U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

National Policy

ORDER 8110.120

Effective Date:
02/02/2015

SUBJ: Processing Surrendered, Abandoned, and Historical Aircraft Type Certificates

1. Purpose of This Order. This order provides policy and procedures for processing type certificates (TC) or supplemental type certificates (STC) surrendered by a design approval holder (DAH). This order also provides policy and procedures for the TCs and STCs the Federal Aviation Administration (FAA) determines to be abandoned, and for "historical aircraft data." This order was prompted by provisions enacted in the Federal Aviation Administration Modernization and Reform Act of 2012 (Public Law 112-95), February 14, 2012 (2012 Act). The provision on release of data was codified in Title 49 of the United States Code (49 U.S.C.) § 44704(a)(5). The material regarding historical aircraft was not codified in Title 49, and remains in § 816 of the 2012 Act.

2. Audience. This order is for all directorates, including Aircraft Certification Offices (ACO), Manufacturing Inspection District Offices (MIDO), Flight Standards District Offices (FSDO), FAA Freedom of Information Act (FOIA) Coordinators, and the Office of Finance and Management (AFN).

3. Where Can I Find This Order. You can find this order on the MyFAA Employee website at: https://employees.faa.gov/tools_resources/orders_notices; and on the Regulatory and Guidance Library (RGL) website at: http://rgl.faa.gov/.

4. Background.

a. This order sets out policy and procedures regarding the FAA's certificate management processes and continued operational safety (COS) oversight of surrendered, abandoned, and historical TCs and STCs. This order provides clarification and additional policy and procedures for processing surrendered STCs and TCs. Additionally, foreign DAHs have approached the FAA through foreign civil aviation authorities (FCAA) to inquire as to how they can surrender their unprofitable and/or obsolete certificates to us. Surrendering a TC has the potential to hinder the ability of the operators, owners, and FAA to fulfill their COS responsibilities over the aircraft fleet because of the unavailability of TC data (refer to appendix D to this order).

b. FAA Modernization and Reform Act of 2012. This order implements two sections of the 2012 Act, § 302 (which was codified at 49 U.S.C. § 44704(a)(5)) and § 816. These two provisions contain the authority for the release of data for certain TCs, and define what TC data may be released to third parties. Section 44704(a)(5) allows the FAA to release data on certain certificates on which there has been no activity as stated in the statute; the FAA considers and refers to these certificates as abandoned. Section 816 of the 2012 Act lists certain TCs for which the FAA must preserve data.

5. Explanation of Policy Changes. This order accomplishes the following three objectives:

a. Surrendered STCs and TCs. This order describes the process by which a TC may be surrendered, describes the FAA's oversight responsibilities for surrendered certificates, and defines what data and documentation a DAH must provide to us when a TC or STC is surrendered. This order includes information needed by agency employees when processing a certificate surrender, including the documents that must be provided by the surrendering DAH, including the TC, the type design data, and all records necessary to complete the governmental record of approval. The surrender action is completed when the FAA marks, signs, and accepts the certificate as surrendered. The TC is composed of the data described in Title 14 of the Code of Federal Regulations (14 CFR) § 21.41, Type certificate, and the type design material as described in § 21.31, Type design. The governmental record includes the TC, descriptive data, substantiating data, and any data and records generated during the certification process (refer to figure 1 of this order and section 8110, Type Certification Case Files, in appendix 2 to *Aircraft Certification Service Records Management Requirements Manual*, FAA-IR-04-01B, dated February 21, 2013).

b. Abandoned STCs and TCs. Section 44704(a)(5) allows the Administrator to release data on TCs or STCs that have been inactive for 3 or more years. The statute requires the agency do a search for such activity. When no activity is found, the FAA refers to these certificates as abandoned. This order describes the process for making the determination that an STC or TC has been abandoned, and how and what data the FAA may release to third parties.

c. Historical Aircraft Data. Section 816 of the 2012 Act, Historical Aircraft Documents, refers to "approved aircraft type certificate numbers ATC 1 through ATC 713" and to "Group-2 approved aircraft type certificate numbers 2-1 through 2-544." This order describes the process for how and what historical aircraft documents listed in the 2012 Act may be released to third parties.

> **Note:** For the purposes of this document, the terms "TC" or "certificate" include STCs unless specifically excluded. Also the term "ATC" in the Historical Aircraft Documents section (paragraph 17 of this order) refers to an "aircraft type certificate."

6. Partial Supersedure of FAA Order 8110.4. This order supersedes FAA Order 8110.4, *Type Certification*, to the extent that it is not consistent with that order regarding surrendered TC and STC processes and approved model list (AML) surrendered STC processes. This order also provides detailed instructions for implementing the provisions of the 2012 Act for abandoned and historical aircraft data.

7. Effective Date. The provisions of this order are effective on February 2, 2015.

8. Surrendered TC Policy.

a. Title 49 of the United States Code § 44702, Issuance of Certificates, establishes the FAA's authority to prescribe minimum standards and regulations governing the design, manufacture, maintenance, and operation of aviation products. Under the authority of this section and through the procedures of 14 CFR part 21, the FAA issues a TC to a DAH for a product, or an STC for a

major change in the type design of a product. The certificate is the means by which the FAA conveys the privileges and responsibilities granted to a DAH as a condition of type certification; the surrender of a TC results in termination of those privileges and responsibilities.

> **Note:** For the purposes of this order, the term "holder" means DAH except where explicitly stated.

b. A TC holder has both privileges and responsibilities associated with the certificate. The TC holder may obtain a production certificate (PC) to manufacture aircraft and may obtain an airworthiness certificate for those aircraft. However, the TC holder has specific responsibilities, including those described in §§ 21.3, 21.50, and 21.99.

c. When a holder has met the requirements of this order to the satisfaction of the FAA, the FAA considers the certificate to be surrendered. At the time the FAA deems the certificate to be surrendered, all privileges and responsibilities for the certificate are relinquished.

d. A cognizant FAA employee processing a surrender must encourage the holder to transfer the TC to a third party rather than surrender it. When a holder surrenders a TC, the FAA, operators, and maintainers of the fleet are faced with the prospect of an increased COS support workload because there is no longer a TC holder to provide support required by regulations. Typically, surrender results in the inability of operators, owners, maintainers, the FAA, and FCAAs to obtain data and provide technical support for individual airplanes and the fleet.

e. When a TC is surrendered, the FAA becomes the custodian of the TC and performs routine COS oversight. In this role, the FAA does not become the TC holder, nor does it perform the TC holder's responsibilities. When faced with incidents or accidents, the FAA may issue airworthiness directives (AD) that implement inspections and/or terminating actions (repairs, design changes, or replacements) and evaluate proposed alternative methods of compliance (AMOC). When a TC is surrendered, there is no TC holder responsible for developing and making available the necessary inspection requirements, repairs, or design changes. Refer to appendix D to this order for a description of COS and its oversight and responsibilities.

f. When a DAH decides to surrender a TC, the FAA does not consider the TC surrendered until the holder provides the FAA the entire TC as established in § 21.41 and the governmental record of approval. (Refer to figure 1 below.) All drawings, documents, reports, and data (basic issue and revisions) that supported the original TC approval and the entire governmental record must be provided to the FAA. The FAA makes the final determination as to whether a DAH seeking to surrender a certificate has met the provisions of this order. If a DAH is unwilling to provide data and records to meet the provisions of this order, the certificate is not considered surrendered. If a DAH curtails or loses communication with the FAA and/or no longer exists and an abandonment situation is evident, the appropriate section of this order related to abandoned certificates may be applied.

(1) Under § 21.41, the TC is composed of the type design, operating limitations, type certificate data sheet (TCDS), and applicable regulations of part 21 and any other conditions or limitations prescribed for the product.

(2) Under § 21.31, the type design data consists of—

(a) The drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and design features of the product;

(b) Information on dimensions, materials, and processes necessary to define the structural strength of the product;

(c) The Airworthiness Limitations section of the instructions for continued airworthiness (ICA) as required by parts 23, 25, 26, 27, 29, 31, 33, and 35, or as otherwise required by the FAA, as specified in the applicable airworthiness criteria for special classes of aircraft defined in § 21.17(b), Designation of applicable regulations; and

(d) Any other data necessary to allow, by comparison, the determination of the airworthiness and noise characteristics of part 36, and the fuel venting and exhaust emissions of part 34, as applicable to later products of the same type.

(3) The governmental record of approval includes—

(a) The items identified in paragraphs 8f(1) and (2) of this order;

(b) Test plans;

(c) Test reports and computations (required by § 21.21);

(d) Originals of approved or accepted manuals (flight manuals under § 21.5) and all revisions;

(e) Originals of all accepted manuals (ICAs as described in § 21.50, engine or propeller installations);

(f) Service bulletins;

(g) Statements of Compliance; and

(h) FAA Forms 8110-3 (*Statement of Compliance with Airworthiness Standards*), 8110-2, 8110-9, and 8110-12, as appropriate, and all documents referenced on those forms.

Note: Refer to figure 1 below for the chart depicting the hierarchy of data. Note that FAA Forms 8110-9 and 8110-12 are for TCs, and FAA Forms 8110-2 and 8110-12 are for STCs.

(4) If the DAH holds the governmental record of approval under a data retention agreement, all of those records must be provided to the FAA.

g. When a DAH surrenders a TC for an imported product certificated in accordance with § 21.29, the FCAA will make TC data available to the FAA under the applicable provisions of its Bilateral Airworthiness Agreement (BAA), Bilateral Aviation Safety Agreement (BASA), or

other bilateral agreements with the United States. The test reports and computations are those that were presented to the certificating authorities to show compliance with the applicable regulations.

h. The surrender process is complete when the FAA has received the entire TC and governmental record of approval as specified in paragraph 8f of this order and the Certificate Management Aircraft Certification Office (CMACO) marks the certificate "surrendered" and signs it. When the FAA determines the process is complete, all of the DAH's privileges and responsibilities associated with the TC are terminated.

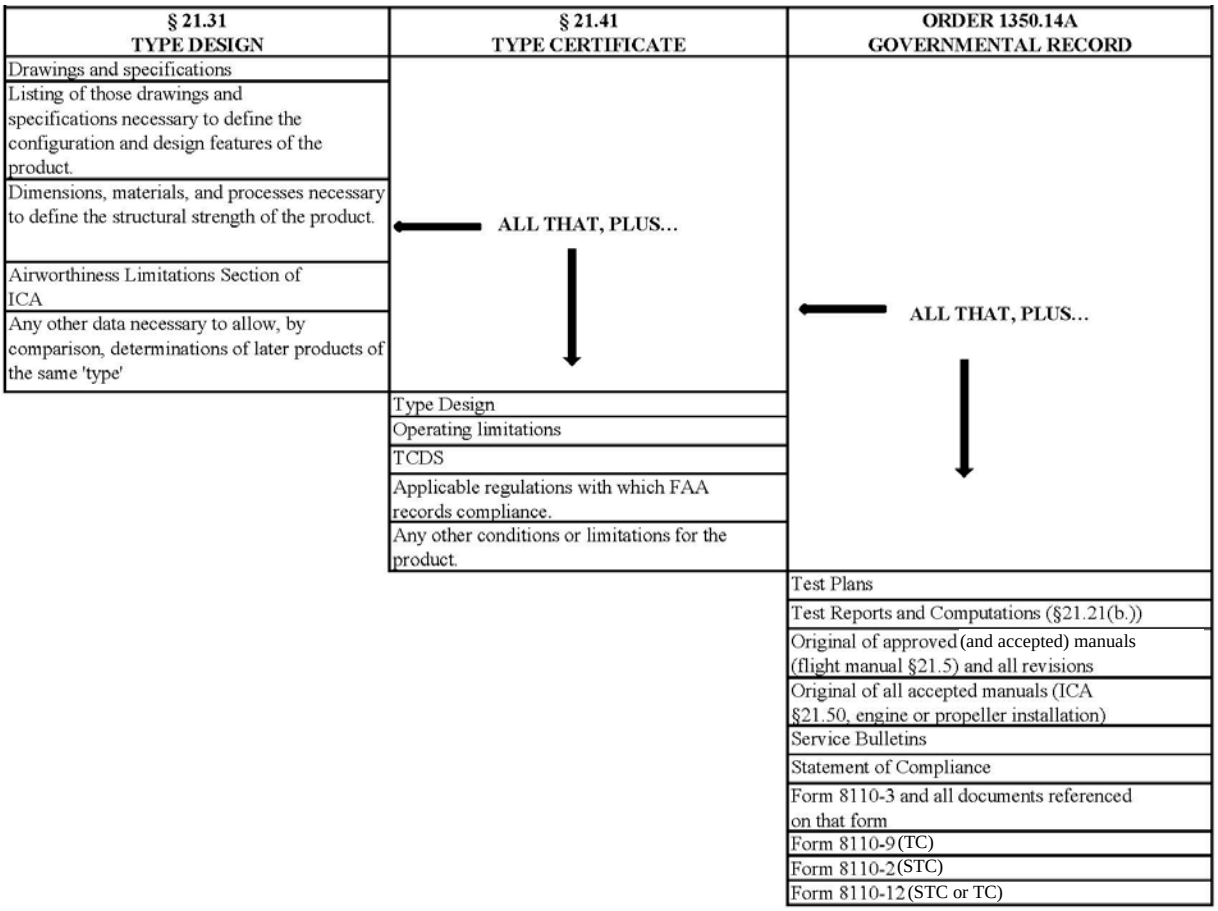
i. The surrender of a TC does not affect the airworthiness certificates of existing aircraft. The aircraft remain subject to future AD actions for safety of flight issues that could affect their airworthiness certificates.

j. A surrendered TC continues to exist as part of the governmental record of the FAA's finding of compliance. Compliance data required under §§ 21.21, 21.31, and 21.41 for the certificate approval is also part of the governmental record.

k. If there is a PC associated with a TC that is surrendered, the PC holder no longer meets the requirements for a PC. Because use of a PC requires maintaining all of the TC data, surrender of the TC data renders the PC unusable. (Refer to various regulations in part 21, subpart G and FAA Order 8120.22, Production Approval Procedures). If the PC holder fails to surrender its PC at the time it surrenders its TC, the FAA must initiate revocation of any associated PC; revocation of a PC is a certificate action requiring due process. Production under an FAA parts manufacturer approval (PMA) pursuant to part 21, subpart K and FAA Order 8110.42, Parts Manufacturer Approval Procedures, may continue after a TC is surrendered.

l. The surrender of a certificate is a final action. Once surrendered, the action cannot be reversed. A certificate cannot be reissued to a third party or a former holder. A new TC for the product could only be issued as part of the full TC process with a new application, subject to all current regulations.

Figure 1. Hierarchy of Data



m. All data surrendered by the former DAH is retained by the CMACO and is for FAA use only, unless the DAH has given the FAA permission to release the data to others as described in paragraph 10b of this order.

n. When the FAA is notified that the DAH is surrendering a certificate, the CMACO informs all MIDOs and FSDOs not to issue airworthiness certificates for imported or domestic aircraft while the surrender process takes place. When the surrender process is completed, the CMACO issues a memorandum to the field indicating the final date of surrender as applied to the TC and TCDS. As of the date when the surrender is completed, no airworthiness certificates may be issued. (Refer to paragraph 11e of this order).

o. No product with a surrendered TC may be imported and no such product is eligible for an airworthiness certificate.

p. If an aircraft with a surrendered TC is being exported from the United States, the export airworthiness certificate must note that the U.S. TC has been surrendered.

q. If a product with any installed surrendered STCs is being exported from the United States, the CMACO must inform the importing authority of the surrender by letter using the template in appendix F to this order.

r. As part of the surrender process, the CMACO requires the certificate holder to notify all known aircraft owners of the pending surrender and its outcome if an unsafe condition after surrender occurs (refer to paragraph 9 below). The FAA will publish a notice announcing the surrender in the Federal Register and place the notice on the FAA website to inform all aircraft owners who may possess a product with a surrendered TC but were unknown to the DAH.

9. Pre-Surrender Discussions With a DAH. All pre-surrender discussions and meetings with a DAH must be documented and added to the office certificate project file for future reference. When the CMACO conducts any pre-surrender consultations with the DAH, the CMACO must ask the DAH to identify all aircraft (or aircraft on which the engine or propeller or STC is installed) that are U.S. registered, or that are non-U.S. registered (if known) and have a U.S. airworthiness certificate. The CMACO must ask the DAH about any licensing agreements it may have with third parties and encourage the DAH to transfer the certificate to one of those third parties. The CMACO must explain to the DAH that—

a. After a TC is surrendered, the FAA must initiate termination of all PCs associated with the TC.

b. Surrendering a TC does not provide any relief to the DAH for civil liability associated with the design. Advise the DAH to consult its legal counsel on these matters.

c. Future unsafe conditions may result in the issuance of an AD by the FAA or an FCAA, including one that grounds the fleet.

10. Surrendered Certificate Process.

a. The surrender process is initiated when an authorized officer or representative of the DAH (such as the DAH's president, vice president, or chief counsel) sends a letter to the CMACO stating they want to surrender the TC. The CMACO informs the DAH that the surrendered certificate process requires that the DAH return the original TC and all required data and records specified in paragraph 8f of this order. The DAH must identify all aircraft on the U.S. registry by serial number. The CMACO must list these serial numbers on the TCDS. No other serial-numbered aircraft are eligible for a certificate of airworthiness. No further production is allowed.

b. The CMACO must request that the DAH complete a written permission to release [specified data] under the *Freedom of Information Act (FOIA) Program,* FAA Order 1270.1. dated June 13, 2000. The purpose of this written release is to eliminate the FAA's FOIA Exemption 4 obligations when a data release is requested after surrender is complete, and is necessary to ensure our standardized compliance with FOIA requirements. This statement must be signed by a responsible officer or representative of the DAH. Note that the DAH is not required to provide this statement.

11. Responsibilities of the CMACO; Aircraft Certification Service Design, Manufacturing, and Airworthiness Division (AIR-100); and International Policy Office (AIR-40) in Revising and Updating Surrendered TCs and STCs.

a. The CMACO revises the TC in the following manner:

The left side of a certificate form has the following text:	Type the following on the certificate:
This certificate is issued to	*This certificate* *has been surrendered by:* *Company A, Inc.* ***[CMACO signature and date.]***

Note: Alternatively, when the original certificate has been lost, reissue the certificate with the notation as shown above. Refer to FAA Order 8110.4 for instructions on the certificate reissuance process.

b. The CMACO manager (or designee) signs and dates near the surrender notation indicating FAA's acceptance of the surrender of the certificate. At this point, the certificate is considered surrendered.

c. The CMACO sends a copy of the surrendered certificate to the geographic MIDO for the TC and to the former TC holder. The CMACO retains the original surrendered certificate.

d. The CMACO edits the original TCDS in the following manner:

Type Certificate Holder:	*None.*
Type Certificate Holder Record:	*Company A, Inc.* ***Surrendered the TC on [date]***
	1234 Street
	City, State, Zip Code

See Notes XX-YY for limitations on this surrendered certificate.

e. The CMACO may add notes as appropriate, but at a minimum, must add the following note to the TCDS:

> *Note XX:* Only aircraft with the following serial numbers are eligible for an airworthiness certificate: xxxxx, xxxxx, xxxxx, ... No further production is allowed. *No original certificates of airworthiness will be issued after [insert the date of surrender] for any aircraft, including aircraft imported into the United States.*

Note: At this time, the CMACO issues the memorandum to the field to finalize the date of surrender and stop issuance of airworthiness certificates. This memorandum formalizes the date of surrender. A copy of this memo is retained in the office's certificate file.

f. Similarly, with an STC, the CMACO annotates the certificate in the following manner:

The left side of an STC certificate form has the following text:	Type the following on the certificate:
This certificate is issued to	*This certificate* *has been surrendered by:* *Company A, Inc.* ***[CMACO signature and date.]***

g. The CMACO notifies the AIR-100 Continued Operational Safety Policy Section (AIR-141) of the final action by memo and provides a copy of the surrendered certificate. AIR-141 annotates the surrendered TC or STC on the RGL and lists it under a specific category designation as "surrendered."

h. For a TC issued under § 21.29, the CMACO will coordinate with its Regional Counsel and the AIR-100 Certification Procedures Branch (AIR-110) to prepare an announcement of the surrendered TC in the form of a Continued Airworthiness Notification to the International Community (CANIC) under International Civil Aviation Organization (ICAO) requirements. The CMACO develops and issues the CANIC with the appropriate AIR work instructions. The CMACO must send a letter (refer to appendix F sample template letter) to FCAAs who inquire about our support of surrendered STCs on exported products.

i. The CMACO with its Regional Counsel will prepare a notice to be published in the Federal Register announcing the surrender of the certificate. The notice will identify the certificate, DAH, product, and affected serial numbered aircraft, engine, or propeller. The CMACO will inform AIR-100 of this action so it can update the FAA website to note the certificates that have been surrendered.

12. AML-Surrendered STCs. When an STC is surrendered, the AML must be reviewed and updated. There are two scenarios that may occur during the surrendered STC process. The DAH can either surrender a model within an AML, or it can simply surrender the entire AML STC.

a. The DAH may surrender a specific model. Any pending AD actions the DAH has with the FAA, or potential AD actions based on the CMACO's review of current service history must be resolved before the surrender process has been completed. This may include service bulletins that have been issued for which the FAA has not made the decision whether to issue an AD, and any notice of proposed rulemaking (NPRM)/supplemental NPRM AD that is in process or has been issued (no final rule AD yet issued). The FAA marks the particular model as surrendered ("SUR" in the AML column under the "Model Specific Notes" heading) and records the date of the surrender in the "General Notes" section.

b. When the entire AML STC is surrendered, the entire column under the "status" heading is marked "SUR." In addition, the date of surrender is recorded in the "General Notes" section to make it clear that the entire STC is surrendered. The surrender of an AML STC or a model within an AML is considered a final action. Once surrendered, the STC cannot be reissued to a third party or even a former holder.

c. Non-AML STCs with multiple models will follow the same process as the normal STCs. Once surrendered, all models listed on the STC will be surrendered.

d. All governmental records pertaining to all models that were retained under a data retention agreement must be returned to the FAA.

e. AIR-141 annotates the surrendered AML STC in the RGL record and lists it under a specific category designation as "surrendered AML STC."

f. The CMACO will issue a notice in the Federal Register, and AIR-141 will add the content of the notice to the FAA website announcing the AML STCs that have been surrendered.

13. Terms Used in Relevant Sections of the Statutes. The FAA Modernization and Reform Act of 2012 includes terms that are not used in the relevant FAA regulations or orders. Table 1 below lists these terms and the FAA's understanding of their equivalents in the regulations and orders.

Table 1. Terms Used in Various Sources

49 U.S.C. 44704(a)(5) Terms	P.L. 112-95 § 816 Terms	14 CFR Part 21 Terms and References	Order Terms
"owner of record" and "owner of record's heir"	N/A	TC holder, STC holder, holder of the certificate	design approval holder (FAA Order 8110.4)
"engineering data"	N/A	type design (§§ 21.31 and 21.21 (excluding § 21.21(b))	descriptive data (FAA Order 8110.4)
N/A	"historical aircraft documents," "engineering and technical data"	§ 21.41; § 21.31; test plans and reports pursuant to §§ 21.21, excluding § 21.21(a) and 21.21(b); originals of all accepted manuals, service bulletins, and statements of compliance pursuant to § 21.20	governmental record (FAA Order 1350.14), engineering data, technical data, test plans, test reports (FAA Order 8110.4)

14. Abandoned STCs and TCs.

a. Section 44704(a)(5), promulgated as § 302 of the 2012 Act, allows the FAA to make TC "engineering data" available upon request to persons for certificates that the FAA determines are abandoned. Section 44704(a)(5) provides criteria for release of the engineering data.

(1) Section 44704(a)(5) defines "engineering data" as used with respect to an aircraft, engine, propeller, or appliance. The FAA understands this to mean type design drawings and specifications for the entire aircraft, engine, propeller, or appliance, as described in § 21.31. The regulatory definition of "type design" includes changes to the aircraft, engine, propeller, or appliance, including the original design data. Engineering data includes any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance. "Engineering data" does not include test reports and computations (refer to § 21.21(b)).

(2) Pursuant to section 44094(a)(5)(A), the FAA may make the statutorily defined engineering data available upon request to persons for the purposes of maintaining the airworthiness of or developing product improvements for an aircraft, engine, propeller, or appliance.

(3) A request for data must be made in writing to the FAA.

b. Using the criteria from the statute, the FAA considers a TC abandoned when we determine there has been no activity with the holder for 3 or more years from the date we initiate an investigation of the status of the certificate, and the FAA has not been able to locate the holder. Activity is evidenced by any record of communication between the holder of the TC and the FAA, operators, maintainers, FCAAs, etc., in the office certificate project file.

c. The statute allows that if the FAA determines that releasing TC or STC data is necessary to address an unsafe condition and is unable to find the DAH, the FAA may reduce the 3-year requirement as necessary. In general, the finding of an unsafe condition is the same determination made when initiating an AD.

d. The FAA must perform its due diligence to locate the TC or STC holder.

e. Once the FAA considers a certificate to be abandoned, the TC is marked as such on the certificate (the FAA copy and the original, if available) and the TCDS (refer to paragraphs 16a and d of this order). The RGL record is annotated and the TC is listed under a specific category designation as "abandoned."

15. Abandoned TC and STC Process.

a. The process to establish an abandoned TC or STC begins when the appropriate CMACO receives a written request for specific data related to TC or STC records, or initiates its own investigation when it suspects that a TC or STC has been abandoned (refer to figure 2 of this order for a flowchart of the full process). Data to be released under § 44704(a)(5) is not subject to FOIA because the full investigation required by the statute may not be possible under the timeframes imposed by FOIA, and because the release is subject to that statutory criteria. To begin the process, the CMACO must have the requester's identification, a description of what data is sought to be released, and a description of why and for what purposes the data is needed. When the CMACO receives the data request, it investigates the FAA's records for activity, launches a due diligence search for the STC or TC owner of record or its heirs, and ultimately establishes whether the STC or TC has been abandoned. For any questions regarding the identification of proper heirs, the CMACO must consult its Regional Counsel.

b. If the initial request for a § 44704(a)(5) release is made as a FOIA, the CMACO responds that the request will be handled as a § 44704(a)(5) action, not as a FOIA, and that a full investigation of the status of the TC would not be possible within FOIA timeframes. If the STC or TC is found to meet the standard for abandonment and the CMACO has found that the requester's statement of purpose for the data meets the statutory requirements for use of the data, the CMACO will release the data to the requester. If the investigation finds that the STC or TC has not been abandoned, the CMACO advises the requester to contact the holder.

c. Subsequent requests for data that is part of an abandoned certificate by other interested parties must be made by a separate request. Each request must meet the statutory requirements for data use for the release of data to occur. Data released under § 44704 is not subject to FOIA deadlines because of the limitations on the purposes for release in the statute.

(1) The data release authorized by § 44704(a)(5) requires the CMACO to determine that an STC or TC has been abandoned and evaluate a requester's needs for the data.

(2) Once the CMACO has determined an STC or TC has been abandoned, the CMACO advises any subsequent requesters that a separate request determining their eligibility is required.

(3) The FAA anticipates that if a determination of abandonment is made after the first § 44704(a)(5) data request, many requests for data will follow. The CMACO is advised to digitize and catalog its data files and records to enable the FAA to handle future requests more efficiently.

(4) The CMACO follows the processes outlined in paragraphs 15g, i, j, and m of this order when it launches its own investigation of the status of the certificate independent of an external request. The CMACO must provide a note in the TC or STC file describing the reason(s) for the investigation, date, and final result.

d. When an ACO receives a § 44704(a)(5) data request, it forwards the request to the responsible CMACO for the product. The CMACO ensures the written request identifies the requester; the aircraft, engine, propeller, or appliance; and the TC or STC suspected to be abandoned, with a description or list of what records are requested. Section 44704(a)(5) was intended to assist owners and operators in maintaining their aircraft; accordingly, a requester may only use released data on their aircraft. The data cannot be used to apply for a new STC or TC. Contact the Design Certification Office (AIR-110) for further guidance if the intended use stated by the requester of the data is suspect. Under the terms of § 44704(a)(5), the FAA may, without the consent of the owner of record, release engineering data to a person seeking to—

(1) Maintain the airworthiness of an aircraft (that is, will use the data to maintain the aircraft to its type design or properly altered condition, and in a condition for safe operation); or

(2) Develop product improvements of an aircraft, engine, propeller, or appliance (for example, change material, eliminate stress risers, make a change to increase durability, or change a tolerance).

> **Note:** In each case the FAA must determine that making such data available will enhance aviation safety.

e. The CMACO initiates a checklist to provide evidence of the FAA's file and records search (refer to appendix B to this order for the checklist). FAA Order 1350.14, *Records Management*, requires the CMACO to maintain the file and engineering data in its possession relating to a TC or an STC. If the CMACO finds no data records in an initial search of the files, the CMACO advises the requester of this finding with a signed letter indicating the abandoned certificate inquiry is closed. The CMACO annotates the TCDS with the "no data" file status and informs AIR-110 that no data records are available in the file so AIR-141 can appropriately annotate the RGL record with its data status. If the CMACO receives a subsequent request for data for the same TC, it informs the requester of the "no data" status of the file.

f. For those TCs and STCs for which we have relevant data responsive to the request, the CMACO records the date of receipt of inquiry for the TC or STC requested. The CMACO assesses the scope of the request, determines if we have records (whether partial or complete) that are relevant to the request, and catalogs what data is in our possession. The CMACO must ensure the request and the intended use of the data meet the requirement of the statute as noted above and enhance aviation safety. If the request does not meet these purposes, the CMACO transmits its findings to the requester.

g. The CMACO assesses any "activity" in the TC or STC file for a period of 3 years before the date of the receipt of the inquiry. Activity includes any record of communication with the TC or STC holder. The CMACO reviews and searches project files, archives, and/or other office files for any activity with the FAA, operators, owners, maintainers, FCAAs, ICAO, etc. During the file search, the CMACO may contact registered aircraft owners for possible information on the TC holder. If there is any evidence of activity within the defined 3-year period, the request is closed and the CMACO notifies the requester that the certificate is not abandoned. The CMACO advises the requester of this outcome, and advises the requester to contact the certificate holder directly.

h. The CMACO also assesses whether there are any open unsafe conditions (typically based on safety of flight actions or ADs) applicable to the TC subject to the pending data request. A finding of such conditions and a lack of contact with the certificate holder may justify reducing the 3-year period of inactivity otherwise required. Additionally, the CMACO may find that a safety of flight issue is so significant that the additional steps of revocation or suspension action may be necessary. The CMACO must consult and coordinate with AIR-110 and its Regional Counsel on a proposed reduction of the 3-year inactivity requirement criteria by the FAA.

i. If the CMACO finds no evidence of activity in the file within 3 years of the date of inquiry, the CMACO launches a "due diligence" search for the owner. The "due diligence" search is a two-phase process requiring posting a registered letter to the owner of record and posting a notice on the FAA website.

(1) In the first phase, the CMACO sends a certified or registered letter to the owner of record at the address indicated on the STC, TC, and/or TCDS. The letter specifically requests that the owner respond within 60 days (by registered or certified mail) and that the letter must be signed by the owner and notarized. (Refer to appendix C to this order for an example of a sample form letter that the CMACO sends to the owner of record.) If the registered owner or heirs responds to the letter, the CMACO will deny the data request and inform the requester to contact the certificate holder directly.

(2) If the CMACO does not receive a response within 60 days, it begins the second phase of the search by publishing the search as a notice in the Federal Register and forwarding the information on the suspected abandoned certificate to AIR-100 for posting on the FAA website (http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/air/) for a period of 180 calendar days. The CMACO must coordinate the contents of the Federal Register notice with its Regional Counsel. The published notice must identify the owner of record by name, address listed on the certificate and TCDS, and certificate number. The CMACO will

provide the information contained in the Federal Register notice to AIR-100 to post the contents on the AIR webpage. AIR-100 will link the webpage to the directorate webpages and points of contact at the CMACOs.

(3) If there is a response from the owner or heirs of the certificate, the CMACO informs the requester that the TC is not abandoned and denies the data request. The CMACO advises the requester to contact the owner directly.

(a) The "heirs of the owner of record" are generally considered to be the next of kin or relatives to the owner of record. A person's claim to be an heir of the owner of record must be supported with Government-issued documents and identification establishing the relationship with the owner of record. Contact the cognizant Regional Counsel for further guidance on identifying heirs.

(b) If we receive further information from a third party on the whereabouts of the owner or possible heirs, the CMACO repeats the two-phase due diligence search process using the newly acquired contact information. If the CMACO receives a written reply from the owner or heirs, the certificate is not considered abandoned and the CMACO revises the TC and TCDS with the new contact information accordingly. Contact the cognizant Regional Counsel for further guidance if there are problems with identifying heirs. The CMACO provides the updated information to AIR-141 to update the RGL record. The CMACO works with the designated FOIA coordinator to deny the data request and advises the requester to contact the owner directly.

j. If there is no response from the owner or heirs after notice is published in the Federal Register and posted on the FAA website for 180 days, the certificate is determined to be abandoned. This completes the due diligence process required by § 44704(a)(5).

k. If the FAA receives a response from the owner or heirs at any time during the two-phase due diligence process, the certificate is not considered abandoned. The CMACO ensures the response is documented correspondence (such as registered mail or certified letter) and has a notarized signature of the owner. If there are any problems in identifying the owner or its heirs, the CMACO must contact its Regional Counsel for further assistance. The CMACO advises the requester to contact the owner directly. The CMACO must ask the owner or heirs whether they will continue to support the certificate. If the owner or heirs do not want to continue to support the certificate, the CMACO should encourage the owner or heirs to transfer the certificate to a third party, or to initiate a surrender of the certificate.

l. After the FAA determines a certificate is abandoned, the CMACO sends the requested engineering data (all files we have, whether partial or complete) to the requester. The engineering data is accompanied by a signed transmittal letter from the CMACO stating that the data is being provided as permitted pursuant to § 44704(a)(5), and in accordance with paragraphs 15d(1) or 15d(2) of this order and the original request. The letter must also state that the data cannot be used to apply for an STC.

m. After the FAA determines a certificate is abandoned, the CMACO notes this status in the certificate's TC or STC project file, together with the original written request, transmittal letter,

and list of data released. There may be instances where the CMACO launches an investigation of its own into the status of a certificate holder. Such an action could be prompted by evidence that a holder no longer exists, such as the holder's failure to respond to safety or service issues. If the CMACO launches an investigation that is not preceded by a written request for data, the CMACO includes a written note signed by a CMACO official in the office certification project file indicating why and when the investigation was launched, and any information that was discovered as part of the search. The signed and dated checklist in appendix B to this order can serve as the note in the file. The CMACO contacts AIR-141 to update the RGL record with the status of abandonment.

n. The CMACO is encouraged to digitize and catalog files and records to reduce workload and paper usage, and to expedite the distribution of data for future inquiries. Even after a CMACO determines a specific TC is abandoned, subsequent requests for the data must be made in writing. Subsequent requesters must meet the same statutory criteria for use as the original requester. The CMACO assesses and evaluates each request against the purposes listed in paragraph 15d of this order. The CMACO determines what data can be released and releases that data to the requester (as described in paragraph 15d of this order).

o. If an owner or heir is identified after a determination that a certificate is abandoned, the abandoned status does not continue. AIR-110 must re-establish the certificate's status as "not abandoned" and annotate and date it on the FAA RGL website. There may be further actions necessary if data has been released. To track the re-established status, AIR-110 will inform AIR-141 to add this as new historical information on the certificate's record.

Figure 2. Data Request for Suspected Abandoned TCs and STCs

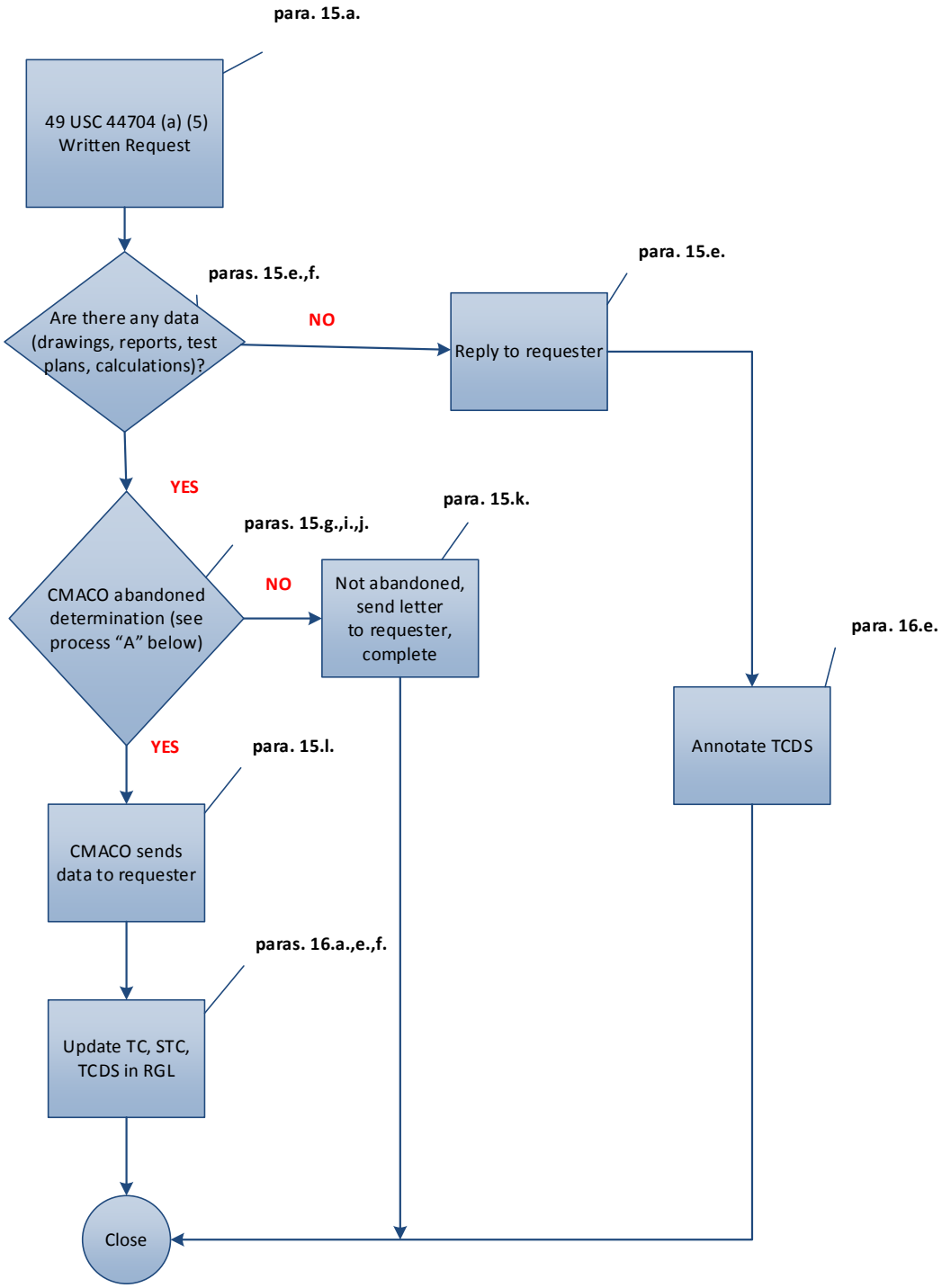
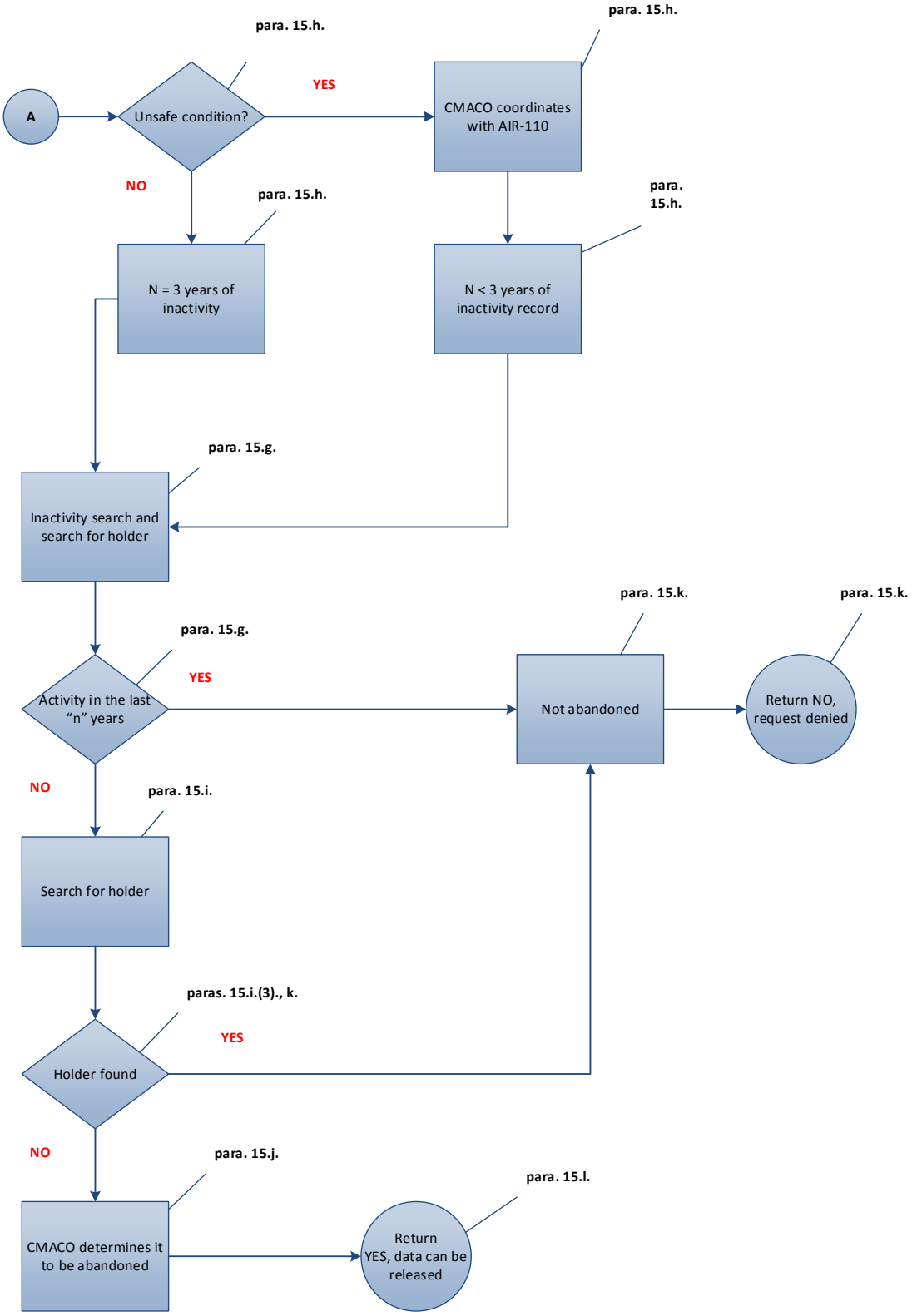


