aircraft*

8. FAA Order 8120.2, *Production Approval and Certificate Management Procedures*

9. FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program*

10. FAA Order 8100.79, *Use of Electronic Technology and Storage of Data*

11. FAA-IR-01-01A, *Aircraft Certification Guide for the Use of Electronic Technology and Alternative Methods of Storing Information*

12. FAA Advisory Circular 21-20, *Supplier Surveillance Procedures*

13. FAA Order 8900.1, *Flight Standards Information Management System.*

APPENDIX B

List of Referenced Documents

JCAB Referenced Documents

1. Civil Aeronautics Law (CAL)

2 . Civil Aeronautics Regulations (CAR)

3. JCAB Ministerial Notification 135, 1981, *Notification for Airworthiness Certification of Product for Export*

4. Airworthiness Inspection Manual (AIM)

5. JCAB Circular 1-001, *General Policy and Procedures for Certification/Inspection*

6. JCAB Circular 2-001, *General Policy for Approved Organizations*

7. JCAB Circular 2-002, *Supplier Surveillance of Production Approved Organizations*

8. JCAB Circular 3-003, *Management of Mandatory Continuing Airworthiness Actions*

9. JCAB Circular 1-014, *Issuance of Export Certificate of Airworthiness for Aircrafts, Appliances and Parts*

10. JCAB Circular 1-004, *General Policy for Type Approval and Specification Approval*

11. ICAO Annex 8, *Airworthiness of Aircraft*

APPENDIX C

List of Special Arrangements

1. Name of Special Arrangement:

   Date of Issue:

2. Name of Special Arrangement:

   Date of Issue:

3. Name of Special Arrangement:

   Date of Issue: