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# IMPLEMENTATION PROCEDURES

For

## AIRWORTHINESS

Covering

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

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

Revision 1

October 28, 2014

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# IMPLEMENTATION PROCEDURES

for

## AIRWORTHINESS

Covering

Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance

### SECTION I    GENERAL

#### 1.1 Authorization

These Implementation Procedures for Airworthiness (IPA) are authorized by Article III of the Agreement between the Government of the Republic of Korea (ROK) and the Government of the United States of America (U.S.) for the Promotion of Aviation Safety, dated February 19, 2008, also known as the Bilateral Aviation Safety Agreement (BASA), or “BASA Executive Agreement.” In accordance with Article III of the BASA Executive Agreement, the Korea Office of Civil Aviation (KOCA) and the Federal Aviation Administration (FAA) have determined that the aircraft certification systems of each authority for the design approval, production approval, airworthiness approval, and continuing airworthiness of the civil aeronautical products and articles identified in this document, are sufficiently similar in structure and performance to support these Implementation Procedures. These Implementation Procedures replace the previously signed IPA dated February 19, 2008.

#### 1.2 Purpose

The purpose of these Implementation Procedures is to define the civil aeronautical products and articles eligible for import into the U.S. and the ROK (see Section II, Scope), the process for obtaining eligibility for import, and the means for providing continued support of those civil aeronautical products and articles after import.

#### 1.3 Principles

These Implementation Procedures are based on a high degree of mutual confidence in the FAA’s and the KOCA’s technical competence and ability to perform regulatory functions within the scope of these Implementation Procedures. The FAA and the KOCA, when acting as the authority for the importing State, will rely to the maximum extent possible on the approvals made by the other authority, as if they were made in accordance with its own applicable laws, regulations, and requirements. When a finding is made by one authority in accordance with the laws and regulations of the other authority and 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 each other’s certification system to ensure that the airworthiness requirements of the validating authority are satisfied.

- 1.3.1 The FAA and the KOCA agree that all information, including technical documentation, exchanged under these Implementation Procedures will be in the English language. The FAA and the KOCA will ensure that any translated documents will have the same legal interpretation as the original documents.
- 1.3.2 The FAA and the KOCA mutually recognize each other's delegation and designee systems as part of their aircraft certification systems.
  - 1.3.2.1 Findings made in accordance with these Implementation Procedures through these systems are given the same validity as those made directly by the FAA or the KOCA.
  - 1.3.2.2 Unless agreed for specific projects, the FAA and the KOCA are not required to notify the other of designees or representatives of delegated organizations traveling to the U.S. or the ROK to make findings of compliance and/or to perform conformity inspections.

#### 1.4 Changes in the Authority Aircraft Certification Systems

- 1.4.1 These Implementation Procedures are based upon sufficiently similar aircraft certification systems being in place at the time of signing. Therefore, the FAA and the KOCA will 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, certification, and environmental standards and procedures;
  - (d) Production quality system oversight, including oversight of out-of-country production of products and articles; or
  - (e) Delegated functions or the kinds of organizations to which functions have been delegated.
- 1.4.2 The FAA and the KOCA recognize that revision by either authority to its regulations, policies, procedures, statutory responsibility, organizational structure, production quality system oversight, or delegation system may affect the basis and 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.

## 1.5 Authority Meetings

The FAA and the KOCA agree to meet, through management meetings, as necessary, to review these Implementation Procedures and ensure their continued validity. The frequency of these meetings will be mutually agreed upon 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 the U.S. and the ROK.

## 1.6 Applicable National Requirements, Procedures, and Guidance Material

1.6.1 The FAA's standards for aircraft airworthiness and environmental certification include, but are not limited to Title 14 of the Code of Federal Regulations (14 CFR), parts 21, 23, 25, 26, 27, 29, 31, 33, 34, 35, and 36. The FAA also uses European Aviation Safety Agency (EASA) Certification Specifications (CS)-22, CS-VLA (Very Light Airplanes), Joint Aviation Requirements (JAR)-22, and JAR-VLA for some special class aircraft. Guidance material, policy, and procedures are contained in FAA Advisory Circulars, Airworthiness Directives, Orders, Notices, and Policy Memoranda.

1.6.2 The KOCA's standards for aircraft airworthiness and environmental certification include, but are not limited to, the Aviation Act (AA) Chapter 2, Aviation Act Implementation Decree (AAID), Aviation Act Implementation Regulations (AAIR) Chapter 2, Flight Safety Regulations (FSR) Chapter 5, and Korean Airworthiness Standard (KAS) Part 1, 21, 22, 23, 25, 27, 29, 30, 33, 34, 35, 36, VLA, and Very Light Rotorcraft (VLR). Procedures are contained in Orders (OD), Notices to the Public (ND), and Guidance Materials.

## 1.7 Technical Consultations

1.7.1 The FAA and the KOCA will notify each other of relevant draft policy and guidance material and will consult on new article performance standards or proposed changes to these standards.

1.7.2 The FAA and the KOCA agree to consult as necessary to provide input when requested on technical issues and resolve technical disagreements. The frequency of these exchanges will depend on the number and significance of the issues to be discussed.

## 1.8 Interpretations and Resolution of Conflicts between the FAA and the KOCA

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

1.8.2 The FAA and the KOCA agree to resolve issues through consultation or any other mutual agreed-upon means. Every effort should be made to resolve issues at the working staff level before elevating issues through the responsible management hierarchy.

## 1.9 Notification of Investigation or Enforcement Action

- 1.9.1 The FAA and the KOCA will, when relevant, notify each other promptly of any investigation and subsequent closure action for a non-compliance that falls within the scope of these Implementation Procedures. The notification will be sent to the other authority's point of contact identified in Appendix A to these Implementation Procedures.
- 1.9.2 The FAA and the KOCA each retain the right to take enforcement action, including enforcement against their respective production approval holder when such action is related to the initial or continued airworthiness of an exported product.
- 1.9.3 The FAA and the KOCA agree, when relevant, to mutual cooperation and mutual assistance in the investigation of any alleged or suspected violations of KOCA or FAA laws or regulations. Both authorities will cooperate in sharing information needed for any investigation or enforcement action including its closure.

## 1.10 Revisions, Amendments, and Points of Contact

- 1.10.1 The designated focal points for these implementing procedures are:
  - 1.10.1.1 For the FAA: Aircraft Certification Service International Office (AIR-40);
  - 1.10.1.2 For the KOCA: Airworthiness Division
- 1.10.2 Contact information for the identified offices is listed in Appendix A.
- 1.10.3 These Implementation Procedures may be amended by mutual consent of the FAA and the KOCA. Such amendments will be made effective by signature of the duly authorized representative of the FAA and the KOCA.
- 1.10.4 Minor Revisions and administrative/editorial changes to these procedures may be made by the focal points after mutual consultation.

## 1.11 Entry into Force and Termination

These Implementation Procedures will enter into force upon signature and will remain in force until terminated by either party. In accordance with Article V of the BASA Executive Agreement dated February 19, 2008; and Section 1, paragraph 1.8 of the Implementation Procedures for Airworthiness (IPA) dated February 19, 2008, entry into force of these Implementation Procedures will terminate the IPA dated February 19, 2008.

Either the FAA or the KOCA may terminate these Implementation Procedures upon receipt of sixty (60) days written notice by the other party. Termination will take effect at the expiry of the sixty days and will not affect the validity of activities conducted under these Implementation Procedures prior to termination.

## 1.12 Definitions

For the purpose of these Implementation Procedures, the following definitions are provided. Additional definitions can be found in Article II of the BASA Executive Agreement.

- 1.12.1 “Acrobatic Category Airplane” means an airplane that has a seating configuration, excluding pilot seats, of nine or less, a maximum certificated takeoff weight of 12,500 pounds or less, and intended for use without restrictions, other than those shown to be necessary as a result of required flight tests.
- 1.12.2 “Additional Technical Condition” means a requirement of the importing State that is in addition to the applicable airworthiness and environmental requirements of the State of Design or that may be prescribed:
- 1.12.2.1 For airworthiness requirements, that provides a level of safety equivalent to that provided by the applicable airworthiness requirements for the importing State.
  - 1.12.2.2 For environmental requirements, that provides noise, fuel venting, and exhaust emission levels no greater than those provided by the applicable environmental requirements of the importing State.
- 1.12.3 “Airworthiness Approval” means a document issued by the FAA or the KOCA for an aircraft, aircraft engine, propeller, or article which certifies that the aircraft, aircraft engine, propeller, or article conforms to its approved design and is in a condition for safe operation.
- 1.12.4 “Airworthiness Directives (AD)” means legally enforceable rules issued by the FAA in accordance with 14 CFR part 39 or legally enforceable rules issued by the KOCA in accordance with paragraph 8 of Article 15, the Aviation Act.
- 1.12.5 “Airworthiness Standards” means regulations governing the design and performance of civil aeronautical products and articles.
- 1.12.6 “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, is installed in or attached to the aircraft, and is not part of an airframe, aircraft engine, or propeller.
- 1.12.7 “Article” means a material, part, component, process, or appliance.
- 1.12.8 “Certificating Civil Aviation Authority” or “Certificating Authority” means the organization within the State of Design, charged by the laws of the State, to regulate the design, production, and airworthiness approval and environmental certification of civil aeronautical products and articles.
- 1.12.9 “Civil Aeronautical Product” or “product” means each civil aircraft, aircraft engine, or propeller.

- 1.12.10 “Commuter Category Airplane” means a multiengine airplane that has a seating configuration, excluding pilot seats, of 19 or less, and a maximum certificated takeoff weight of 19,000 pounds or less. The commuter category operation is limited to any maneuver incident to normal flying, stalls (except whip stalls), and steep turns, in which the angle of bank is not more than 60 degrees.
- 1.12.11 “Critical Component” means a part identified as critical by the design approval holder during the product type validation process or otherwise by the authority for the State of Design. Typically, such components include parts for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section or certification maintenance requirements of the manufacturer’s maintenance manual or Instructions for Continued Airworthiness.
- 1.12.12 “Design Approval” means a type certificate (including amended and supplemental type certificates) or the approved design under a PMA, TSO authorization, letter of TSO design approval, or other approved design.
- 1.12.13 “Deviation” when used with respect to Technical Standard Order (TSO) articles means a difference from any performance standard of a TSO and requires factors or design features providing an equivalent level of safety to compensate for the standards from which a deviation is requested.
- 1.12.14 “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.
- 1.12.15 “Environmental Standards” means regulations governing designs with regard to noise characteristics, fuel venting, and exhaust emissions of civil aeronautical products and articles.
- 1.12.16 “Environmental Testing” means a process by which the design or change to a design of a civil aeronautical product or article is evaluated for compliance with applicable standards and procedures concerning noise, fuel venting or exhaust emissions.
- 1.12.17 “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.
- 1.12.18 “Exemption” means a grant of relief from requirements of a current regulation when processed through the appropriate regulatory procedure by the FAA or the KOCA, and found by the implementing authority to have an acceptable level of safety.
- 1.12.19 “Export” means the process by which a product or article is released from a civil aviation authority’s regulatory system for subsequent use in another civil aviation authority’s regulatory system.
- 1.12.20 “Familiarization” means the process whereby the validating authority obtains information and experience on an aeronautical product designed in the exporting State in order to: prescribe additional technical conditions for that product; mandate corrective airworthiness action in the event that the product

experiences service difficulties during its operation in the importing State; and ensure the development of appropriate maintenance, operating, and pilot type rating information (if applicable) for the product.

- 1.12.21 “Finding” means a determination of compliance or non-compliance as the result of a civil aviation authority’s review, investigation, inspection, test, and/or analysis.
- 1.12.22 “Import” means the process by which a product or article is accepted into a civil aviation authority’s regulatory system for subsequent use in that civil aviation authority’s regulatory system.
- 1.12.23 “Issue Paper” means a document representing an item that requires resolution prior to the issuance of a U.S. or ROK Type Certificate (TC) or Supplemental Type Certificate (STC).
- 1.12.24 “Letter of Design Approval (LODA)” means a Letter of Design Approval issued by the FAA for an article manufactured outside the United States that meets a specific Technical Standard Order (TSO).
- 1.12.25 “Licensing Agreement” means a commercial agreement 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 article.
- 1.12.26 “Maintenance” means the inspection, overhaul, repair, preservation, and the replacement of parts or appliances of a product, but excludes preventive maintenance.
- 1.12.27 “Major Repair” means a repair that, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or a repair that is not done according to accepted practices or cannot be done by elementary operation.
- 1.12.28 “Manufacturer” means the person who, by FAA or KOCA regulation, is responsible for determining that all products or parts thereof produced within the quality system conform to an FAA or KOCA-approved design or established government or industry standard and are in a condition for safe operation.
- 1.12.29 “Minor Repair” means a repair other than a major repair.
- 1.12.30 “Multi-National Consortium” means a group of manufacturers from multiple countries who have agreed to form a single company for the production of a particular product.
- 1.12.31 “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.
- 1.12.32 “Non-TSO Function” means one that is not covered by a TSO-approved minimum performance standard, does not support or affect the hosting article’s

TSO function(s), and could technically be implemented outside of the TSO article.

- 1.12.33 “Normal Category Airplane” means an airplane that has a seating configuration, excluding pilot seats, of nine or less, a maximum certificated takeoff weight of 12,500 pounds or less, and is intended for nonacrobatic operation. Nonacrobatic operation includes:
- (a) Any maneuver incident to normal flying;
  - (b) Stalls (except whip stalls); and
  - (c) Lazy eights, chandelles, and steep turns, in which the angle of bank is not more than 60 degrees.
- 1.12.34 “Overhauled Engine” means an engine that has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested in accordance with approved or acceptable standards and technical data.
- 1.12.35 “Parts Manufacturer Approval (PMA)” means a combined design and production approval issued for modification and replacement articles. It allows a manufacturer to produce and sell these articles for installation on type certificated products.
- 1.12.36 “Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or government entity, and includes a trustee, receiver, assignee, or other similar representative of any of them.
- 1.12.37 “Product” see 1.12.9 “Civil Aeronautical Product.”
- 1.12.38 “Production Approval” means a document issued to a person that allows the production of a product or article in accordance with its approved design and approved quality system, and can take a form of a Production Certificate, a Parts Manufacturer Approval, or a Technical Standard Order Authorization.
- 1.12.39 “Production Certificate Extension” means an extension by the FAA or the KOCA of a Production Certificate to a facility located in another country or jurisdiction that has a bilateral agreement with the U.S. or ROK.
- 1.12.40 “Production Quality System” means a systematic process which meets the requirements of the authority for the State of Manufacture and ensures that products and articles will conform to the approved design and will be in a condition for safe operation.
- 1.12.41 “Rebuilt Engine” means an 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 or FSR Chapter 5.
- 1.12.42 “Restricted Category Aircraft” means an aircraft that meets the airworthiness requirements for special purpose operations if it shows compliance with the applicable noise requirements, shows no feature or characteristic that makes it unsafe when it is operated under the limitations prescribed for its intended use, and/or is the type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force of the United States and has been later modified for a special purpose.

- 1.12.43 “Special Condition” means an additional airworthiness standard(s) prescribed by the FAA or the KOCA 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 the KOCA find necessary to establish a level of safety equivalent to that established in the applicable regulations.
- 1.12.44 “Standard Part” means a part that is manufactured in complete compliance with an established government or industry-accepted specification, which contains 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 person or organization may manufacture the part.
- 1.12.45 “State of Design” means the State or territory having jurisdiction over the authority responsible for the type design and continued airworthiness of the product or article.
- 1.12.46 “State of Manufacture” means the State or territory having regulatory authority over the organization responsible for the production and airworthiness of a civil aeronautical product or article.
- 1.12.47 “Supplier” means any person or organization at any tier contracted to furnish engines, propellers, articles, or services.
- 1.12.48 “Technical Standard Order (TSO)” means a minimum performance standard used to evaluate an article. Each TSO covers a certain type of article. When authorized to manufacture an article to a TSO standard, this is referred to as a TSO Authorization.
- 1.12.49 “Technical Standard Order Authorization (TSOA)” means a design and production approval issued to the manufacturer of an article that has been found to meet a specific TSO. A TSOA is not an approval to install and use the article in the aircraft. It means that the article meets the specific TSO and the applicant is authorized to manufacture it.
- 1.12.50 “Used Aircraft” means each aircraft that is not a new aircraft, as defined in paragraph 1.12.31 above.
- 1.12.51 “Utility Category Airplane” means an airplane limited to a seating configuration, excluding pilot seats, of nine or less, a maximum certificated takeoff weight of 12,500 pounds or less, and is intended for limited acrobatic operation. Airplanes certificated in the utility category may be used in any of the operations covered under paragraph (a) of this section and in limited acrobatic operations. Limited acrobatic operation includes:
- (a) Spins (if approved for the particular type of airplane); and
  - (b) Lazy eights, chandelles, and steep turns, or similar maneuvers, in which the angle of bank is more than 60 degrees but not more than 90 degrees.
- 1.12.52 “Validating Civil Aviation Authority” or “Validating Authority (VA)” means the organization within the importing State, charged by the laws of the importing

State, with regulating the design, production, and airworthiness approval and environmental certification of civil aeronautical products and articles.

- 1.12.53 “Validation” means the FAA’s or the KOCA’s process for issuing an approval of a design certificated by the other.

## SECTION II    SCOPE OF THESE IMPLEMENTATION PROCEDURES

### 2.1 General

These Implementation Procedures cover the products and articles identified below, their approvals, and the provisions set forth in the following paragraphs.

#### 2.1.1 Airworthiness Certification

These Implementation Procedures apply to such aircraft type designs to be type certificated by the FAA and the KOCA for standard category airworthiness certification.

- 2.1.1.1 The FAA and the KOCA do not normally issue design approvals for products or articles manufactured outside their regulatory jurisdiction unless there is a demonstrated U.S. or ROK interest, as the importing State, in issuing the approval.
- 2.1.1.2 For the FAA, standard airworthiness certificates are issued in the normal, utility, acrobatic, commuter, and transport categories of aircraft, as well as for manned-free balloons and special classes of aircraft which include airships, very light airplanes (VLA), gliders, and other non-conventional aircraft.
- 2.1.1.3 For the KOCA, standard airworthiness certificates are issued in the normal, utility, acrobatic, commuter, and transport categories of aircraft, as well as for airships, very light airplanes (VLA), very light rotorcraft (VLR), gliders, and other non-conventional aircraft.
- 2.1.1.4 Aircraft for which a special airworthiness certificate is issued by the FAA or the KOCA will be dealt with on a case-by-case basis through the special arrangements provision in Section IX of this document.

### 2.2 Products, Articles, and Associated Approvals Accepted for Import by the ROK under these BASA Implementation Procedures

#### 2.2.1 KOCA Acceptance of FAA Export Certificates of Airworthiness for the Following Products:

##### 2.2.1.1 Aircraft that Conform to a Type Design Approved Under a KOCA Type Certificate or Type Certificate Validation (TCV) Including:

- (a) New and used aircraft of the classes and categories listed in Table 1 for which the U.S. is the State of Design;
- (b) New and used aircraft for the classes and categories listed in Table 2 for which the ROK is the State of Design;
- (c) New and used aircraft for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and the ROK covering the same class of product.

Note: Acceptance of aircraft manufactured in a country or territory other than its State of Design requires either the development of a Special Arrangement per Section VI and IX of these Implementation Procedures or KOCA review and acceptance of an existing arrangement established

between the State of Design and State of Manufacture. This applies to paragraphs 2.2.1.1(a), (b), and (c).

2.2.2 KOCA Acceptance of FAA Authorized Release Certificates for the Following Engines, Propellers, and Articles:

2.2.2.1 Engines and Propellers that Conform to a Type Design Approved Under a KOCA Type Certificate or Validation of Type Certificate Including:

- (a) New, rebuilt, and overhauled aircraft engines for which the U.S. is the State of Design,
- (b) New aircraft engines manufactured in the U.S. for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and the ROK covering engines.
- (c) New propellers for which the U.S. is the State of Design,
- (d) New propellers manufactured in the U.S. for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and the ROK covering propellers.

Note: Acceptance of products manufactured in a country or territory other than its State of Design requires either the development of a Special Arrangement per Section VI and IX of these Implementation Procedures or KOCA review and acceptance of an existing arrangement established between the State of Design and State of Manufacture. This applies to paragraphs 2.2.2.1(a), (b), (c), and (d)

2.2.2.2 Articles that Conform to a KOCA Design Approval Including:

- (a) New TSO articles, and
- (b) New replacement and modification parts that conform to KOCA approved design data and that are eligible for installation in a product or article which has been granted a KOCA design approval, as follows:
  - (1) Replacement parts manufactured by the original Production Approval Holder for all products and articles, regardless of the State of Design, and
  - (2) Modification parts manufactured by the original Production Approval Holder for all products and articles, regardless of the State of Design.
- (c) New Parts Manufacturer Approval (PMA) parts

2.2.3 KOCA Acceptance of Standard Parts

The KOCA will accept Standard Parts for all products and articles covered under these Implementation Procedures when they conform to established U.S. industry or government specifications.

2.2.4 KOCA Acceptance of the Following FAA Design Approvals as the Basis for KOCA Design Approval:

- (a) Type Certificates (TC) for products for which the U.S. is the State of Design

- (b) FAA Technical Standard Order Authorizations (TSOA)
- (c) FAA Parts Manufacturer Approvals (PMA)

2.2.5 KOCA Acceptance of the Following FAA-Approved Design Changes as the Basis for KOCA Design Approval:

- (a) Amended TCs for products for which the U.S. is the State of Design;
- (b) Supplemental Type Certificates (STC) or Amended STCs for products that have been issued both an FAA and KOCA type design approval and the product is of:
  - (1) U.S. State of Design
  - (2) ROK State of Design, or
  - (3) A third country State of Design
- (c) Other FAA-approved design changes as identified in paragraph 4.2, for products and articles for which the U.S. is the State of Design

2.2.6 KOCA Acceptance of the Following FAA-Approved Design Data:

- (a) FAA-approved design data used in the support of repairs as identified in paragraph 4.2.6, for products and articles of:
  - (1) U.S. State of Design
  - (2) ROK State of Design, or
  - (3) A third country State of Design, when both the FAA and the KOCA have issued a type design approval for the product

2.2.7 KOCA Acceptance of FAA Findings for Environmental Requirements as the Basis for KOCA Compliance Findings:

- (a) Noise certification requirements under 14 CFR part 36 for subsonic transport category large airplanes and subsonic turbojet powered airplanes;
- (b) Noise certification requirements under 14 CFR part 36 for propeller-driven small airplanes and propeller-driven commuter category airplanes;
- (c) Noise certification requirements under 14 CFR part 36 for helicopters; and
- (d) Fuel venting and exhaust emissions certification requirements under 14 CFR part 34 for turbine powered airplanes.

2.3 Products, Articles, and Associated Approvals Accepted for Import by the U.S. under these BASA Implementation Procedures

2.3.1 FAA Acceptance of KOCA Export Certificates of Airworthiness for the Following Products:

2.3.1.1 Aircraft that Conform to a Type Design Approved Under an FAA Type Certificate including:

- (a) New and used aircraft of the classes and categories listed in Table 2 for which the ROK is the State of Design;

- (b) New and used aircraft for the classes and categories listed in Table 1 for which the U.S. is the State of Design;
- (c) New and used aircraft for which a third country is the State of Design, when that third country has a bilateral agreement/arrangement with both the U.S. and the ROK covering the same class of product.

Note: Acceptance of aircraft manufactured in a country or territory other than its State of Design requires either the development of a Special Arrangement per Section VI of these Implementation Procedures or FAA review and acceptance of an existing arrangement established between the State of Design and State of Manufacture. This applies to paragraphs 2.3.1.1(a), (b), and (c).

2.3.2 FAA Acceptance of KOCA Airworthiness Approval Tag (Authorized Release Certificate) for the Following Products and Articles:

2.3.2.1 Engines and Propellers that Conform to a Type Design Approved Under an FAA Type Certificate (TC) including:

- (a) New aircraft engines, [Reserved]
- (b) New propellers, [Reserved]

2.3.2.2 Articles that Conform to an FAA Approved Design Including:

- (a) New TSO articles, and
- (b) New replacement and modification parts that conform to an FAA approved design data and that are eligible for installation in a product or article which has been granted an FAA design approval, as follows:
  - (1) Replacement parts manufactured by the original Production Approval Holder for all products and articles for which the ROK is the State of Design; and
  - (2) Modification parts manufactured by the original Production Approval Holder for all products and articles for which the ROK is the State of Design.
- (c) New PMA parts [Reserved]

2.3.3 FAA Acceptance of Standard Parts

- (a) [Reserved]

2.3.4 FAA Acceptance of the Following KOCA Design Approvals as the Basis for FAA Design Approval:

- (a) TCs for aircraft of the classes and categories listed in Table 2 for which the ROK is the State of Design; and
- (b) KOCA Technical Standard Order Authorizations (KTSOA).
- (c) KOCA Parts Manufacturer Approval [Reserved]

Note: Refer to Addendum to Implementation Procedures for Airworthiness

2.3.5 FAA Acceptance of the Following KOCA-Approved Design Changes as the Basis for FAA Design Change Approval:

- (a) Amended TCs for aircraft of the classes and categories listed in Table 2 for which the ROK is the State of Design;
- (b) STCs and Amended STCs [Reserved]
- (c) Other KOCA-approved design changes as identified in paragraph 4.2 for products and articles for which the ROK is the State of Design

Note: Refer to Addendum to Implementation Procedures for Airworthiness

2.3.6 FAA Acceptance of the Following KOCA-Approved Design Data:

- (a) KOCA-approved design data used in support of repairs as identified in paragraph 4.2.6, for products and articles of:
  - (1) ROK State of Design

2.3.7 FAA Acceptance of KOCA Findings for Environmental Requirements as the Basis for FAA Compliance Findings:

[Reserved]

2.4 Provisions for Technical Assistance

The types of technical assistance activities within the scope of these Implementing Procedures between the FAA and the KOCA are specified in Section VIII.

2.5 Provisions for Special Arrangements

These Implementation Procedures provide for designated officials within the FAA and the KOCA 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 Executive Agreement.

2.6 Summary Tables

The following tables summarize the design approvals, new products, and articles designed and manufactured in the U.S. or the ROK that are eligible for import under these Implementation Procedures. (These tables do not show third country State of Design products eligible for import)

**Table 1: Summary of U.S. State of Design Products and Articles Eligible for Export to the ROK**

Products/Article Type	Import Eligible Designs & Design Changes		14 CFR Ref.	Design Approval Type		Export Record
				FAA	KOCA	
<b><u>PRODUCTS</u></b>	TC	STC				
Normal Airplanes	✓	✓	Part 23	TC or STC	Validated TC or STC	FAA Form 8130-4
Utility Airplanes	✓	✓				
Acrobatic Airplanes	✓	✓				
Commuter Airplanes	✓	✓				
Transport Airplanes	✓	✓	Part 25			
Normal Rotorcraft	✓	✓	Part 27			
Transport Rotorcraft	✓	✓	Part 29			
Airships	✓	✓	Part 21			
Very Light Airplanes	✓	✓				
Gliders	✓	✓				
Powered Lift	✓	✓				
Manned Free Balloons	✓	✓	Part 31			
Primary	*	*	Part 21	* Import Requires Special Arrangement		
Restricted	*	*				
Surplus Military	*	*				
Engines (New)	✓	✓	Part 33	TC or STC	Validated TC or STC	FAA Form 8130-3
Engines (Rebuilt)	✓	✓				
Engines (Overhauled)	✓	✓				
Propellers	✓	✓	Part 35			
<b><u>ARTICLES</u></b>						
TSO	✓	Part 21	TSOA	KTSOA	FAA Form 8130-3	
PMA	✓		Original Approval	Original Approval		
Replacement and Modification Parts	✓ Note 1		Original Approval	Original Approval		
Standard Parts	✓		None	None		No FAA Form

**Note 1:** Replacement and Modification Parts manufactured by the original production approval holder for the above airplanes, rotorcraft, balloons, engines, propellers, special class aircraft, and articles.

**Table 2: Summary of ROK State of Design Products and Articles Eligible for Export to the U.S.**

Products/Article Type	Import Eligible Designs & Design Changes		KAS Ref.	Design Approval Type		Export Record
				KOCA	FAA	
<b>PRODUCTS</b>	TC	STC				
Normal Airplanes	✓ Note 1	[RES]	Part 23	TC	Validated TC or STC	AAIR Form 9
Utility Airplanes	✓ Note 1	[RES]				
Acrobatic Airplanes	✓ Note 1	[RES]				
Commuter Airplanes	[RES]	[RES]				
Transport Airplanes	[RES]	[RES]	Part 25			
Normal Rotorcraft	[RES]	[RES]	Part 27			
Transport Rotorcraft	[RES]	[RES]	Part 29			
Airships	[RES]	[RES]	Part 30			
Very Light Airplanes	✓ Note 1	[RES]	Part VLA			
Gliders	[RES]	[RES]	Part 22			
Powered Lift	[RES]	[RES]	None			
Manned Free Balloons	[RES]	[RES]	None			
Primary	*	*	Part 21	* Import Requires Special Arrangement		
Restricted	*	*				
Surplus Military	*	*				
Engines (New)	[RES]	[RES]	Part 33	N/A	N/A	N/A
Engines (Rebuilt)	[RES]	[RES]				
Engines (Overhauled)	[RES]	[RES]				
Propellers	[RES]	[RES]	Part 35			
<b>ARTICLES</b>						
TSO	✓		Part 21	KTSOA	TSOA	AAIR Form 10
PMA	[RES]			N/A	N/A	N/A
Replacement and Modification Parts	✓			Original Approval	Original Approval	AAIR Form 10
Standard Parts	[RES]			None	None	No KOCA Form

**Note 1:** The FAA has retained certain compliance determinations in the following reference: Addendum to Implementation Procedures for Airworthiness: U.S. Type Certification Criteria between the Federal Aviation Administration (FAA) and Korea Office of Civil Aviation (KOCA).

**Note 2:** Replacement and Modification Parts manufactured by the original production approval holder for the above airplanes and TSO articles.

## SECTION III DESIGN APPROVAL PROCEDURES

### 3.1 General

- 3.1.1 The FAA and the KOCA 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 and normally entails a familiarization briefing by the applicant. This is followed by the establishment of the certification basis by the validating authority, a technical information exchange in the form of data, specialist meetings on technical compliance, and/or the development of issue papers. Additionally the validating authority, after determining the certification basis, may request assistance from the certifying authority to conduct compliance findings on its behalf. The design approval issued by the FAA or by the KOCA is based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance determinations made by the certifying authority.
- 3.1.2 Close cooperation between the validating and the certifying authority is necessary to provide for effective management of the validation process and for the most cost-effective utilization of resources. Working in accordance with the principle that communications should occur between authorities, correspondence will be answered through and coordinated with the certifying authority. The FAA and the KOCA 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) and should be conducted with the awareness and consent of the certifying authority. The certifying authority should be informed of the outcome of these discussions.
- 3.1.3 Applications for FAA or KOCA approval are intended for civil aeronautical products and articles. Products and articles which are intended only for military and/or public use are not eligible for FAA or KOCA validation under this agreement unless the authority for the State of Design has accepted to certify the product or article and there is a civilian and/or public use application within the jurisdiction of the importing State. In these cases, the FAA and KOCA will consult to determine whether validation is within the scope of the agreement or requires a Special Arrangement under Section IX of these Implementation Procedures.

### 3.2 Design Approval Procedures for U.S. Type Certificates

#### 3.2.1 General

U.S. TCs may be issued under the provisions of 14 CFR §21.29 for products manufactured in a foreign country or jurisdiction that are to be imported into the U.S.

#### 3.2.2 Application Process for a U.S. TC

- 3.2.2.1 An application for a U.S. TC from an applicant in the ROK may be submitted if:

- (1) The product is within the scope of this agreement as provided in paragraph 2.3.4(a); and
  - (2) The product has been issued a ROK TC, or an application for type certification has been made to the KOCA.
- 3.2.2.2 The applicant must complete FAA form 8110-12 and forward it along with all applicable technical data listed in paragraph 3.2.2.3 to the KOCA Airworthiness Division.
- 3.2.2.3 The KOCA should ensure that the applicant's technical data package contains the following information:
- (1) Data defined in 14 CFR §21.15;
  - (2) The ROK TC and Type Certificate Data Sheet (TCDS), if available;
  - (3) A definition of the ROK airworthiness and environmental standards upon which the KOCA design approval was (or is to be) based;
  - (4) The amendment level of the U.S. airworthiness and environmental standards the KOCA believes to be satisfied by its own standards;
  - (5) Date of application to the KOCA;
  - (6) The applicant's requested date for U.S. type certification;
  - (7) If known at the time of application, a description of all novel or unusual design features which might necessitate issuance of FAA special conditions under 14 CFR section 21.16 or which might require a special review of acceptable means of compliance;
  - (8) All known or expected exemptions or equivalent level of safety findings relative to the ROK airworthiness standards for design approval that might affect compliance with the applicable U.S. airworthiness and environmental standards; and
  - (9) Information on U.S. market potential, including specific customers and U.S. content of the product, if available.
- 3.2.2.4 The KOCA should forward the application to the appropriate FAA Aircraft Certification Service Directorate, based on the class and category of product. See Appendix A for a list of addresses.
- 3.2.2.5 If the application is for a product that is of a level of complexity that has not been previously certificated by the KOCA, the KOCA should notify the FAA. This notification should be made as soon as the KOCA becomes aware of this type of pending application, so that the FAA may plan the scope of its validation program.
- 3.2.2.6 The FAA will notify the KOCA within ten (10) working days of receipt of application and, if necessary, include in this notification a request for any missing information. The FAA will return the application in thirty (30) working days if the necessary information is not provided.

### 3.2.3 Familiarization Meetings

3.2.3.1 If the FAA determines that a familiarization meeting is necessary, the KOCA will arrange a familiarization meeting between the FAA, the applicant, and the KOCA to discuss the validation process, the approved or proposed KOCA certification basis, and all novel or unusual features of the product.

3.2.3.2 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 U.S. 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.

3.2.3.3 For simple projects or less complex products, technical familiarization may be streamlined if agreed to by both the FAA and the KOCA.

### 3.2.4 Establishment of Project Certification Team

An important consideration that should be addressed at the familiarization meeting is the composition of the FAA Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The FAA and the KOCA will promptly notify each other of its respective Project Managers.

### 3.2.5 Establishment of U.S. Type Certification Basis

3.2.5.1 New TCs. The FAA will develop the certification basis using:

- (a) For type designs that do not hold an approval from the KOCA, the applicable airworthiness standards in effect on the date the application is made to the FAA; or
- (b) For type designs that hold an approval from the KOCA, the application date that determined the applicable airworthiness standards applied by the KOCA for the issuance of a ROK TC.

3.2.5.2 14 CFR part 26 Requirements [Reserved]

3.2.5.3 Additional Requirements

- (a) 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 U.S. as a result of service history and actions taken by the KOCA to correct unsafe conditions.
- (b) The FAA will review all novel or unusual design features for development of special conditions. The FAA will work closely with the KOCA in the development of special conditions and exemptions, providing the KOCA and the applicant with an opportunity to comment on the proposal.

3.2.5.4 Applicants for a U.S. TC must also comply with the applicable fuel venting and exhaust emission standards of 14 CFR part 34 and the noise standards of 14 CFR part 36 in effect on the date of application to the FAA for type certification. Information on FAA environmental testing and approval procedures is contained in Section 3.5.

### 3.2.6 Agreement on U.S. Type Certification Basis

3.2.6.1 The KOCA should review the FAA's proposed U.S. type certification basis and notify the FAA Project Manager of the proposed methods of compliance. The FAA may accept either the U.S. type certification basis or the ROK type certification basis plus all FAA additional technical conditions. The FAA will coordinate with the KOCA in the development of additional technical conditions to allow each authority to benefit from the technical expertise of the other.

### 3.2.7 Data Submittal & Design Review

3.2.7.1 In order to find compliance with additional technical conditions, special conditions, equivalent levels of safety, or any other previously agreed upon areas, the FAA may make written requests for data to the KOCA. These requests will, in the spirit of the BASA Executive Agreement, be the minimum necessary to ensure that the validating authority acquires the needed familiarity. These requests should provide a formal written justification for the data requested. The KOCA, in responding to such requests, should verify that the data provided has been reviewed and, if required, approved by the KOCA. Compliance documentation should be complete and detailed enough to determine whether compliance has been made to the regulations.

### 3.2.8 Technical Meetings

3.2.8.1 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 KOCA are well understood, and that any outstanding technical issues are resolved. These meetings 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 KOCA and will normally have both authorities in attendance.

3.2.8.2 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 activity by the FAA will be required. The anticipated level of activity by the FAA will be documented in writing. This document may be revised if the initial design definition is incomplete or subsequent design changes are made.

3.2.8.3 The KOCA will keep the FAA informed of the progress of its type certification program on a periodic basis. The KOCA should notify the FAA's 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 KOCA to develop a special condition or to make an equivalent level of safety finding.

### 3.2.9 Issue Papers

3.2.9.1 The FAA as validating authority should minimize the duplication of issue papers developed by the KOCA. The FAA requires the development of issue papers which contain the certification basis and other unique import requirements. The FAA may also require issue papers to address issues such as acceptable means of compliance, equivalent levels of safety findings, special conditions, and additional technical conditions. However, the FAA may directly adopt a KOCA issue paper in lieu of an issue paper originated by the FAA when:

- (1) The FAA and the KOCA positions are equivalent;
- (2) The FAA product accountable directorate has provided concurrence with the KOCA issue paper; and
- (3) The issue paper does not address findings of equivalent levels of safety or special conditions.

3.2.9.2 FAA issue papers will be coordinated through the KOCA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues. The FAA will incorporate the KOCA's and the applicant's position in all FAA originated issue papers.

### 3.2.10 Final Certification Meeting/Issuance of the U.S. TC

Upon issuance of the ROK TC and demonstrated compliance with the U.S. type certification basis, the KOCA will forward a certifying statement to the FAA, in accordance with 14 CFR section 21.29, along with all additional requested materials. The FAA, upon receipt and review of the documents, will prepare the TC and TCDS and forward them to the KOCA for transmittal to the applicant. A final meeting would only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

### 3.2.11 Evaluation of U.S. 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, as appropriate, to review the following items on ROK products prior to entry into U.S. operations: Maintenance Review Board (MRB) Report and associated Instructions for Continued Airworthiness (ICA) 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 FAA TC issuance, but must be demonstrated before issuance of the first U.S. standard airworthiness certificate. To avoid operational suitability problems, applicants are encouraged to complete AEG requirements early in the project.

### 3.3 Design Approval Procedures for U.S. Supplemental Type Certificates

[Reserved]

### 3.4 Design Approval Procedures for U.S. Technical Standard Order Design Approval and Non-TSO Functions

#### 3.4.1 Application Process for an FAA Letter of TSO Design Approval

- 3.4.1.1 An application for an FAA Letter of TSO Design Approval from an applicant in the ROK may only be submitted for articles that have been approved by the KOCA through a KOCA TSO Authorization and of a kind for which a minimum performance standard has been published in an FAA TSO.
- 3.4.1.2 The applicant must forward the application package and include all applicable technical data listed in paragraph 3.4.1.3 to the KOCA.
- 3.4.1.3 The KOCA should ensure that the application package contains the following information:
  - (1) All required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO article;
  - (2) If applicable, a request to deviate from the FAA TSO standard (including any KOCA-approved equivalencies) and substantiation data for FAA approval, or identification of the deviation and evidence of FAA approval (if request was made in advance of application);
  - (3) A statement of conformance to the FAA TSO performance standard from the applicant;
  - (4) A certifying statement from the KOCA indicating that the article has been examined, tested, and found to meet the applicable FAA TSO or other standards found by the FAA to provide an equivalent level of safety;
  - (5) A copy of the KOCA TSO Authorization (KTSOA); and
  - (6) If known at the time of application, evidence that the article will be imported into the U.S., installed on a U.S.–registered aircraft, or installed on a U.S.–manufactured product. The evidence must identify the FAA TSO article model at a minimum. The evidence provided must also be valid at the time of application in order for the project to be worked promptly.
- 3.4.1.4 The KOCA should ensure the applicant has applied the latest FAA TSO performance standard.
- 3.4.1.5 The KOCA should forward the application to the FAA Los Angeles Aircraft Certification Office at the address indicated in Appendix A.

3.4.1.6 When the KOCA receives an application for an FAA Letter of TSO Design Approval to a TSO performance standard to which the KOCA has not previously made compliance findings, the KOCA will contact the FAA Los Angeles Aircraft Certification Office for the latest FAA technical policy and procedures related to the FAA TSO performance standard. The FAA may elect to conduct an additional technical evaluation of the KOCA's understanding of the specific TSO requirements.

3.4.1.7 The FAA will notify the KOCA within ten (10) working days of receipt of application and, if necessary, include in this notification a request for any missing information. The FAA will return the application in thirty (30) working days if the necessary information is not provided.

#### 3.4.2 Issuance of the FAA Letter of TSO Design Approval

3.4.2.1 In accordance with 14 CFR §21.621, the FAA may issue a Letter of TSO Design Approval after:

- (1) Receipt of all the items identified in paragraphs 3.4.1.3, above;
- (2) Conducting a review of the data/documentation specified in the FAA TSO performance standard;
- (3) Receipt and review of other specific technical data, as jointly agreed between the KOCA and the FAA, needed to demonstrate compliance with an FAA TSO standard; and
- (4) Approval of all proposed deviations to the FAA TSO in accordance with 14 CFR §21.618.

3.4.2.2 The FAA will forward the Letter of TSO Design Approval to the applicant and notify the KOCA of its issuance.

#### 3.4.3 Installation Approval

An FAA Letter of TSO Design Approval does not constitute an installation approval for the article on an aircraft. The installer must obtain an installation approval from their civil airworthiness authority for use on an aircraft registered under that authority.

### 3.5 FAA Environmental Testing and Approval Procedures

#### 3.5.1 General

3.5.1.1 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. FAA will review and approve all compliance demonstration plans and reports submitted via the KOCA. The FAA environmental requirements are documented in FAA Order 8110.4, Type Certification.

3.5.1.2 [Reserved]

### 3.5.2 Approval Process

- 3.5.2.1 The FAA process for environmental testing and approvals, includes the following:
- (a) 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.
  - (b) Information and data must be supplied to the FAA in order to conduct a finding in accordance with Title 49 of the United States Code (49 U.S.C.) Section 44715. 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.
  - (c) 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, Subparts B, G, and/or H.
  - (d) 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 ninety (90) days prior to commencing testing.
  - (e) 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 (a) and (d).
  - (f) FAA personnel, or FAA designated engineering representatives must witness compliance demonstration tests. Prior to the start of testing it is necessary to ensure the conformity of the test article (aircraft or engine configuration) to that identified in the FAA approved compliance demonstration test plans.
  - (g) Compliance demonstration reports must be submitted to the FAA for review and/or comment and subsequent approval prior to type certification approval.

### 3.6 Submission of Electronic Data to the FAA

For the FAA, where electronic data is submitted to the KOCA, it must be in a format that is compatible with the FAA's information system and there must be an arrangement between the ROK applicant and the KOCA for the use, storage, and access to this electronic data in accordance with OD 00-3, Procedures for Use of Electronic Technology

and Storage of Aeronautical Product Certification Data. Both the FAA and the KOCA must concur with this arrangement for the submission and storage of electronic data.

### 3.7 Design Approval Procedures for a ROK Type Certificate Validation (TCV)

#### 3.7.1 General

ROK TCVs may be issued for imported products under the provisions of Article 35-2, 35-3, and 35-4 of AAIR.

#### 3.7.2 Application Process for a ROK TCV

3.7.2.1 An application for a ROK TCV from an applicant in the U.S. may be submitted if:

- (1) The product is within the scope of this agreement as provided in paragraph 2.2.4(a); and
- (2) The product has been issued U.S. TC, or an application for type certification has been made to the FAA.

3.7.2.2 The applicant must forward all applicable technical data listed in paragraph 3.7.2.4 to the FAA Aircraft Certification Office responsible for the applicant's geographic area listed in Appendix A.

3.7.2.3 The KOCA requires that an application fee be submitted with the application package in accordance with Article 328 of AAIR. The KOCA contact information for coordination of application fee is in Appendix A.

3.7.2.4 Applicant's technical data package:

(a) The FAA should ensure that the applicant's technical data package contains the following information unless aircraft meet the criteria in paragraph (b)

- (1) The U.S. TC and TCDS, if available
- (2) Design descriptions
- (3) Compliance checklist and compliance reports

Note: Compliance reports are not required with the application data package; some may be requested later after the KOCA reviews the data package.

- (4) Flight and/or operational manual
- (5) Documents describing maintenance procedures
- (6) Other reference documents, if necessary

(b) The FAA should ensure that the applicant's technical data package contains the following information in the case of an airplane which does not exceed the maximum certificated takeoff weight 5,700 kg (12,500 lbs) or a rotorcraft which does not exceed maximum certificated takeoff weight 3,100 kg (7,000 lbs) under the provision of paragraph 3 of Article 35-2 of AAIR:

- (1) The U.S. TC and TCDS
  - (2) Application letter from the FAA
- (c) Notwithstanding the exception in (b), (a) is applied to an aircraft if the aircraft had “Special Conditions” in TC certification basis and TC is effective not more than five (5) years after the date of TC issuance.
- 3.7.2.5 The FAA should forward the application to the KOCA- Airworthiness Division. See Appendix A for a list of addresses.
- 3.7.2.6 Upon receipt of the application, The KOCA will:
- (1) Notify the applicant of KOCA certification fee and expenses.
  - (2) Notify the FAA within ten (10) working days of receipt of application and provide the status of the certification fee and expense notification to the applicant. If necessary, the KOCA will include in this notification a request for any missing information. The KOCA will return the application in thirty (30) working days if the necessary information is not provided.

### 3.7.3 Familiarization Meetings

- 3.7.3.1 If the KOCA determines that a familiarization meeting is necessary, the FAA will arrange a familiarization meeting between the KOCA, the applicant, and the FAA to discuss the validation process, the approved or proposed FAA certification basis, and all novel or unusual features of the product.
- 3.7.3.2 At this meeting the KOCA will work to establish the ROK type certification basis and the means of compliance for the product under application by determining the ROK airworthiness and environmental standards that would be applied to a similar product if it were to be produced in the ROK. The extent to which these activities are accomplished at the meeting will depend on the KOCA's familiarity with the product and applicant, the applicant's familiarity with the KOCA's process and, in general, the overall preparedness of all parties.
- 3.7.3.3 For simple projects or less complex products, technical familiarization may be streamlined if agreed by both the KOCA and the FAA.

### 3.7.4 Establishment of Project Certification Team

- 3.7.4.1 An important consideration that should be addressed at the familiarization meeting is the composition of the KOCA Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The KOCA and FAA will promptly notify each other of its respective Project Managers.

### 3.7.5 Establishment of ROK Type Certification Basis

- 3.7.5.1 New TCVs. The KOCA will develop the certification basis using:
- (a) For type designs that do not hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application is made to the KOCA; or

- (b) For type designs that hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application was made to the FAA for a U.S. TC.

#### 3.7.5.2 Additional Requirements.

- (a) In general, the KOCA 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 ROK as a result of service history and actions taken by the FAA to correct unsafe conditions.
- (b) The KOCA will review all novel unusual design features for development of special conditions. The KOCA will work closely with the FAA in the development of special conditions and exemptions providing the FAA and the applicant an opportunity to comment on the proposal.

3.7.5.3 Applicants for a ROK TCV must also comply with the applicable fuel venting and exhaust emission standards of KAS Part 34 and the noise standards of KAS Part 36 in effect on the date of application to the KOCA for type certification. Information on KOCA environmental testing and approval procedures is contained in Section 3.10.

#### 3.7.6 Compliance to ROK Type Certification Basis

The FAA should review the proposed ROK type certification basis and notify the Project Manager at the KOCA of the proposed methods of compliance. The KOCA may accept either the ROK type certification basis or the U.S. type certification basis plus all KOCA additional technical conditions. The KOCA will coordinate with the FAA in the development of additional technical conditions to allow each authority to benefit from the technical expertise of the other.

#### 3.7.7 Data Submittal & Design Review

In order to find compliance with additional technical conditions, special conditions, equivalent levels of safety, or any other previously agreed upon areas, the KOCA may make written requests for data to the FAA. These requests will, in the spirit of the BASA Executive Agreement, be the minimum necessary to ensure that the validating authority acquires the needed familiarity. These requests should provide a formal written justification for the data requested. The FAA, in responding to such requests, should verify that the data provided has been reviewed and, if required, approved by the FAA. Compliance documentation should be complete and detailed enough to determine whether compliance has been made to the regulations.

### 3.7.8 Technical Meetings

- 3.7.8.1 In addition to the initial familiarization meeting, other technical meetings may be necessary to ensure 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 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.
- 3.7.8.2 Early in the program, based on the known design and information presented in the familiarization and technical meetings, the KOCA will identify the areas in which further KOCA activity will be required. The anticipated level of activity by the KOCA will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or subsequent design changes are made.
- 3.7.8.3 The FAA will keep the KOCA informed of the progress of its type certification program on a periodic basis. The FAA should notify the KOCA 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.

### 3.7.9 Issue Papers

- 3.7.9.1 The KOCA, as validating authority, should minimize the duplication of issue papers developed by the FAA. The KOCA requires the development of issue papers which contain the certification basis and other unique import requirements. The KOCA may also require issue papers to address issues such as acceptable means of compliance, equivalent levels of safety findings, special conditions, and additional technical conditions. However, the KOCA may directly adopt an FAA issue paper in lieu of an issue paper originated by the KOCA when:
- (1) The KOCA and the FAA positions are equivalent;
  - (2) The KOCA-Airworthiness Division has provided concurrence with the FAA issue paper; and
  - (3) The issue paper does not address findings of equivalent levels of safety or special conditions.
- 3.7.9.2 KOCA issue papers will be coordinated through the FAA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues. The KOCA will incorporate the FAA's and the applicant's position in all KOCA originated issue papers.

### 3.7.10 Final Certification Meeting/Issuance of the ROK TCV

Upon issuance of the U.S. TC and demonstrated compliance with the ROK type certification basis, the FAA will forward a certifying statement to the KOCA along

with all additional requested materials. The KOCA, upon receipt and review of the documents, will prepare the TCV and TCDS and forward them to the FAA Aircraft Certification Office identified in paragraph 3.7.2.2 for transmittal to the applicant. A final meeting would only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

### 3.8 Design Approval Procedures for ROK Supplemental Type Certificate Validation (STCV)

#### 3.8.1 General

3.8.1.1 ROK STCVs may be issued to an applicant in the U.S. under the provisions of Article 35-5, 35-6, and 35-7 of AAIR for approval of major changes to the type design of an aircraft, aircraft engine, or propeller.

#### 3.8.2 Application Process for a ROK STCV

3.8.2.1 An application for a ROK STCV from an applicant in the U.S. may be submitted if:

- (1) The design change is within the scope of this agreement as provided in paragraph 2.2.5(b)
- (2) The KOCA has certificated/validated the product; and
- (3) The FAA has issued a U.S. STC.

3.8.2.2 The applicant must forward all applicable technical data listed in paragraph 3.8.2.3 to the FAA Aircraft Certification Office responsible for the applicant's geographic area listed in Appendix A.

3.8.2.3 The FAA should ensure that the applicant's technical data package contains the following information:

- (1) The U.S. STC and certification basis
- (2) A description of the change including a description of all novel or unusual design features
- (3) The applicant's requested date for issuance of the ROK STCV and ROK market potential
- (4) Compliance checklist and compliance reports

Note: Compliance reports are not required with the application data package; some may be requested later after KOCA reviews the data package.

- (5) Supplemental Flight Manual including operation limitations
- (6) Supplemental Maintenance Manual including Instructions for Continued Airworthiness
- (7) Installation Instruction Manuals and/or Installation Drawings
- (8) Other reference documents, if necessary

3.8.2.4 The FAA should forward the application to the KOCA - Airworthiness Division. Appendix A contains a list of addresses for the KOCA Offices.

- 3.8.2.5 Upon receipt of the application, the KOCA will:
- (1) Notify the applicant of KOCA fees and expenses; and
  - (2) Notify the FAA within ten (10) working days of receipt of application and provide the status of fee and expense notification to the applicant. If necessary, the KOCA will include in this notification a request for any missing information. The KOCA will return the application in thirty (30) days if the necessary information is not provided.
- 3.8.2.6 The KOCA may accept applications for concurrent STC validation/certification, in which case some of the information specified in paragraph 3.8.2.3 may not be available at the time of the application. The FAA should provide the justification with the application.
- 3.8.3 Establishment of the ROK Supplemental Type Certification Basis
- 3.8.3.1 The KOCA will develop its supplemental type certification basis in accordance with KAS Parts 21.117 and 21.29 in a manner that is consistent with the criteria that is used to establish the certification basis of a domestic STC of similar design and service history. The date of the application is the date that the application is made to the FAA.
- 3.8.3.2 In the case of a STCV involving an acoustical change, compliance must be shown with the applicable noise requirements of KAS Part 36 in effect on the date of application to the KOCA for the STCV. In the case of an emissions change, compliance must be shown with the applicable fuel venting and exhaust emissions requirements of KAS Part 34 in effect on the date of application to the KOCA for the STCV. Information on KOCA environmental testing and approval procedures is contained in Section 3.10.
- 3.8.4 KOCA Validation Process for STCVs
- 3.8.4.1 The basic design approval procedures for ROK Type Certification (paragraph 3.7 above) should be used for STCVs, but both authorities may agree to streamline these procedures based on the magnitude and complexity of the design change. The FAA will share issue papers or similar documents with the KOCA as early as possible.
- 3.8.5 Issuance of the ROK STCV
- 3.8.5.1 The KOCA will issue a STCV when compliance with the applicable ROK airworthiness and environmental certification requirements has been verified, the FAA has made a compliance statement to KOCA's certification basis, and the FAA has issued its STC. The KOCA will forward the STCV to the FAA Aircraft Certification Office identified in paragraph 3.8.2.2 for transmittal to the applicant.

### 3.9 Design Approval Procedures for ROK Technical Standard Order Authorization

#### 3.9.1 Application Process for a KOCA TSOA

- 3.9.1.1 The KOCA will accept the design of U.S. articles issued by an FAA TSOA without further showing. An application for a KOCA TSOA from an applicant in the U.S. may only be submitted for articles that have been approved by the FAA through a TSOA and of a kind for which a minimum performance standard has been published in a KOCA TSO.
- 3.9.1.2 The applicant must forward the application request to the FAA Aircraft Certification Office responsible for the applicant's geographic area listed in Appendix A.
- 3.9.1.3 The FAA should ensure that the application package contains the following information:
  - (1) All required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO article;
  - (2) Identification of deviations and evidence of FAA approval, if applicable; and
  - (3) A copy of the FAA TSO Authorization
- 3.9.1.4 The FAA should forward the application to the KOCA - Airworthiness Division. See Appendix A for a list of addresses.

#### 3.9.2 Issuance of a KOCA Letter of TSO Authorization

- 3.9.2.1 The KOCA will forward the Letter of KOCA TSO Authorization to the applicant and notify the FAA Aircraft Certification Office identified in paragraph 3.9.1.2.

#### 3.9.3 Installation Approval

- 3.9.3.1 A KOCA TSOA does not constitute an installation approval for the article on an aircraft. The installer must obtain installation approval from their civil aviation authority for use on an aircraft registered under that authority.

### 3.10 KOCA Environmental Testing and Approval Procedures

#### 3.10.1 General

The KOCA will accept the findings of compliance to KAS Parts 34 and 36 based upon the FAA witnessed tests, conducted in accordance with the FAA-approved test plans, and based upon KOCA review and approval of all data and compliance demonstration reports submitted via the FAA.

#### 3.11 Submission of Electronic Data to the KOCA

For the KOCA, where electronic data is submitted to the FAA, it must be in a format that is compatible with the KOCA's information systems and there must be an arrangement between the U.S. applicant and the FAA for the use, storage, and access to this electronic data in accordance with FAA Order 8000.79, Use of Electronic Technology and Storage of Data. Both the KOCA and the FAA must concur with this arrangement for the submission and storage of electronic data.

### 3.12 Concurrent Design Approval Procedures

- 3.12.1 The FAA and the KOCA may agree to conduct a concurrent design approval process for products within the scope of this agreement. In a concurrent process, the applicant requests validation of the product by the FAA or the KOCA, as validating authority, at the same time as certification by the other partner authority, while any Issue Papers may be efficiently addressed in the design development and compliance demonstration. A common type design should be an objective of a concurrent process. This approach may allow the applicant to address Issue Papers during the demonstration of compliance to the State of Design authority certification basis. A concurrent process can result in a more efficient program, for the applicant and FAA and the KOCA, and is therefore encouraged. However, care must be exercised to ensure that the responsibilities for the State of Design authority are retained.
- 3.12.2 A concurrent certification/validation project provides the best opportunities for collaborative development of both FAA and KOCA use of exceptions to the latest airworthiness standards, special conditions, exemptions, equivalent level of safety findings and acceptable means of compliance. Additionally, it provides for early identification of areas where jointly agreed solutions are not readily available.
- 3.12.3 The FAA and the KOCA will meet early with the applicant to identify their respective applicable standards. The authorities will strive to achieve a common certification basis and acceptable means of compliance to the maximum extent possible. However, the FAA and the KOCA retain responsibility for their respective certification basis.

## SECTION IV    POST DESIGN APPROVAL PROCEDURES

### 4.1 Continued Airworthiness

#### 4.1.1 General

- 4.1.1.1 Under International Civil Aviation Organization (ICAO) Annex 8, the authority for the State of Design is responsible for resolving in-service safety issues related to design or production. The authority for the State of Design will provide applicable information that it has found to be necessary for mandatory modifications, required limitations and/or inspections to the other authority to ensure continued operational safety of the product or article. Each authority will review and normally accept the corrective actions taken by the authority for the State of Design in the issuance of its own mandatory corrective actions.
- 4.1.1.2 At the request of either authority, the authority for the State of Design will assist in determining what action is considered necessary for the continued operational safety of the product or article. The decision as to the final action to be taken with respect to the products or articles under the jurisdiction of the importing State lies solely with its authority.
- 4.1.1.3 The FAA and the KOCA will strive to resolve differences, but the decision as to the final action to be taken with respect to the product or article under the jurisdiction of the importing State lies solely with its authority following consultation with the authority for the State of Design.
- 4.1.1.4 The FAA and the KOCA recognize the importance of the routine sharing of Continued Operational Safety (COS) information as a means to assist in the identification and resolution of emerging airworthiness issues. The FAA and the KOCA will share their COS data with each other to assist in their respective COS oversight.
- 4.1.1.5 The validating authority has the right to seek information from the authority for the State of Design, which includes but is not limited to design data and findings of compliance. Additionally, once the design is validated, the authority for the State of Design will provide any mandatory continued airworthiness information necessary to ensure continued airworthiness of the product registered in the jurisdiction of the importing State.
- 4.1.1.6 The FAA and the KOCA will establish structured processes, including specific focal points, for regular feedback and communicating continued airworthiness issues on products certified by either the FAA or the KOCA and validated by the other. The extent of these processes will be commensurate with the continued airworthiness activities associated with the product.

#### 4.1.2 Malfunctions, Failures, and Defects (MF&D) and Service Difficulty Reports (SDR)

- 4.1.2.1 The FAA and the KOCA agree to perform the following functions for the products and articles for which it is the State of Design:

- (a) Tracking of MF&D reports/SDR and accident/incidents.
- (b) Evaluating MF&D reports/SDR and accident/incidents.
- (c) Investigating and resolving all suspected unsafe conditions.
- (d) Advising the validating authority of all known unsafe conditions and the necessary corrective actions (see paragraph 4.1.3).
- (e) Upon request, providing the validating authority with the following:
  - (1) Reports of MF&D/SDR and accidents/incidents;
  - (2) Status of investigations into MF&D/SDR and accidents/incidents;
  - (3) Copies of final reports reached in its investigation into M&D/SDR; and
  - (4) Copies of final reports reached in its investigation into accidents/incidents in accordance with ICAO Annex 13.
- (f) Making a reasonable effort to resolve issues raised by the validating authority concerning matters of safety for products registered in the importing State.

4.1.2.2 The FAA and the KOCA, as validating authorities, agree to perform the following functions:

- (a) Advising the other authority of MF&D/SDR and accidents/incidents which are believed to be potentially unsafe conditions occurring on the products or articles which are imported from that State.
- (b) Supporting the authority for the State of Design in investigations of unsafe conditions and their occurrences on the imported aircraft.
- (c) Advising the authority for the State of Design, if it has determined that it will make corrective actions mandatory as a result of investigations into MF&D/SDR and accidents/incidents.

4.1.2.3 Copies of U.S. and ROK MF&D/SDR reports can be found at the addresses listed in Appendix A.

#### 4.1.3 Unsafe Condition and Mandatory Continuing Airworthiness Actions

4.1.3.1 The FAA (under 14 CFR part 39) and the KOCA (Paragraph 8 of Article 15 of Aviation Act), agree to perform the following functions for the products, appliances, parts, and design changes for which it is the authority for the State of Design:

- (a) 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 that has an engine, propeller, appliance, or part 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:

- (1) Make, model, and serial numbers of affected aircraft, aircraft engines, propellers, appliances, and parts;
  - (2) Description of the unsafe condition, reasons for the mandatory action, and its impact on the overall aircraft, aircraft engine, or propeller and continued operation;
  - (3) Description of the cause of the unsafe condition;
  - (4) The means by which the unsafe condition was detected and, if resulting from in-service experience, the number of occurrences; and
  - (5) Corrective actions and corresponding compliance times, with a list of the relevant manufacturer's service information including reference number, revision number and date.
- (b) 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:
- (1) The number of aircraft world-wide needing corrective action;
  - (2) A statement on the availability of parts; and
  - (3) An estimate of the number of labor hours and the cost of parts required for the corrective actions.
- (c) Issuing a revised or superseding mandatory continuing airworthiness action whenever the authority for the State of Design finds any previously issued mandatory continuing airworthiness action was incomplete or inadequate to fully correct the unsafe condition.
- (d) Providing timely notification to the validating 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 Appendix A. Additionally, the authority for the State of Design will 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 or the KOCA- Airworthiness Division, as appropriate.
- (e) In the case of emergency airworthiness information, the authority for the State of Design should ensure special handling so that the validating authority is notified immediately.
- (f) Advising and assisting the validating authority in defining the appropriate actions for the validating authority to take in the issuance of its own mandatory continuing airworthiness action.
- (g) Providing sufficient information to the validating authority for its use in making determinations as to the acceptability of alternative means of compliance to mandatory continuing airworthiness actions.
- (h) Maintaining a web-based database of mandatory continuing airworthiness information that can be accessed by the State of Registry.

- 4.1.3.2 The FAA and the KOCA recognize that they may disagree as to the finding of an unsafe condition. In that case, it is expected that the validating authority will normally consult with the authority for the State of Design prior to issuing its own airworthiness directive.
- 4.1.3.3 The FAA and the KOCA, as validating authorities, agree to respond quickly to the issuance of a mandatory continuing airworthiness action by the authority for the State of Design 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 articles certified, approved or otherwise accepted.
- 4.1.3.4 The FAA and the KOCA, as an authority for the State of Design, will share information on any changes that affect operating limitations, life limits, or any other airworthiness limitation, including manual changes and changes to certification maintenance requirements. These changes should be promptly sent to the validating authority in order to ensure the continued operational safety of the aircraft. The FAA and the KOCA will treat a reduced life limit as an unsafe condition and will accordingly issue an Airworthiness Directive (AD). The FAA and the KOCA may also issue an AD for other limitation changes if they are considered an unsafe condition.

## 4.2 Design Change Procedures

### 4.2.1 Procedures for Changes to a TSO Article

- 4.2.1.1 For the KOCA, major changes to a U.S. TSO design will be accepted in accordance with the procedures in paragraph 3.9. For minor changes, the KOCA will not require prior notification and will rely upon the FAA's determination of compliance to the KTSO.
- 4.2.1.2 For the FAA, major changes to a TSO design require re-substantiation of the new design and re-issuance of the Letter of TSO Design Approval, and will be done in accordance with paragraph 3.4. For minor changes, the FAA will not require prior notification and will rely upon the KOCA's determination of compliance to the TSO.

### 4.2.2 Procedures for Changes to a Validated Type Certificate

#### 4.2.2.1 KOCA Procedures for Changes to a ROK Validated Type Certificate

- (a) The KOCA will usually accept post-certification design changes to type validated products without the need for further showing. Significant design changes may require approval under procedures similar to that described in paragraph 3.7, but adjusted as appropriate for the magnitude and complexity of the design change.

#### 4.2.2.2 FAA Procedures for Changes to a U.S. Type Certificate

- (a) Major changes to a type design, sought by the TC holder, may be issued as amendments to the TC issued under the provisions of 14 CFR section 21.29 or otherwise approved by the FAA. A certification procedure similar to that described in paragraph 3.2 will be applied, but adjusted as

appropriate for the magnitude and complexity of the design change. Under the provisions of 14 CFR section 21.101 this may also require a change to the certification basis in the case of the amended TC. 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 KOCA should notify the FAA of each major type design change proposed by the TC holder that would affect:
  - (1) The Aircraft Flight Manual (AFM),
  - (2) The Approved Airworthiness Limitations,
  - (3) The TC Data Sheet,
  - (4) The certification basis (reference 14 CFR section 21.101)
  - (5) The Master Minimum Equipment List,
  - (6) A Certification Maintenance Requirement,
  - (7) The Instructions for Continued Airworthiness, or
  - (8) Any other specific changes identified by the FAA.

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

- (c) The KOCA 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 (aircraft, aircraft engines, and propellers) 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 3.3.
- (e) Minor design changes made by the TC holder will be considered approved by the FAA upon approval by the KOCA under its normal procedures.
- (f) As specified in 14 CFR section 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 section 21.93 (b) and (c).

#### 4.2.3 Procedures for Changes to a Supplemental Type Certificate

4.2.3.1 The FAA and the KOCA agree to follow the procedures in paragraphs 4.2.2.1 and 4.2.2.2 to the extent applicable. Where unique situations may occur, the FAA and KOCA will consult with each other on the specific process to be applied.

#### 4.2.4 Procedures for Changes to a Flight Manual

4.2.4.1 The FAA and the KOCA may request the review and signature of revisions to flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. The authority for the State of Design will review minor revisions on behalf of the validating authority, and will ensure that the data meets the validating authority's requirements. Major revisions must be submitted to the validating authority for review and acceptance before any signature on behalf of the validating authority. For an individual certification project, the authority for the State of Design will consult with the validating authority when it decides which revisions are major and which are minor.

#### 4.2.5 FAA Noise and Emissions Requirements for Changes to a Type Design by Any Person

4.2.5.1 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 section 21.93(b) and (c).

#### 4.2.6 Approval of Design Data Used In Support Of Repairs

##### 4.2.6.1 General

(a) Design data used in support of repairs must be approved or accepted, as appropriate, by the certificating authority in a manner that is acceptable to the validating authority. Design data approved by the certificating authority in accordance with the procedures set forth below is considered to be approved by the validating authority provided it meets the acceptability criteria of the validating authority.

##### 4.2.6.2 FAA and KOCA Repair Data Approval Processes

(a) The FAA will approve design data, used in support of major repairs, in accordance with FAA Order 8110.4, Type Certification Process, 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 with 14 CFR part 43.

- (b) The KOCA will approve design data used in support of repairs in accordance with OD 17-2, Type Certification Process, and OD 19-1, Procedure for Repair and Modification Approval for Aircraft.

4.2.6.3 FAA Acceptance, without Further Investigation, of the Following KOCA-approved Design Data:

KOCA-approved design data used in support of repairs for ROK State of Design products and articles included in the scope of this agreement. KOCA design data approval will be substantiated via OD 17-2 Form 16 or FSR Form 13.

4.2.6.4 KOCA Acceptance, without Further Investigation, of the Following FAA-approved Design Data:

FAA-approved design data (including designee and delegated organizations approved data) used in support of repairs for all products and articles (including PMA parts) included in the scope of this agreement. The FAA design data approval will be substantiated via FAA Form 8110-3, 8100-9 or FAA Form 337 (block 3).

4.2.6.5 Procedures for Acceptance of Design Data in Support of FAA Alterations

KOCA Acceptance of FAA Alteration Data (Field Approvals): FAA approved or accepted alterations per 14 CFR part 43, Maintenance, Preventive Maintenance, Rebuilding, and Alteration, installed on a product exported from the U.S., regardless of the State of Design of the product, may be approved by the KOCA when substantiated via an appropriately executed FAA Form 337 that is accompanied with its supporting data. Block 3 will be completed and the description provided in block 8 should refer to all applicable 14 CFR sections and to the FAA-approved data used to substantiate the airworthiness of the alteration. Types of FAA-approved data are set forth in FAA Order 8900.1 and FAA AC 43-210, Standardized Procedures for Requesting Field Approval of Data, Major Alterations, and Repairs.

## SECTION V    ADMINISTRATION OF DESIGN APPROVALS

### 5.1 General

This section addresses procedures for the transfer, surrender, revocation, suspension, termination, or withdrawal of a design approval.

### 5.2 Transfer of TCs and STCs

The FAA and the KOCA will administer the transfer of TCs/STCs only where an applicant agrees to assume responsibility for both an FAA and a KOCA TC/STC and the affected operating fleet.

#### 5.2.1 Transfer of a U.S. TC/STC to a Person in the ROK

- 5.2.1.1 The KOCA does not normally issue TCs for products not intended to be manufactured in the ROK. However, a situation may arise in which it is practical to consider the transfer of the State of Design responsibilities between the U.S. and the ROK. Early coordination between the U.S. TC holder and the FAA with the proposed TC holder and the KOCA is essential. The FAA will notify the KOCA of the proposed transfer and include information about current production status. The following process describes the steps necessary for transfer of a U.S. TC to a person in the ROK.
- 5.2.1.2 Upon transfer or an agreed-upon date, the KOCA in carrying out State of Design functions will comply with the requirements of ICAO Annex 8, Airworthiness of Aircraft, for affected products. For TCs, the KOCA will notify the FAA and all ICAO Contracting States of the change in State of Design responsibility, upon completion of the procedures described below.
- 5.2.1.3 The FAA will transfer to the KOCA, the ICAO State of Design responsibilities only for (1) TCs for products within the scope of these Implementation Procedures and (2) STCs within the scope of these Implementation Procedures. The KOCA will not assume ICAO State of Design functions for models or design changes that have not been found to meet the KOCA certification requirements.
- 5.2.1.4 Upon notification of a potential transfer by a U.S. TC/STC holder to a person in the ROK, the FAA office that issued the TC/STC will notify the KOCA and establish procedures to transfer the ICAO State of Design functions for the TC/STC to the KOCA. Each transfer will be accomplished on a case-by-case basis through a working arrangement which identifies the FAA and the KOCA's responsibilities in the transfer process and provides for the transfer of appropriate type design data and service difficulty information.
- 5.2.1.5 If a corresponding ROK TC/STC exists for the product or design change, the transfer of ICAO State of Design functions will apply to all models listed on that ROK TC/STC.

- (a) For any FAA-certificated model not listed on the KOCA's TC, the FAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable KOCA certification requirements. This support would include the FAA's statement of compliance that the model meets the KOCA certification requirements. Upon acceptance, the KOCA will place the additional model on the KOCA TC.
- (b) For STCs, if the original KOCA STC does not include a specific FAA-certificated model of the product listed on the U.S. STC, the applicability of the new ROK STC will only include those TCs that have been validated by the KOCA.

5.2.1.6 If the new TC/STC holder applies for a KOCA TC/STC, the FAA will provide support to establish acceptance of the FAA TC/STC as showing compliance to the applicable certification requirements of the KOCA. This would include the FAA's statement of compliance that the product or design change meets the KOCA certification requirements. Upon acceptance, the KOCA will issue the KOCA TC/STC.

5.2.1.7 The transfer of the ICAO State of Design functions for the TC/STC to the KOCA will be considered complete when the KOCA confirms that all necessary data has been transferred to the new holder, and the new holder is able to perform the responsibilities required of a TC/STC holder.

5.2.1.8 The FAA will reissue a TC in the name of the new holder after the KOCA TC issuance.

5.2.1.9 For STC transfers, the FAA will only reissue an STC in the name of the new holder after the KOCA's STC issuance.

5.2.1.10 If the new holder does not have a KOCA TC/STC or if its KOCA TC/STC covers only some models covered by the FAA TC/STC and the new holder does not apply for an additional approval, the FAA will not transfer ICAO State of Design functions for those applicable models to the KOCA. The FAA will continue to carry out ICAO State of Design functions for those models only as long as an undue burden is not placed on the FAA.

## 5.2.2 Transfer of a ROK TC/STC to a Person in the U.S.

5.2.2.1 The FAA does not normally issue TCs for products not intended to be manufactured in the U.S. However, a situation may arise in which it is practical to consider the transfer of the State of Design responsibilities between the ROK and the U.S. Early coordination between the ROK TC holder and the KOCA with the proposed TC holder and the FAA is essential. The KOCA will notify the FAA of the proposed transfer and include information about current production status. All information related to the transfer of a ROK TC/STC to a person in the U.S., including technical documentation, will be in the English language. Each authority will ensure that any translated documents have the same legal interpretation as the original documents. The following process describes the steps necessary for transfer of a ROK TC to a person in the U.S.

- 5.2.2.2 Upon transfer or an agreed-upon date, FAA will carry out the requirements of ICAO Annex 8 , Airworthiness of Aircraft, for affected aircraft. For TCs, the FAA will notify the KOCA and all ICAO contracting states of the change in State of Design responsibility, upon completion of the procedures described below.
- 5.2.2.3 The KOCA will transfer to the FAA the ICAO State of Design responsibilities only for (1) TCs for products within the scope of these Implementation Procedures, and (2) STCs within the scope of these Implementation Procedures. The FAA will not assume ICAO State of Design functions for models or design changes that have not been found to meet the FAA certification requirements.
- 5.2.2.4 Upon notification of a potential transfer by a ROK TC/STC holder to a person in the U.S., the KOCA will notify the FAA office responsible for the new holder and establish procedures to transfer the ICAO State of Design functions for the TC/STC to the FAA. Each transfer will be accomplished on a case-by-case basis through a working arrangement which identifies the KOCA's and the FAA's responsibilities in the transfer process and provides for the transfer of appropriate type design data and service difficulty information.
- 5.2.2.5 If a corresponding U.S. TC/STC exists for the product or design change, the transfer of ICAO State of Design functions will apply to all models listed on the U.S. TC/STC.
- (a) For any KOCA-certificated model not previously listed on the FAA TC, the KOCA 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 KOCA's statement of compliance that the model meets U.S. certification requirements. Upon acceptance, the FAA will place the additional model on the FAA TC.
  - (b) For STCs, if the FAA's original STC does not include a specific KOCA-certificated model of the product listed on the ROK STC, the applicability of the new U.S. STC will only include those TCs that have been validated by the FAA.
- 5.2.2.6 If the new TC/STC holder applies for an FAA TC/STC, the KOCA will provide support to establish acceptance of the KOCA TC/STC as showing compliance to the applicable certification requirements of the FAA. This would include the KOCA's statement of compliance that the product or design change meets the FAA's certification requirements. Upon acceptance, the FAA will issue the FAA TC/STC.
- 5.2.2.7 The transfer of the ICAO State of Design functions 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 TC/STC holder.
- 5.2.2.8 The KOCA will reissue a TC in the name of the new holder after the FAA TC issuance.

- 5.2.2.9 For STC transfers, the KOCA will only reissue an STC in the name of the new holder after FAA's STC issuance.
- 5.2.2.10 If the new holder does not have an FAA TC/STC or if its FAA TC/STC covers only some models covered by the KOCA TC/STC and the new holder does not apply for an additional approval, the KOCA will not transfer ICAO State of Design functions for those applicable models to the FAA. The KOCA will continue to carry out ICAO State of Design functions for those models only as long as an undue burden is not placed on the KOCA.

### 5.3 Transfer of TCs and STCs within the U.S. or the ROK

#### 5.3.1 Transfer of a U.S. TC/STC within the ROK

- 5.3.1.1 The KOCA will notify the FAA when a KOCA TC/STC validated by the FAA will be transferred from one person in the ROK to another person within the ROK.
- 5.3.1.2 The FAA will transfer its TC only when the FAA has been satisfied that the applicant is able to undertake the responsibilities in 14 CFR part 21 and that the KOCA TC has been transferred to the same applicant. The FAA may request the KOCA to provide technical assistance in making the determination that the new ROK TC holder will be able to execute the responsibilities of 14 CFR part 21.
- 5.3.1.3 The FAA will reissue a TC/STC in the name of the new holder after the KOCA TC/STC issuance.

#### 5.3.2 Transfer of a ROK TC/STC within the U.S.

- 5.3.2.1 The FAA will notify the KOCA of a transfer of a FAA TC/STC held by a person in the U.S. to another person in the U.S.
- 5.3.2.2 The KOCA will transfer the TC only when the KOCA has been satisfied that the applicant is able to undertake the responsibilities in KAS Part 21 and that the FAA TC has been transferred to the same applicant. The KOCA may request the FAA to provide technical assistance in making the determination that the new U.S. TC holder will be able to execute the responsibilities of KAS Part 21.
- 5.3.2.3 The KOCA will reissue a TCV/STCV in the name of the new holder after the FAA TC/STC issuance.

### 5.4 Surrender of Type Certificate or Supplemental Type Certificate

- 5.4.1 If a certificate holder elects to surrender a TC or STC issued by the FAA, the FAA will immediately notify the KOCA in writing of the action at the address given in Appendix A. The FAA, as State of Design, will accomplish all actions necessary to ensure continued airworthiness of the product until such time as:
  - (a) The TC or STC is reissued to a new holder when that new holder demonstrates competence to fulfill the necessary obligations; or
  - (b) The FAA terminates the TC or STC. Prior to termination, the FAA will notify the KOCA of the pending cancellation.

5.4.2 The KOCA does not allow a certificate holder to surrender a TC or STC for which the KOCA is the authority of the State Design.

## 5.5 Revocation or Suspension of Type Certificate or Supplemental Type Certificate

5.5.1 In the event the KOCA revokes or suspends a TC or STC of a product for which the KOCA is the authority for the State of Design, it should immediately inform the FAA product-responsible Directorate in writing. The FAA, upon notification, will conduct an investigation to determine if action is required in the U.S. If the revocation or suspension was “for cause” and the FAA concurs with the KOCA’s certificate action, the FAA will initiate revocation or suspension of the U.S. TC or STC. The KOCA will retain responsibility for assisting the FAA with design related issues concerning the continued operational safety of any orphaned aircraft. 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.

5.5.2 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 KOCA in writing. The KOCA, upon notification, will revoke the type acceptance certificate. As U.S. STCs are considered acceptable technical data and not issued a ROK STC, the KOCA will notify all potentially affected ROK operators. The FAA will retain responsibility for assisting the KOCA with design related issues concerning the continued operational safety of any orphaned aircraft. Final certificate action is at the sole discretion of the KOCA. The KOCA may revoke the ROK TCV or an STCV if the continued airworthiness responsibilities would cause an undue burden for the KOCA. The KOCA will advise potentially affected operators of the change in acceptability.

## 5.6 Surrender or Withdrawal of a TSO Design Approval

### 5.6.1 Surrenders

If an FAA TSOA or a KOCA TSOA holder elects to surrender their TSO approval, the FAA or the KOCA will immediately notify the other in writing of the action. The authority for the State of Design will accomplish all actions necessary to ensure continued airworthiness of the article, until such time as the TSO approval is formally withdrawn.

### 5.6.2 Withdrawals

If a TSO approval is withdrawn, the FAA or the KOCA, as authorities for the State of Design, will immediately notify the other in writing of the action. The authority for the State of Design will accomplish all actions necessary to ensure continued airworthiness of the article produced under its TSO approval. In the event of withdrawal of a TSO approval, the authority for the State of Design will investigate all noncompliances and nonconformities for corrective action and notify the validating authority of the corrective action. The authority for the State of Design still has the responsibility for the continued airworthiness of those TSO articles manufactured under its authority.

## SECTION VI PRODUCTION AND SURVEILLANCE ACTIVITIES

### 6.1 Production Quality System

6.1.1 All products and articles exported to the U.S. or the ROK under the provisions of these Implementation Procedures will be produced in accordance with an approved production quality system which ensures conformity to the approved design of the authority for the importing State and ensures that completed products and articles are in a condition for safe operation. This production quality system covers the manufacture of products and articles within and outside of the State of export. When these production activities occur outside of the State of export, the associated products or articles will be considered as being manufactured in the exporting State.

### 6.2 Surveillance of Production Approval Holders

6.2.1 The FAA and the KOCA, as authorities for the State of Manufacture, will conduct regulatory surveillance of production approval holders and their suppliers in accordance with each 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 and articles that fully conform to the approved design, and are in a condition for safe operation. The authority for the State of Manufacture should verify the correction of all deficiencies.

6.2.2 Production approval holder and supplier surveillance programs by the FAA are described in FAA Order 8120.23, Certificate Management of Production Approval Holders.

6.2.3 The KOCA's production approval holder and supplier surveillance programs are described in KOCA Order OD 17.3-1, Procedures for Production Certification and Approval.

### 6.3 Extensions of Production Approvals

6.3.1 As the authority for the State of Manufacture, the FAA and the KOCA may authorize production approval extensions. This includes manufacturing sites and facilities in each other's countries or in a third State. The authority for the State of Manufacture remains fully responsible for the surveillance and oversight of these manufacturing sites and facilities.

6.3.2 The FAA is responsible for surveillance and oversight of U.S. production approval holders with an extension facility located in the ROK. Routine surveillance and oversight may be performed by the KOCA on behalf of the FAA through the provisions of Section VIII. The KOCA is responsible for surveillance and oversight of KOCA production approval holders located with an extension facility in the U.S. Routine surveillance and oversight may be performed by the FAA on behalf of the KOCA through the provisions of Section VIII.

6.3.3 The FAA or the KOCA may seek assistance from the civil aviation authority of a third State in the undertaking of FAA or KOCA regulatory surveillance and oversight functions when a production extension approval has been authorized in

that third State. This should be done only when an arrangement for technical assistance has been formalized between the FAA or the KOCA and the civil aviation authority of the third State.

#### 6.4 Production Approvals Based on Licensing Agreement

- 6.4.1 The FAA and the KOCA recognize that some business relationships may result in the licensing of data for products or articles designed under one authority's approval and manufactured under the other authority's approval. In such cases, the FAA and the KOCA will work together to develop an arrangement defining their regulatory responsibilities to ensure accountability under ICAO Annex 8. Such special arrangements will address the continued airworthiness responsibilities of the State of Design and the State of Manufacture and will be documented in accordance with Section IX of these Implementation Procedures.
- 6.4.2 For products, either the FAA or the KOCA can grant a production approval in its respective country based on design data obtained through a licensing agreement (i.e., licensing the rights to use the design data) with the design approval holder in the other country. In this case, the authority granting that production approval will ensure the establishment of 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 production approval holder are approved. These design changes will be submitted to the type design holder who will obtain approval from its authority using normal procedures. These production approvals based on a licensing agreement will be addressed on a case-by-case basis under the Special Arrangements provision of Section IX of these Implementation Procedures.
- 6.4.3 For parts, either the FAA or the KOCA may grant a production approval in its respective country based on design data obtained through a licensing agreement (i.e., licensing the rights to use the design data) with the Type Certificate holder in the other country. In this case, the authority granting production approval must have validated the Type Certificate, and will ensure the establishment of 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 production approval holder are approved. These design changes will be submitted to the Type Certificate holder who will obtain approval from its authority using normal procedures.

## 6.5 Supplier Surveillance – Outside the Exporting Country

- 6.5.1 The authority for the State of Manufacture will include in its regulatory surveillance and oversight programs a means of surveilling persons/suppliers, located outside the exporting State. This surveillance and oversight will be equivalent to the program for domestic suppliers. This surveillance activity will assist the authorities in determining conformity to approved design and whether parts are safe for installation on type certificated products.
- 6.5.2 The FAA is responsible for surveillance and oversight of U.S. production approval holders' suppliers located in the ROK. Routine surveillance and oversight may be performed by the KOCA on behalf of the FAA through the provisions of Section VIII. The KOCA is responsible for surveillance and oversight of KOCA production approval holders' suppliers located in the U.S. Routine surveillance and oversight may be performed by the FAA on behalf of the KOCA through the provisions of Section VIII.
- 6.5.3 The FAA or the KOCA may seek assistance from the civil aviation authority for a third State at the supplier's location in the undertaking of FAA or KOCA regulatory surveillance and oversight functions at suppliers to production approval holders of the exporting State. This should only be done when an arrangement for technical assistance has been formalized between the FAA or the KOCA and the civil aviation authority of the third State.
- 6.5.4 The production approval holder may not use a supplier in a State where the authority of the production approval holder is denied unimpeded access, by either the supplier or the supplier's civil aviation authority, to the supplier's facility to perform surveillance activities. The production approval holder also may not use a supplier located in a State if that State denies entry to the authority of the production approval holder.

## 6.6 Multi-National Consortium

- 6.6.1 Multi-national consortia may be issued approvals for the design and production of products and/or articles in either the U.S. or the ROK. These consortia clearly define one State of Design and one State of Manufacturer, for the purposes of regulatory accountability. There may be, however, suppliers to the approval holder(s) that are located both domestically and in other countries that produce parts for use in the final product to be exported.
- 6.6.2 The FAA and the KOCA will continue to conduct regulatory surveillance and oversight of the domestic design and production approval holder and should emphasize surveillance and oversight of priority parts suppliers. Each authority will use its regulatory surveillance and oversight programs that best enable it to ensure that consortia suppliers are producing parts that conform to the approved design and are in a condition for safe operation.

## SECTION VII EXPORT AIRWORTHINESS APPROVAL PROCEDURES

### 7.1 General

Export Certificates of Airworthiness are issued by the FAA and the KOCA for completed aircraft. Authorized Release Certificates (airworthiness approval tags) are issued by the FAA and the KOCA for aircraft engines, propellers, and articles.

### 7.2 FAA Acceptance of KOCA Export Certificates of Airworthiness and Airworthiness Approval Tags (Authorized Release Certificates)

7.2.1 The FAA's requirements and procedures for import are described in 14 CFR part 21, FAA Order 8130.2, and Advisory Circular (AC) 21-23.

7.2.2 The KOCA's processes for issuing export certificates are described in Article 26-3, 26-4, and 26-5 of AAIR, KOCA OD 15.2-1, Procedures for Airworthiness Approval of the Aeronautical Product; and KOCA ND 15-3, Standards for Completion and Use of Airworthiness Approval Tags.

#### 7.2.3 New Aircraft Exported to the U.S. for which an FAA Design Approval Has Been Granted

7.2.3.1 Except as provided in paragraph 7.2.9, the FAA will accept a KOCA Export Certificate of Airworthiness (AAIR Form 9) on new aircraft identified in paragraph 2.3.1.1, only when the KOCA certifies that each aircraft:

- (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 ADs, as notified; and
- (3) Is marked in accordance with paragraph 7.3 of these Implementation Procedures; and
- (4) Meets all additional requirements prescribed by the FAA, as notified by the FAA.

7.2.3.2 Each airplane exported to the U.S. with KOCA airworthiness approval will have a AAIR Form 9, Export Certificate of Airworthiness. The AAIR Form 9 should contain the following statement: "The [INSERT AIRPLANE MODEL] covered by this certificate conforms to the type design approved under U.S. Type Certificate Number [INSERT TC NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation," and any other "import requirements" text as specified in the U.S. TCDS.

#### 7.2.4 Used Aircraft Exported to the U.S. for which an FAA Design Approval Has Been Granted

##### 7.2.4.1 Acceptance of Used Aircraft of ROK State of Design

- (a) The FAA will accept KOCA Export Certificates of Airworthiness on used aircraft from the ROK, as identified in paragraph 2.3.1.1(a) for which the ROK is the State of Design, for import into the U.S., only if a TC holder exists to support continued airworthiness of such aircraft and the KOCA certifies that each used aircraft:
  - (1) Conforms to the type design approved by the FAA, as specified in the FAA's TCDS, and any additional STCs approved by the FAA, as notified to the KOCA;
  - (2) Is in a condition for safe operation, including compliance with all applicable FAA ADs, as notified;
  - (3) Is marked in accordance with paragraph 7.3 of these Implementation Procedures;
  - (4) Is properly maintained using approved procedures and methods (evidenced by logbooks and maintenance records); and
  - (5) Meets all additional requirements prescribed by the FAA, as notified by the FAA.
- (b) The FAA may also request inspection and maintenance records that include, but are not limited to:
  - (1) The original or certified true copy of the Export Certificate of Airworthiness issued by the KOCA;
  - (2) Records which verify that all overhauls, major changes, and repairs were accomplished in accordance with approved data; and
  - (3) 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.
- (c) When a used aircraft produced in the ROK is to be imported into the U.S. from a third country the KOCA will, upon request, assist the FAA in obtaining information regarding the configuration of the aircraft at the time it left the manufacturer. The KOCA will also provide, upon request, information regarding subsequent installations on the aircraft that have been approved by the KOCA.
- (d) If a used civil aircraft produced in the ROK has been used in military service at any time, the KOCA will consult with the FAA to determine if the FAA will accept such an aircraft.

7.2.4.2 Acceptance of Used U.S. Aircraft Being Exported (Returned) to the U.S. when the U.S. is the State of Design

- (a) The FAA will accept KOCA Export Certificate of Airworthiness on a used aircraft being exported (returned) to the U.S., when the U.S. is the State of Design for that aircraft, when the conditions of paragraphs 7.2.4.1(a) and (b) have been met.
- (b) If the KOCA is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the FAA accordingly.

7.2.4.3 Acceptance of Used Aircraft for which a Third Country is the State of Design.

The FAA will accept the KOCA Export Certificate of Airworthiness for used aircraft manufactured in a third country or in the ROK when that third country has a bilateral agreement/arrangement with both the U.S. and the ROK covering the same class of product, and the conditions of paragraph 7.2.4.1(a) (1) through (5) have been met. If the KOCA is not in a position to assess whether or not the used aircraft satisfies the above conditions, it will inform the FAA accordingly.

7.2.5 Aircraft Engines and Propellers Exported to the U.S.

[Reserved]

7.2.6 New TSO Articles Exported to the U.S.

7.2.6.1 The FAA will accept KOCA Authorized Release Certificates on new TSO articles, as identified in Section II, only when the KOCA certifies, by the issuance of AAIR Form 10 that each TSO article:

- (1) Conforms to the design approved by the FAA, as specified in the FAA Letter of TSO Design Approval;
- (2) Complies with applicable FAA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.3 of these Implementation Procedures; and
- (4) Meets all additional requirements prescribed by the FAA, as notified by FAA.

## 7.2.7 New Modification and Replacement Parts Exported to the U.S.

7.2.7.1 Each new part exported to the U.S. with a KOCA Airworthiness Approval Tag will have AAIR Form 10. The FAA will accept these KOCA Airworthiness Approval Tags on new modification and/or replacement parts as identified in paragraph 2.3.2.2(b) only when the KOCA certifies, by issuance of AAIR Form 10 that each part:

- (1) Is eligible for installation in a product or article identified in Section II that 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 7.3 of these Implementation Procedures; and
- (4) Meets all additional requirements prescribed by the FAA, as notified by the FAA.

7.2.7.2 When parts are shipped under direct ship authorizations extended to approved suppliers, the accompanying AAIR Form 10 must indicate that the production approval holder has authorized direct shipment. This indication may be a supplemental "remark" entry on the AAIR Form 10 indicating the authorization to the supplier for direct shipment of parts from the supplier's location.

7.2.7.3 FAA acceptance of KOCA PMA parts: [Reserved]

## 7.2.8 Standard Parts Exported to the U.S.

[Reserved]

## 7.2.9 Coordination of Exceptions on an Export Certificate of Airworthiness

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

#### 7.2.10 Coordination of Exceptions on an Airworthiness Approval Tag (Authorized Release Certificate)

The KOCA will notify the FAA's geographic-responsible Manufacturing Inspection Office (MIO) prior to the issuance of an Airworthiness Approval Tag, AAIR Form 10 for a TSO article or part in which a non-compliance to the FAA approved design is to be noted in the "Remarks" block of the AAIR Form 10. This notification should help resolve issues regarding the article or part's installation eligibility. This notification should be sent to the geographic responsible MIO. Addresses for all FAA MIOs are listed in Appendix A. In all cases, a written acceptance from the FAA is required before the issuance of an AAIR Form 10. A copy of this written acceptance will be included with the export documentation.

### 7.3 Additional U.S. Requirements for Imported Products

The following identifies those additional requirements which must be complied with as a condition of acceptance for products and articles imported into the U.S., or for use on a U.S. registered aircraft.

#### 7.3.1 Identification and Marking

- 7.3.1.1 Aircraft must be identified as required by 14 CFR section 45.11.
- 7.3.1.2 Aircraft engines, and propellers [Reserved]
- 7.3.1.3 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 section 45.15.
- 7.3.1.4 Each article of a design approved by an FAA Letter of TSO Design Approval must be marked in accordance with the requirements in 14 CFR section 45.15, and all additional marking requirements specified in the particular TSO.
- 7.3.1.5 Each replacement or modification article must be marked with the part number, serial number if applicable, and a manufacturer's name, trademark, or symbol. Information related to the manufacturer's name of the type certificated product on which the article is eligible for installation must be provided. If the article is too small or it is otherwise impractical to mark an article with this information, a tag attached to the article, or a readily available manual or catalogue, may contain this information.
- 7.3.1.6 For parts produced to U.S. STC design data, the part must be accompanied with information that identifies the applicable U.S. STC. This information may be included on the appropriate airworthiness approval document. If the part is too small or it is otherwise impractical to mark a part with this information, a tag attached to the part, or a readily available manual or catalogue, may contain this information.

#### 7.3.2 Instructions for Continued Airworthiness

Instructions for continued airworthiness and maintenance manuals having airworthiness limitation sections must be provided by the certificate holder as prescribed in 14 CFR section 21.50.

### 7.3.3 Aircraft Flight Manual, Operating Placards and Markings, Weight and Balance Report, and Equipment List

Each aircraft must be accompanied by an approved Aircraft Flight Manual (AFM), including all applicable supplements. The aircraft must also have the appropriate operating placards and markings, a current weight and balance report, and a list of installed equipment.

### 7.3.4 Logbooks and Maintenance Records

Each aircraft (including the aircraft engine, propeller, or appliance) must be accompanied by logbooks and maintenance records equivalent to those specified in 14 CFR section 91.417. The maintenance records must also show, that for a used aircraft, the aircraft has had a 100-hour inspection, or equivalent, as specified in 14 CFR section 21.183(d).

## 7.4 KOCA Acceptance of FAA Export Certificates of Airworthiness and Authorized Release Certificates

7.4.1 The KOCA's requirements and procedures for import are described in AAIR Chapter 2 and KAS Part 21.

7.4.2 The FAA's process for issuing export certificates is described in 14 CFR part 21 and FAA Order 8130.2, FAA Order 8130.21, and FAA AC 21-2.

### 7.4.3 New Aircraft Exported to the ROK

7.4.3.1 Except as provided in paragraph 7.4.9 the KOCA will accept FAA Export Certificates of Airworthiness (FAA Form 8130-4) on new aircraft identified in paragraph 2.2.1.1, only when the FAA certifies that each aircraft:

- (1) Conforms to a type design approved by the KOCA, as specified in the KOCA's TCDS, and any additional STCs accepted by the KOCA;
- (2) Is in a condition for safe operation, including compliance with applicable KOCA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.5 of these Implementation Procedures; and
- (4) Meets all additional requirements prescribed by the KOCA, as notified by the KOCA;

7.4.3.2 Each aircraft exported to the ROK with FAA airworthiness approval will have an FAA Form 8130-4, Export Certificate of Airworthiness. The FAA Form 8130-4 should contain information equivalent to the following statement: "The [INSERT AIRCRAFT MODEL] covered by this certificate conforms to the type design approved under ROK Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER, REVISION LEVEL, AND DATE], and is found to be in a condition for safe operation," and any other "import requirements" text as specified in the ROK TCDS.

### 7.4.4 Used Aircraft Exported to the ROK for which a KOCA Design Approval Has Been Granted

#### 7.4.4.1 Acceptance of Used Aircraft of U.S. State of Design

- (a) The KOCA will accept FAA's Export Certificates of Airworthiness on used aircraft from the U.S., as identified in paragraph 2.2.1.1(a) for which the U.S. is the State of Design, for import into the ROK, only if a TC holder exists to support continued airworthiness of such aircraft and the FAA certifies that each used aircraft:
  - (1) Conforms to a type design accepted by the KOCA, as specified in the KOCA's TCDS, and any additional STCs accepted by the KOCA, as notified to the FAA;
  - (2) Is in a condition for safe operation, including compliance with all applicable KOCA ADs, as notified;
  - (3) Is marked in accordance with paragraph 7.5 of these Implementation Procedures;
  - (4) Is properly maintained using approved procedures and methods (evidenced by logbooks and maintenance records); and
  - (5) Meets all additional requirements prescribed by the KOCA, as notified by the KOCA.
- (b) The KOCA may also request inspection and maintenance records which include, but are not limited to:
  - (1) The original or certified true copy of the Export Certificate of Airworthiness issued by the civil aviation authority of the State of Manufacture;
  - (2) Records which ensure that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and
  - (3) 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.
- (c) When a used aircraft produced in the U.S. is to be imported into the ROK from a third country the FAA will, upon request, assist the KOCA in obtaining information regarding the configuration of the aircraft at the time it left the manufacturer. The FAA will also provide, upon request, information regarding subsequent installations on the aircraft that have been approved by the FAA.
- (d) If a used civil aircraft produced in the U.S. has been used in military service at any time, the FAA will consult with the KOCA to determine if the KOCA will accept such an aircraft.

7.4.4.2 Acceptance of Used ROK Aircraft Being Exported (Returned) to the ROK when the ROK is the State of Design

- (a) The KOCA will accept FAA Export Certificate of Airworthiness on used aircraft being exported (returned) to the ROK, when the ROK is the State of Design for that aircraft and when the conditions of paragraph 7.4.4.1(a) and (b) have been met.

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

#### 7.4.4.3 Acceptance of Used Aircraft for which a Third Country is the State of Design.

The KOCA will also accept the FAA's Export Certificate of Airworthiness for used aircraft manufactured in a third country or in the U.S. when that third country has a bilateral agreement/arrangement with both the FAA and the KOCA covering the same class of product, and the conditions of paragraph 7.4.4.1(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 KOCA accordingly.

#### 7.4.5 New Propellers and Engines Exported to the ROK

7.4.5.1 The KOCA will accept FAA Authorized Release Certificates on new propellers and engines, as identified in Section II, only when the FAA certifies that each aircraft propeller or engine:

- (1) Conforms to a type design accepted by the KOCA, as specified in the KOCA's TCDS, and any additional STCs accepted by the KOCA;
- (2) Is in a condition for safe operation, including compliance with applicable KOCA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.5 of these Implementation Procedures;
- (4) Meets all additional requirements prescribed by the KOCA, as notified by the KOCA;
- (5) Has undergone a final operational check;

7.4.5.2 Each aircraft engine or propeller exported to the ROK with FAA airworthiness approval will have an FAA Form 8130-3, Authorized Release Certificate. The Authorized Release Certificate should contain information equivalent to the following statement: "The [INSERT ENGINE OR PROPELLER] covered by this certificate conforms to the type design approved under ROK Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER, REVISION LEVEL, AND DATE], is found to be in a condition for safe operation and has undergone a final operational check," and any other "import requirements" text as specified in the ROK TCDS.

#### 7.4.6 New TSO Articles Exported to the ROK

7.4.6.1 The KOCA will accept FAA Authorized Release Certificates on new TSO articles, as identified in Section II, only when the FAA certifies, by the issuance of an FAA Form 8130-3, that each TSO article:

- (1) Conforms to the design accepted by the KOCA, as specified in the KOCA Letter of TSO Design Approval;
- (2) Complies with applicable KOCA ADs, as notified;
- (3) Is marked in accordance with paragraph 7.5 of these Implementation Procedures; and
- (4) Meets all additional requirements prescribed by the KOCA, as notified by KOCA.

#### 7.4.7 New Modification and Replacement Parts Exported to the ROK

7.4.7.1 Each part exported to the ROK with an FAA airworthiness approval will have an FAA Form 8130-3. The KOCA will accept an FAA Form 8130-3 on new modification and/or replacement parts, as identified in paragraph 2.2.2.2(b), when the FAA certifies, by issuance of an FAA Form 8130-3, that each part:

- (1) Is eligible for installation in a product or article that has been issued a KOCA design approval or in an article which has been granted an FAA design approval;
- (2) Conforms to FAA-approved design data accepted or approved by the KOCA and is; safe for installation.
- (3) Is marked in accordance with paragraph 7.5 of these Implementation Procedures; and
- (4) Meets all additional requirements prescribed by the KOCA, as notified by the KOCA.

7.4.7.2 When parts are shipped under direct ship authorizations extended to approved suppliers, the accompanying FAA Form 8130-3 must indicate that the production approval holder has authorized direct shipment. This indication may be a supplemental “remark” entry on the FAA Form 8130-3 indicating the authorization to the supplier for direct shipment of parts from the supplier’s location.

#### 7.4.8 Standard Parts Exported to the ROK

The KOCA will accept new standard parts (reference paragraph 2.2.3) exported from the U.S. when accompanied with an FAA Form 8130-3, if the standard part is eligible for an FAA 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 ROK or U.S. industry or government specification.

#### 7.4.9 Coordination of Exceptions on an Export Certificate of Airworthiness

The FAA will notify the KOCA prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the KOCA approved type design is to be noted under the “Exceptions” section of the Export Certificate of Airworthiness. This notification should help to resolve all issues concerning the aircraft’s eligibility for an airworthiness certificate. This notification should be sent to the

Airworthiness Division of KOCA. Addresses for all KOCA offices are listed in Appendix A. In all cases, a written acceptance from the KOCA is required before the issuance of the FAA Export Certificate of Airworthiness. A copy of this written acceptance will be included with the export documentation.

#### 7.4.10 Coordination of Exceptions on an Authorized Release Certificate

The FAA will notify the Airworthiness Division of KOCA prior to the issuance of an Authorized Release Certificate, FAA Form 8130-3 for an engine, propeller, TSO article or part in which a non-compliance to the KOCA approved design is to be noted in the “Remarks” block of the FAA Form 8130-3. This notification should help resolve all issues regarding the installation eligibility engine, propeller, article, or part. This notification should be sent to the Airworthiness Division of KOCA. Addresses for all KOCA offices are listed in Appendix A. In all cases, a written acceptance from the KOCA is required before the issuance of an FAA Form 8130-3. A copy of this written acceptance will be included with the export documentation.

### 7.5 Additional ROK Requirements for Imported Products

The following identifies those additional requirements which must be complied with as a condition of acceptance for products and articles imported into the ROK, or for use on a ROK registered aircraft.

#### 7.5.1 Identification and Marking

- 7.5.1.1 Aircraft, aircraft engines, and propellers must be identified as required in KAS Part 45.11.
- 7.5.1.2 Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in a manner outlined in KAS Part 45.15.
- 7.5.1.3 Each article approved by a KOCA Letter of TSO Design Approval must be marked in accordance with the requirements in KAS Part 45.15, and all additional marking requirements specified in the particular TSO.
- 7.5.1.4 Each replacement or modification part must be marked with the part number, serial number if applicable, and a manufacturer’s name, trademark, or symbol. Information related to the manufacturer’s name and model designation of the type certificated product on which the part is eligible for installation must be provided. If the part is too small or it is otherwise impractical to mark a part with this information, a tag attached to the part, or a readily available manual or catalogue, may contain this information.

#### 7.5.2 Instructions for Continued Airworthiness

Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness and manufacturer’s maintenance manuals having airworthiness limitation sections, as prescribed in the airworthiness standards under which the product was type certificated.

7.5.3 Aircraft Flight Manual, Operating Placards and Markings, Weight and Balance Report, and Equipment List

Each aircraft must be accompanied by an approved Aircraft Flight Manual, including all applicable supplements. The aircraft must also have the appropriate operating placards and markings, a current weight and balance report, and a list of installed equipment.

7.5.4 Maintenance Records

Maintenance records equivalent to those specified in FSR Section 8.1.6.7 must accompany each aircraft, including the aircraft engine, propeller, or appliance. The maintenance records must also show, that for a used aircraft, the aircraft has had a 100-hour inspection, or equivalent, as specified in KAS Part 21.183.

## SECTION VIII TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

### 8.1 General

- 8.1.1 Upon request and after mutual agreement, and as resources permit, the FAA and the KOCA may provide technical assistance to each other within the scope of this agreement or as otherwise requested when significant activities are conducted in either the U.S. or the ROK.
- 8.1.2 Every effort should be made to have these certification tasks performed locally on each other's behalf. These technical assistance activities will help with regulatory surveillance and oversight functions at locations outside of the requesting authority's country. These supporting technical assistance activities do not relieve the authority of the responsibilities for regulatory control; environmental certification and airworthiness approval of products and articles manufactured at facilities located outside of the requesting authority's country.
- 8.1.3 The FAA and the KOCA will use their own policies and procedures when providing such technical assistance to the other, unless other special arrangements are agreed upon. Types of assistance may include, but are not limited to, the following:
- (a) Certification Support
    - (1) Approving test plans;
    - (2) Witnessing tests;
    - (3) Performing conformity inspections;
    - (4) Reviewing reports;
    - (5) Obtaining data;
    - (6) Verifying/determining compliance;
    - (7) Monitoring the activities and functions of designees or approved organizations; and
    - (8) Conducting investigations of service difficulties.
  - (b) Production and Surveillance Support
    - (1) Conformity inspections;
    - (2) Monitoring the controls of special processes;
    - (3) Witnessing the first article inspection of parts;
    - (4) Conducting sample inspections on production parts;
    - (5) Monitoring the activities and functions of designees or approved organizations; and
    - (6) Evaluating or conducting surveillance of production quality systems.

- (c) Airworthiness Certification Support
  - (1) Determining the original export configuration of a used aircraft.
- (d) Continued Airworthiness Support
  - (1) Conducting investigations of service difficulties.
- (e) Technical Training
  - (1) Any additional assistance needed to support the technical implementation of this agreement.

## 8.2 Witnessing of Tests During Design Approval

- 8.2.1 The FAA and the KOCA may request assistance in the witnessing of tests from the other airworthiness authority.
- 8.2.2 Only authority-to-authority requests are permissible and neither the FAA nor the KOCA will respond to a test witnessing request made directly from the manufacturer or supplier. Witnessing of tests will be conducted only after consultations and agreement between FAA/KOCA on the specific work to be performed. A written request for witnessing of tests will be provided.
- 8.2.3 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.
- 8.2.4 Test witnessing activities may require the development of a working arrangement based on the complexity and frequency of the requested certifications. At the discretion of the authority receiving such requests, these activities may be delegated to authorized designees or approved organizations.
- 8.2.5 Where there is no working arrangement, requests for witnessing of individual 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 FAA or the KOCA, as appropriate, at least two weeks prior to each scheduled test.
- 8.2.6 KOCA requests for witnessing of tests should be sent in writing to the appropriate FAA Aircraft/Engine Certification Office. For tests associated with a current KOCA validation of a FAA design approval, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For tests associated with a ROK certification program only, the requests should be sent to the FAA Aircraft Certification Office that has geographic responsibility for where the tests will take place. FAA Offices are listed in Appendix A. The FAA requests for witnessing of tests will be sent in writing to the KOCA Airworthiness Division at the address listed in Appendix A.
- 8.2.7 Upon completion of test witnessing on behalf of the requesting authority, the FAA or the KOCA 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.

### 8.3 Compliance Determinations

- 8.3.1 The FAA or the KOCA may also request that specific compliance determinations be made, associated with the witnessing of tests or other activities. Such statements of compliance will be made to the airworthiness or environmental standards of the requesting authority.
- 8.3.2 The FAA's or the KOCA's statements of compliance will be sent in a formal letter, transmitted electronically, to the requesting FAA Aircraft Certification Office (ACO) or KOCA office.

### 8.4 Conformity Certifications during Design Approvals

- 8.4.1 The civil aviation authority of the State in which a design approval applicant is located may request conformity certifications from the civil aviation authority in the State in which the design approval applicant's supplier is located for prototype parts produced by that supplier.
- 8.4.2 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 civil aviation authorities on the specific work to be performed, and agreement has been obtained from the civil aviation authority in the State in which the supplier is located. Requests for conformity certifications should be limited to prototype parts that are of such complexity that they cannot be inspected by the manufacturer or its civil aviation authority after assembly or 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.
- 8.4.3 KOCA requests for conformity certifications will be sent to the FAA Directorate Manufacturing Inspection Office which has geographic responsibility for the U.S. region in which the conformity certification will take place. FAA Offices are listed in Appendix A. KOCA requests will be sent on a completed KOCA OD 17-1 Form 15, Request for Conformity. FAA requests for conformity certifications will be sent on a completed FAA Form 8120-10, Request for Conformity, to the KOCA address listed in Appendix A.
- 8.4.4 Upon completion of all conformity inspections conducted on behalf of the requesting authority, the FAA or the KOCA will complete and return all documentation to the requesting authority, as notified. The civil aviation authority of the State in which the supplier is located will note all deviations from the requirements notified by the design approval applicant's civil aviation 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 the KOCA for evaluation and disposition. The FAA or the KOCA should receive a report stating the disposition required on each deviation before an FAA Form 8130-3 or AAIR Form 10 is issued.

8.4.5 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 or production approval holder and the civil aviation authority of the State in which the holder is located.

#### 8.5 Surveillance and Other Support

The FAA or the KOCA may request the other types of technical assistance outlined in paragraph 8.1.3. Each request will be handled on a case-by-case basis, as resources permit. Each written request will include sufficient information for the task to be performed and reported back to the requestor. Where the technical assistance is repetitive or long-term, a special arrangement may be needed.

#### 8.6 Airworthiness Certificates

There may be certain programs and conditions that warrant technical assistance 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 been manufactured, granted an Export Certificate of Airworthiness by the exporting authority, and entered on the importing State's registry. This will require the development of a Special Arrangement between the exporting and importing authorities.

#### 8.7 Protection of Proprietary Data, Freedom of Information Act (FOIA) Requests, and Official Information Disclosure Act (OIDA) Requests

##### 8.7.1 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 the KOCA is restricted. The FAA and the KOCA agree that they will not copy, release, or show proprietary data obtained from either authority to anyone other than an FAA or KOCA employee without written consent of the design approval holder or other data submitter. This written consent should be obtained by the FAA or the KOCA from the design approval holder through the civil aviation authority of the State in which the holder is located and will be provided to the other authority.

##### 8.7.2 FOIA Requests

The FAA often receives requests from the public under the United States Freedom of Information Act (FOIA) ( 5 U.S.C. Section 552) to release information that 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 or article of an FAA approval holder or applicant who is located in the ROK, the FAA will

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

### 8.7.3 OIDA Requests

The KOCA often receives requests from the public under the ROK Official Information Disclosure Act (OIDA) to release information which the KOCA may have in its possession. Each record the KOCA has in its possession must be disclosed under the OIDA unless an OIDA 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 KOCA receives an OIDA request related to a product or article of a KOCA approval holder or applicant who is located in the U.S., the KOCA will request FAA assistance in contacting the KOCA 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 KOCA. If release is objected to, a statement of the reasons must be furnished by the FAA to the KOCA.

## 8.8 Export Control Limitations

8.8.1 Export control limitations are based on U.S. federal regulations that regulate the export of certain goods and services to all foreign countries. The FAA may have these limitations with any country as it works to ensure compliance to all applicable federal laws. The FAA will work with the KOCA in export limitations discussions.

## 8.9 Accident/Incident and Suspected Unapproved Parts Investigation Information Requests

8.9.1 When either the FAA or the KOCA needs information for the investigation of service incidents, accidents, or suspected unapproved parts involving a product or article imported under these Implementation Procedures, the request for the information should be directed to the appropriate authority. In turn, upon receipt of the request for information, the authority should immediately do everything necessary to make sure the requested information is provided in a timely manner.

8.9.2 In case of an incident/accident, the FAA and the KOCA will cooperate to address urgent information needs. Following an incident/accident, upon receipt of a request for urgent information, the FAA or the KOCA will provide the requested information. The KOCA and the FAA will establish individual focal points to respond to each other's questions and ensure that timely communication occurs. The FAA or the KOCA may request information directly from a manufacturer if

immediate contact with the appropriate focal points cannot be made. In such cases, notification of this action will be made as soon as possible. Either the FAA or the KOCA, as applicable, will assist in ensuring that their manufacturer provides requested information expeditiously.

## SECTION IX    SPECIAL ARRANGEMENTS

### 9.1 General

- 9.1.1 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 will be reviewed by the respective FAA Aircraft Certification Service Director and the KOCA Director of Airworthiness Division, and a procedure will be developed to address the situation. The procedure will be mutually agreed upon by the FAA and the KOCA in a separate working procedure. If it is apparent that the situation is unique, with little possibility of repetition, then the working procedure will 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 will be revised accordingly by the FAA and the KOCA.
- 9.1.2 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 KOCA.



## APPENDIX A ADDRESSES

### A.1 List of Addresses for the FAA and the KOCA

#### A.1.1 FAA Offices

Key FAA Offices for these Implementation Procedures:

##### **Application for U.S. Type / Supplemental Type Certificate Approval**

Federal Aviation Administration  
Small Airplane Directorate  
Standards Office (ACE-110)  
901 Locust St, Room 301  
Kansas City, MO 64106

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

##### **Application for Letter of (TSO) Design Approval**

Federal Aviation Administration  
Los Angeles ACO (ANM-100L)  
3960 Paramount Boulevard  
Lakewood, CA 90712-4137

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

##### **Bilateral Agreement, Export / Import Approvals, Policy**

Federal Aviation Administration  
Aircraft Certification Service - International Office  
600 Independence Avenue, SW  
Washington, DC 20951

Phone: 1-202-267-0908  
Fax: 1-202-493-5144  
Email: [7-AWA-AVS-AIR-040@faa.gov](mailto:7-AWA-AVS-AIR-040@faa.gov)

##### **Manufacturing Inspection Office (MIO)**

[http://www.faa.gov/aircraft/air\\_cert/locate\\_office/mio/](http://www.faa.gov/aircraft/air_cert/locate_office/mio/)

#### A.1.2 KOCA Offices

Key KOCA Office for these Implementation Procedures:

##### Airworthiness Division

Phone: 82-44-201-4785

Fax: 82-44-201-5630

Email: [aw\\_division@korea.kr](mailto:aw_division@korea.kr)

Website: <http://koca.go.kr>

## A.2 MF&D/SDR Reporting Locations

- A.2.1 Copies of U.S. MF&D/SDR reports are available from the FAA Mike Monroney Aeronautical Center, Aviation Data Systems Branch, AFS-620. Copies of U.S. MF&D reports are also available on the Mike Monroney Aeronautical Center internet web site at <http://av-info.faa.gov/sdrx>.
- A.2.2 Copies of ROK MF&D/SDR reports are available from the Airworthiness Division of KOCA.

## APPENDIX B LIST OF REFERENCED DOCUMENTS

### B.1 FAA Referenced Documents

1. Code of Federal Regulations, Title 14, parts 21-36, 39, 43, 45, 91, and 183
2. FAA AC 21-2
3. FAA AC 21-23
4. FAA AC 43-210
5. FAA Order 8110.4
6. FAA Order 8120.23
7. FAA Order 8130.2
8. FAA Order 8130.21
9. FAA Order 8900.1
10. ICAO Annex 8, Airworthiness of Aircraft
11. Addendum to Implementation Procedures for Airworthiness: U.S. Type Certification Criteria between the Federal Aviation Administration (FAA) and Korea Office of Civil Aviation (KOCA)

## APPENDIX B LIST OF REFERENCED DOCUMENTS

### B.2 KOCA Referenced Documents

1. Aviation Act (AA)
2. Aviation Act Implementation Decree (AAID)
3. Aviation Act Implementation Regulations (AAIR)
4. Korean Airworthiness Standards (KAS) Parts 1, 21, 22, 23, 25, 27, 29, 30, 33, 34, 35, 36, 45, VLA, and VLR
5. Flight Safety Regulations (FSR)
6. KOCA Order OD 17-1, Procedures for TC and TCV
7. KOCA Order OD 17-2, Procedures for STC
8. KOCA Notice ND 15-3, Standards for Completion and Use of the Airworthiness Approval Tag
9. KOCA OD 15.2-1, Procedures for Airworthiness Approval of the Aeronautical Product
10. ICAO Annex 8, Airworthiness of Aircraft
11. KOCA Order OD 17.3-1, Procedures for Production Certification and Approval
12. KOCA Notice ND 17.3-1, Standards for Production Certification and Approval
13. KOCA Order OD 20-1, Procedures for Technical Standard Order Authorization
14. KOCA Notice ND 20-1, Standards for Technical Standard Order Authorization
15. KOCA Order OD 19-1, Procedures for Repair and Modification Approval for Aircraft, etc
16. KOCA Order OD 00-3, Procedures for Use of Electronic Technology and Storage of Aeronautical Product Certification Data
17. Addendum to Implementation Procedures for Airworthiness: U.S. Type Certification Criteria between the Federal Aviation Administration (FAA) and Korea Office of Civil Aviation (KOCA)