Figure 2. Data Request for Suspected Abandoned TCs and STCs (Continued)



16. Responsibilities of the CMACO With the Abandoned TC and STC Certificate.

a. After determining a certificate is abandoned, the CMACO revises the TC with a note at the bottom of the certificate. The note is as follows:

The left side of a certificate form has the following text:	Type the following on the certificate:
This certificate is issued to	*"Company A, Inc." **(See Note i below)***

> ***Note:*** *The FAA has determined on [DATE of abandonment determination] that this TC has been abandoned in accordance with FAA Order 8110.120. Also, the following references must accompany the signature if applicable:*
>
> > ***i. CMACO note referenced in the file and its date,*** *if the investigation of the certificate's status was conducted by the CMACO independent of an external request.*

b. When the CMACO manager (or designee) signs and dates the above annotation, the TC is determined to be abandoned.

c. The CMACO notifies AIR-110, AIR-141, and the geographic MIDO of the abandoned TC with a memorandum and provides a copy of the annotated certificate. The CMACO retains the original copy of the annotated certificate.

d. The CMACO amends the TCDS in the following manner:

Type Certificate Holder:	*Company A*
Type Certificate Holder Record:	*Company A, Inc. (See Note below)*
	1234 Street
	City, State, Zip Code

See Notes XX-YY for limitations on this abandoned certificate.

e. The CMACO adds the following note to the TCDS:

(1) If the search did not find any type design records add only the following note:

> *Note XX: On **[date]** a search of all FAA files and records was conducted and no type design records were found.*

(2) Otherwise, add the following two notes:

> *Note XX: The FAA has determined that this TC has been abandoned according to 49 U.S.C. 44704(a)(5) on* ***[date of date of abandonment, FOIA Reference Number and Date or CMACO note reference and its date, if an investigation of the certificate's status was conducted by the CMACO independent of an external request or inquiry]*** *in accordance with FAA Order 8110.120.*
>
> *Note YY: No original Airworthiness Certificates will be issued after* ***[insert the date of FAA's determination of abandonment, or CMACO note reference and its date, if the investigation of the certificate's status was conducted by the CMACO independent of an external request or inquiry]*** *for any aircraft, including aircraft imported into the United States.*

f. After receiving the CMACO's notification that the TC has been abandoned, AIR-141 annotates the TC and TCDS record on the RGL website, identifies it under a specific "abandoned" category, and notes the data request reference and date.

g. The directorate office with responsibility for the product coordinates with AIR-110, AIR-40, and its Regional Counsel to prepare a CANIC for the international community, announcing that the certificate has been abandoned. The CMACO issues the CANIC.

17. Historical Aircraft Documents Policy and Process.

a. Section 816 of the 2012 Act addresses historical aircraft documents and requires the FAA Administrator to release engineering and technical data relating to a specified group of aircraft, provided certain statutory criteria are met. "Engineering and technical data" is a statutory term and is discussed more fully in appendix G to this order. Section 816 prohibits recipients of such data from using the historical documents for commercial purposes. Refer to appendix G for the actual text of the statute.

b. Through the FOIA process, a person may request copies of engineering and technical data for aircraft type certificates (ATC) 1 through 713 and TCs 2-1 through 2-544 as designated in § 816 of the 2012 Act.

c. The FAA considers TC engineering and technical data contained in these historical documents to be part of the governmental record (refer to figure 1 of this order). The governmental record may also include Civil Aeronautics Manuals (CAM), air letter and aeronautical bulletins, etc.

d. Once the FAA releases historical aircraft data, the holder of an ATC or TC identified in § 816 will be responsible only for regulatory requirements related to TC data and documents, and for aircraft having a standard airworthiness certificate that was issued before the date the documents were released.

e. Section 816 provides relief from liability of the holder of the ATCs and TCs specifically listed in the statute. In particular, § 816 provides that the ATC or TC holder of record (if any), or any authorized representative, agent, employee, firm, person, corporation, or insurer related to the TC may not be held liable for the use of engineering data related to the affected certificates. The FOIA coordinator and/or CMACO should refer the requester to § 816 for further information on liability.

f. Once a FOIA request is accepted, the FOIA coordinator must direct the party requesting information under § 816 of the 2012 Act to consult the FAA website at http://www.faa.gov/foia/foia_request for further information on making the FOIA request. The FOIA coordinator must also direct requesters to consult the FAA website at http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgMakeModel.nsf/Frameset?OpenPage for a list of historical aircraft TCs and the offices that manage them. The FOIA coordinator will then coordinate with the appropriate CMACO to respond to the FOIA request. If the FAA website does not have a specific office responsible for a TC, the FOIA coordinator and/or CMACO should contact AIR-110 for further guidance.

g. The CMACO must ensure the FOIA request is complete and satisfactorily meets the requirements of the Act, including a description of the specific data needed with a statement that it will not be used for commercial purposes as required by the statute. In this context, we interpret the term “commercial purpose” to be one that would ultimately result in any form of compensation. The data release provisions in the 2012 Act were included to assist operators and owners in the proper maintenance of their aircraft. The FAA presumes any use of the data other than to support or maintain such aircraft would be commercial in nature. Any party requesting data may submit information to rebut this presumption, but the FAA will make the final determination. Further, data released under this provision may not be used to support any new approval such as a TC, STC (except for a one-aircraft only STC), or PMA. If necessary, contact AIR-110 for further guidance on commercial purposes. If a request is not properly defined, the CMACO contacts the requester to clarify the request and obtain any missing information.

h. The CMACO reviews the files in its possession to locate the requested engineering and/or technical data. If the CMACO is able to locate engineering and technical data relevant to the request (whether partial or complete), the CMACO will review the request to determine what engineering and technical data may be released from the file. The CMACO stamps (or electronically marks in the case of digitized files) the copies of the engineering and technical data to be released with the phrase “Not for Commercial Purposes” and with the associated FOIA control number. The FAA anticipates that the CMACO will receive multiple requests for data for each certificate. To reduce workload and paper usage as well as expedite the distribution of data for future inquiries, the CMACO should catalog and digitize files and records.

i. Once the review is complete, the CMACO will present a signed general memorandum for record to the FOIA coordinator advising on the outcome of the records review. The general memorandum should include such details about the search, data location(s), its state whether electronic or physical, etc., as provided in the FOIA order.

j. If there are no engineering and technical data in the file, the FOIA coordinator will issue a "no records" response to the requester. The CMACO will then annotate the TCDS with the "no data" file status.

k. If the CMACO locates engineering and/or technical data relevant to the request and recommends a partial or full release of information, the FOIA coordinator will then close out the FOIA request in accordance with FAA Order 1270.1 by processing a partial or full release determination letter. The letter will reference § 816 of the FAA Modernization and Reform Act of 2012, and include a statement that there "shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representatives, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents" and that the information is "subject to a prohibition on use of the documents for commercial purposes." The CMACO will use the appendix H template letter in responding to requesters of historical aircraft data under FOIA.

l. The limits of § 816 present a special circumstance in posting data released pursuant to a FOIA request. As part of the process of affirmatively agreeing with the requirement that the records will not be used for commercial purposes, anyone requesting to access the records posted online would have to provide their name and contact information (for example, physical address or phone number) on the website, in addition to indicating agreement (for example, by checking boxes) with the terms of statutory release that governed the first FOIA request. Any online agreement must include an affirmation that the records are being requested pursuant to § 816.

m. Documents identified in § 816 are not to be treated as abandoned nor released under the process for § 44704(a)(5). The legal criteria for release are different and are not to be combined.

18. Additional Responsibilities of the CMACO, AIR-110, and AIR-141 for an Historical ATC.

a. The CMACO must maintain and preserve the engineering and technical data in its possession for all ATCs and TCs identified in § 816. The CMACO marks and notes the historical TC files as listed in § 816 and provides AIR-141 with a copy of the certificate and TCDS (or aircraft specification) so the RGL record can be updated. AIR-141 created a dedicated category on the RGL website to indicate "historical aircraft" for these specific ATCs and TCs.

b. The CMACO revises the TCDS (or aircraft specification) as follows:

Type Certificate Holder:	*Company A, Inc.* ***(See Note XX)***
Type Certificate Holder Record:	*Company A, Inc.*
	1234 Street
	City, State, Zip Code

Note XX: This TC has been identified as an historical aircraft in Section 816 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95), February 14, 2012.

c. If no data was found in the file and records, add the following:

*On **[date]** a search of all FAA files and records was conducted and no* engineering and technical data *records were found. [CMACO Manager's signature.]*

d. AIR-141 updates the RGL website to identify historical ATCs 1 through 713 and TCs 2-1 through 2-544. Affected ATCs and TCs will be listed in a dedicated category for historical aircraft.

e. AIR-110 and AIR-40 coordinate with the CMACO to issue a CANIC to notify the FCAAs of updates to the listing of historical aircraft ATCs and TCs.

Susan J.M. Cabler
Acting Manager, Design, Manufacturing, & Airworthiness Division
Aircraft Certification Service

Appendix A. Acknowledgement of Surrender of STC/TC Letter Template

[Type the letter date here]

VIA REGISTERED MAIL

Certificate Holder
Official's Name
Address
City

Re: Acknowledgment of Surrender of [Supplemental] Type Certificate [number].

Dear [Official named above]:

This letter acknowledges the receipt of [Supplemental] Type Certificate [number] and all of the data required by the regulations of Title 14 of the Code of Federal Regulations that support it. As of the date of this letter, the FAA considers the certificate to be surrendered. Surrender is a final action. This certificate will not be reissued to you or any other entity.

Please contact [FAA Program Manager name and title and contact information] if you have any further questions.

Sincerely,

CMACO Office Manager

Appendix B. File Checklist Sample

TC or STC Number:
Description:
Responsible Office:
CMACO Program Manager:
FOIA reference letter and date of request:
CMACO Independent Inquiry? **Y/N If yes, [Date] Reason(s):**

TC/STC Files Location(s):

Are there any files? **Y/N**

General description of information and data contained in the files: (Types of drawings, categories, general descriptions, etc.)

Are the files digitized? **Y/N**

Has there been any correspondence, certificate action, or other contact with this TC/STC holder/owner or record? (This includes contact with *an heir* to the owner of record.)
Y/N If yes, [Date]

If the holder or owner of record of this TC/STC has been contacted, what is the date of the *most recent* contact? **[Date]**

Note: for TCs, consult the aircraft registry for possible additional contact information on owners of record

Are there any pending safety issues or ADs related to this TC/STC? **Y/N**

[Service Bulletin: xxx AD Number: xxxx]

If there has been no interaction with the "owner of record" within the last 3 years from the date of inquiry for abandonment, attempt to notify the TC/STC "owners of record," first by registered letter, the FAA Website, and a Federal Register Notice.

Registered Letter sent to the holder/owner of record on **[Date and Reference]**

If there is no response to the registered letter within 60 days, the TC/STC must be posted on the FAA website for 180 days in a "due diligence" search for the holder.

If there is no response to the FAA's website notice, the TC/STC is considered "abandoned."

Program Manager Signature and date: _____

CMACO Manager Signature and date:_____

Appendix C. Sample Form Letter

[Type the letter date here]

VIA REGISTERED MAIL

[Name]
[Company]
[Address]

Re: Confirmation of TC/STC Ownership

Dear [Sir or Madam]:

Federal Aviation Administration (FAA) records indicate you are the holder of [STC (*#XXXX*) or TC (*#XXX*)], **[Description of TC or STC: xxxxxxx]**, and that our last recorded contact with you was on **[date]**.

Pursuant to the FAA Modernization and Reform Act of 2012 (2012 Act) the FAA may in some cases release engineering data that is part of a TC or STC when the agency determines such a release will enhance aviation safety. The Act provides criteria to allow release, including whether a certificate has been found to be inactive for three or more years and, after using due diligence, the FAA Administrator is unable to find the owner of record. The FAA considers such certificates to be abandoned.

We have received a request for engineering data related to [TC/STC #XXXX], and we are presently conducting a due diligence search to determine whether the certificate described above is inactive and may be considered abandoned.

Please respond by registered or certified mail to FAA Program Manager [**name]** at the address listed above within 60 days of receipt of this letter. Your response must state that you are the holder of the subject [TC or STC], and include a notarized signature. Our receipt of your letter acknowledging that you are the certificate holder will terminate our search, and your contact information will be supplied to persons who contacted us seeking information.

If you have any additional questions or concerns, please contact [contact person] at [contact information].

Sincerely,

CMACO Office Manager

Appendix D. Continued Operational Safety

1. Continued Operational Safety (COS) Oversight. Type certificates (TC) and supplemental type certificates (STC) change frequently; descriptive and substantiating data are generated both during the approval phase and continuously throughout the life of a certificate. These data become part of the Federal Aviation Administration (FAA) governmental record of approval. Furthermore, the FAA relies on data in each certificate's governmental record of approval to perform routine COS oversight (refer to figure 1, 8110.1 Type Certification File, in appendix A to *Aircraft Certification Service Records Management Requirements Manual*, FAA-IR-04-01B, dated February 21, 2013; and Advisory Circular (AC) 20-179, *Certification Data Retention Agreements and Government Records*, dated June 6, 2013).

a. The FAA's COS activities ensure existing certificate holders continue to meet the safety requirements, standards, and regulations that formed the basis for their certificate. These COS activities also ensure the integrity of a product throughout its service life, which includes problem prevention, service monitoring, and corrective actions.

b. The FAA accomplishes routine COS oversight responsibilities through safety surveillance and oversight programs, audits, evaluations, flight standards and air traffic safety oversight programs and reporting tools, education and training, research, and accident/incident investigation.

c. Under Annex 8 of the Convention on International Civil Aviation, Type design or manufacture of aircraft, the FAA, as State of Design for U.S. designed aircraft is responsible for transmitting relevant, generally applicable continuing airworthiness information to other contracting States where such aircraft are known to be registered. This continuing airworthiness information must also be made available to contracting States upon request. In the United States, the FAA is responsible for providing this information as part of its COS duties.

2. TC or STC Data.

a. When a TC or STC is surrendered, the FAA requires that the entire TC must be returned to the FAA, including all required data and the actual certificate. This allows the FAA, as custodian of the surrendered certificate, to complete the certificate record of approval, and provide routine COS oversight of the surrendered certificate. In this role, the FAA neither becomes nor acts as the holder of the surrendered TC, nor will it perform a TC holder's responsibilities.

b. Owners, operators, and maintainers also need access to TC and STC data for COS. When a certificate is abandoned, there is no design approval holder (DAH) in place to fulfill COS responsibilities or provide technical assistance and descriptive data. Previously, the FOIA exemption for trade secrets and certain other commercial information barred third-party requests for TC and STC data (both descriptive and substantiating) from the FAA governmental record of approval. However, in § 302 of the 2102 FAA Modernization and Reform Act (2012 Act), Congress provided that under defined conditions the FAA may release certain TC data following a search for certificate holders. This authorization has been codified at 49 U.S.C. 44704(a)(5). Section 816 of the 2012 Act also provides for the retention and release of certain historical aircraft documents as designated in that section of the statute.

Appendix E. Related Publications and How to Get Them

1. Code of Federal Regulations (CFR). You can obtain copies of Title 14 of the CFR from the Superintendent of Documents, Government Printing Office, P.O. Box 37154, Pittsburgh, PA 15250-7954. The office can also be contacted by telephone at (202) 512-1800, or by fax at (202) 512-2250. You can also access the CFR online at www.gpoaccess.gov/cfr/.

2. FAA Orders. You can obtain copies of the following orders and other documents from the FAA Order and Notices website, at http://www.faa.gov/regulations_policies/orders_notices/, and the Regulatory and Guidance Library (RGL) website, at http://rgl.faa.gov/:

a. FAA Order 1270.1, *Freedom of Information Act Program*;

b. FAA Order 1350.14, *Records Management*;

c. FAA Order 8110.4, *Type Certification*;

d. FAA Order 8110.37, *Designated Engineering Representative (DER) Guidance Handbook*; and

e. FAA-IR-04-01B, *Aircraft Certification Service Records Management Requirements Manual*.

Appendix F. Sample Template Letter to the Importing Authority About Surrendered STCs on Exported Products

Federal Aviation Administration
[CMACO Name]
[Office Name]
[Mailing Address]

[Date]

[Name of recipient]
[Title]
[Office]
[Address]

Dear [FCAA Official's Name]:

You recently contacted the United States Federal Aviation Administration (FAA), [Directorate or Office Name] regarding the importation (to [Foreign Country]) of [Number and Type of Product] with the existing installation of FAA Supplemental Type Certificate (STC) [#XYZ123]. This letter is to notify [FCAA] that the STC at issue was surrendered to the FAA in [(Month, if available) Year].

A copy of STC [#XYZ123] is enclosed. The STC approves installation of [STC Title] on [Product].

We have reviewed the certification basis for the STC and certify that this installation complies with the certification basis in FAA Type Certificate No. [ABC789] for [Product] and [FCAA] approved Type Certificate No. DEF456 for [Product]. It must be noted that [FCAA] accepted FAA Type Certificate No. ABC789 for [Product] [(with) or (without)] issuing its own certificate.

Although STC [#XYZ123] has been surrendered, the FAA will continue to carry out the responsibilities of the State of Design and will continue to fully meet our obligations under Annex 8 of the Convention on International Civil Aviation. There are currently [no/adjust as necessary] known open service difficulties or unsafe conditions associated with this STC. [If service difficulty or unsafe condition exists, elaborate.]

As soon as possible, please notify the FAA if your office requires any additional data or needs further information regarding our actions. At the end of your review, please indicate that you understand the certificate has been surrendered and that any circumstances affecting the certificate must be addressed to the FAA using the contact information provided below. If you know of conditions that would affect the export of the product or have other concerns about the change in status of this certificate, please contact the FAA to discuss.

For further information concerning this project, please contact [Name, Title], by telephone at [Phone Number], fax at [Fax Number], or email at [Email Address].

Sincerely,

[Name of office manager]
[Title, Office]

Enclosures:
FAA STC [#XYZ123] (Surrendered by [DAH Name] to FAA)

Appendix G. Section 816 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95)

SEC. 816. HISTORICAL AIRCRAFT DOCUMENTS

(a) PRESERVATION OF DOCUMENTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

(B) Group-2 approved aircraft type certificate numbers 2-1 through 2-544.

(2) REVISION OF ORDER.—Not later than 3 years after the date of enactment of this Act, the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

(b) Availability of Documents.—

(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

(B) subject to a prohibition on use of the documents for commercial purposes.

(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

(c) HOLDER OF TYPE CERTIFICATE.—

(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to or for the Federal Aviation Administration, a person, or the public.

(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall only be responsible for Federal Aviation Administration regulation requirements related to type certificate data and documents identified in subsection (a)(1) for aircraft having a standard airworthiness certificate issued prior to the date the documents are released to a person by the Federal Aviation Administration under subsection (b)(1).

Appendix H. Sample Template Response Letter to Requesters of Historical Aircraft Documents Under FOIA

Federal Aviation Administration
[Office Name]
[Mailing Address]

[Date]

[Name of requester]
[Title]
[Office]
[Address]

Dear [Name]:

Re: Freedom of Information Act (FOIA) request [insert FOIA number]

This letter is our final response to your [Date], Freedom of Information Act (FOIA) request specifically seeking ["insert specific text from the written FOIA request specifying the request for information."] You further stated that this information will not be used for commercial purposes as required pursuant to § 816 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95), February 14, 2012 (2012 Act).

The [insert name of office conducting the document search] in [City, State,] conducted a search of materials in the possession of the FAA and located [insert number of pages]. In accordance with the 2012 Act, we have determined that the information provided is fully releasable and is enclosed.

Pursuant to § 816 of the 2012 Act, the [insert description of information requested] being provided to you is "subject to a prohibition on use of the documents for commercial purposes" and it is marked as such. Additionally, § 816 provides that there "shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents." Note that information and data released may not be used to support any new approval such as a type certificate (TC), supplemental type certificate (STC) (except for one-aircraft only STC), or parts manufacturer approval (PMA). Please refer to § 816 for further information on the release of historical aircraft documents.

If you owe fees for the processing of this request, pursuant to the requirements of the FOIA Act, an invoice containing the amount due and payment instructions will be enclosed.

If you have any questions regarding your inquiry, please contact [Name, Title] at [Phone Number], or email at [Email Address].

Sincerely,

[Name of office manager]
[Title, Office]

Enclosures

Appendix I. Acronyms and Terms

Abandoned Type Certificate: A type certificate (TC) for which the Federal Aviation Administration (FAA) cannot locate the TC holder. The FAA Modernization and Reform Act of 2012 (Public Law 112-95, February 14, 2012), partially codified at Title 49 of the United States Code § 44704(a)(5), provides for release of certain data following a determination of the status of a TC or supplemental type certificate (STC) holder. Following the procedures required in the statute, the FAA may consider a certificate abandoned, and release certain data.

AD: Airworthiness directive.

BASA: Bilateral Aviation Safety Agreement.

Compliance Data: The data used to meet the applicable regulations and the procedures and means used to comply with regulations, special conditions, exemptions, equivalent level of safety findings, etc.

CANIC: Continued Airworthiness Notification to the International Community.

Certificate Data: Includes all data described in Title 14 of the Code of Federal Regulations (14 CFR) 21.31 and 21.41.

Certificate Holder: A TC or STC approval holder. We also refer to this entity as the design approval holder (DAH).

CMACO: Certificate Management Aircraft Certification Office. For the purposes of this order, the CMACO definition in FAA Order 8110.4, *Type Certification*, is expanded to include product directorate standards staff with type certificate oversight responsibilities.

Commercial Purpose: For purposes of this order, a commercial purpose is one that ultimately results in any form of compensation, which can be financial or nonfinancial.

Custodian of a Certificate: In the absence of a TC or STC holder, the FAA continues supporting the airworthiness of aircraft by providing routine continued operational safety (COS). The FAA's routine COS activities ensure aircraft continue to meet the safety requirements, standards, and regulations that formed the basis for the certificate. However, in its role as a custodian, the FAA does not act as a certificate holder and therefore will not, for example, submit an application for change in design.

DAH: Design approval holder. This is the TC or STC holder as shown on the certificate.

Due Diligence: The thorough, two-phase research and analysis process the FAA follows during its search for a certificate holder.

Engineering Data: As defined in 49 U.S.C. 44704(a)(5)(B), engineering data means type design drawings and specifications for the entire aircraft, engine, propeller, or appliance; or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the airplane, engine, propeller, or appliance.

FAA: Federal Aviation Administration.

FCAA: Foreign Civil Aviation Authority.

FOIA: The Freedom of Information Act (FOIA) (5 U.S.C. 552); the FOIA sets out processes for requesting certain data and other information from the Federal Government. For more information, refer to FAA Order 1270.1, *Freedom of Information Act Program*, dated June 13, 2000.

FSDO: Flight Standards District Office.

Governmental Record of Approval: Includes the TC, substantiating data, and any other data or records generated during the certification process.

Historical Aircraft Documents: Aircraft type certificate (ATC) engineering and technical data, TC data, and other documents associated with ATCs 1 through 713 and TC numbers 2-1 through 2-544. These are defined in § 816 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95); the text of that section is reproduced in appendix G to this order.

ICAO: International Civil Aviation Organization.

MIDO: Manufacturing Inspection District Office.

Owner of Record: TC or STC holder.

RGL: Regulatory and Guidance Library maintained on the official FAA website.

STC: Supplemental type certificate.

Substantiating Data: Includes test results, computations, and other information necessary to show that descriptive data meets the applicable regulatory requirements.

Surrender: Voluntary relinquishment of a TC or STC by its holder.

TC: Type certificate.

TCDS: Type certificate data sheet.

Technical Data: All data included in the type design, as set out in 14 CFR 21.31.

Appendix J. FAA Form 1320-19, Directive Feedback Information

U.S. Department of Transportation
Federal Aviation Administration

Directive Feedback Information

Please submit any written comments or recommendations for improving this directive, or suggest new items or subjects to be added to it. Also, if you find an error, please tell us about it.

Subject: FAA Order 8110.120

To: Administrative Services Branch, AIR-510

(Please check all appropriate line items)

☐ An error (procedural or typographical) has been noted in paragraph _____ on page _____.

☐ Recommend paragraph _____ on page _____ be changed as follows:
(attach separate sheet if necessary)

☐ In a future change to this directive, please include coverage on the following subject *(briefly describe what you want added):*

☐ Other comments:

☐ I would like to discuss the above. Please contact me.

Submitted by: _____ Date: _____

FTS Telephone Number: _____ Routing Symbol: _____

FAA Form 1320-19 (10-98)