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RECORD OF CHANGES

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CHANGE TO BASIC	SUPPLEMENTS			OPTIONAL	CHANGE TO BASIC	SUPPLEMENTS			OPTIONAL

FOREWORD

Airworthiness Directives (ADs) are substantive regulations issued by the Federal Aviation Administration (FAA) in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 39. ADs are issued when (1) an unsafe condition exists in the product (i.e., aircraft, aircraft engine, propeller, or appliance), and (2) the condition is likely to exist or develop in other products of the same type design. Once an AD is issued, no person may operate a product to which the AD applies except in accordance with the requirements of that AD.

This manual updates our AD processing to reflect current best practices, incorporates approved deviations and clarifications, and updates organizational references.

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Table of Contents

Chapter 1. General Information

1. Purpose of this Manual.
This manual provides policy and guidance for drafting, issuing, and distributing ADs. It explains the laws that apply to ADs, procedures for writing an AD, and policies on key AD-related issues.

2. Audience.
Managers and staff of the FAA Aircraft Certification Service, including any persons designated by the administrator, and organizations associated with the AD process in accordance with 14 CFR part 39.

3. Where to Find this Order?
You can find this order and other FAA documents referenced in this order on the FAA Aircraft Handbooks & Manuals website and in the FAA Dynamic Regulatory System (DRS) website.

4. Cancellation.
This manual cancels FAA-IR-M-8040.1C, Airworthiness Directives Manual, dated May 17, 2010.

5. Explanation of Policy Changes.
This version of the manual makes the following changes:

a. Updates AIR organizational references to reflect recent organizational changes.

b. Incorporates previously issued deviations and clarifications.

c. Addresses ADs for light-sport category aircraft and unmanned aircraft systems.

d. Updates ex parte guidance.

e. Updates processes to reflect current best practices.

6. Effective Date.
This manual, including the use of the standardized AD worksheet and AD templates, is effective TBD.

Chapter 2. Laws that Apply to ADs

1. Purpose of this Chapter.

This chapter describes the laws that apply to ADs, including the Administrative Procedure Act (APA), Executive Orders (E.O.), and FAA regulations. This information provides general context on the purpose of the law but does not substitute for a reference to the actual statutes and regulations.

2. Use of Legal Terminology.

Rulemaking is a legal process. For this reason, it is common to find extensive use of legal terms in rulemaking documents. While legal terminology is essential for communication between attorneys and in legal documents, it is not always required and is less helpful for non-lawyers. In this manual, the FAA avoids excessive use of unnecessary legal terminology and uses plain language where the same legal meaning can be conveyed. To improve readability, legal citations are provided in footnotes.

3. Definitions.

a. Rulemaking. The process of writing and issuing, amending, or appealing rules or regulations.

b. Actual Notice. When an individual is actually made aware of something directly. For example, the FAA can provide "actual notice" of a rulemaking to a regulated party by mailing them the rulemaking document. This is in contrast to "constructive notice," where it's assumed that the public is aware of something, usually because it is published in the Federal Register.

c. Executive Order (E.O.). An order issued by or on behalf of the president, usually intended to direct or instruct the actions of executive agencies or officials, or to set policies for the executive branch to follow.

d. Informal Rulemaking. The most common process of rulemaking, sometimes called "notice and comment rulemaking." Informal rulemaking is the simplest kind of rulemaking allowed under the law. Agencies following informal rulemaking procedures need to issue a proposed rulemaking, allow the public to comment on the rulemaking, and then consider the comments when issuing the final rulemaking. This is in contrast to formal rulemaking, which requires a trial-like hearing.

e. Statute. A binding law passed by Congress.

f. Legislation. The process of making a new law or changing an existing law. This includes a proposal presented to Congress called a "bill," the period during which Congress debates and considers the bill, and the process of adopting the bill, which makes it law. The word "legislation" is also sometimes used to mean things passed by Congress generally, including binding laws ("statutes"), budgets ("appropriations"), and nonbinding statements ("resolutions").

g. Substantive rules. Rules issued by federal agencies that bind the public. These can change the rights of the public to act in a specific manner, impose a burden, or restore rights to

act in a specific manner. This does not include internal organizational orders, interpretations of regulations, or general policy statements. Substantive rules have the force of law and most are codified ("published") in the Code of Federal Regulations (CFR). Failure to comply with a substantive rule is a violation of the law. ADs are substantive rules because they require the regulated public to stop taking a specified action or to perform a specific action and they have the force of law.

4. Administrative Procedure Act (APA).

a. General. The APA[1] is a body of laws that, working together, provides minimum guidelines and rules that federal agencies are required to follow when issuing a rule or changing existing rules.

b. The APA governs both formal and informal rulemaking.[2]

(1) An AD is a substantive rule because it imposes mandatory requirements on people that limit or restore rights to engage in certain activities. Therefore, APA requirements for substantive rulemaking applies to issuing ADs.[3]

(2) The APA allows a person who has been harmed by an agency action, such as an AD, to challenge the action in court.[4] This means that if a rule is challenged, and the court finds that the FAA was arbitrary and capricious,[5] the court can overturn the rulemaking or make the FAA go through the whole rulemaking process again.

c. Notice. The APA requires federal agencies to give the public notice of their intent to add, change, or remove information in a rule. Notice informs the public of an agency's intent to take an action that may impact their rights. For notice to be meaningful, an agency should state what it proposes to change in the CFR and explain why the proposed change is necessary.[6] If the notice published by the agency is inaccurate, confusing, or unclear, it may be fairly argued in court that the agency did not meet its statutory obligation to provide adequate notice. The FAA complies with the APA requirement to provide notice by publishing a notice of proposed rulemaking (NPRM) in the *Federal Register*.

d. Opportunity to Comment. The APA also requires agencies to give the public an opportunity to participate in rulemaking actions. The FAA complies with this requirement by including a request for comments in the notice or giving the date, time, and place of a public

[1] Public Law 79-404, 5 U.S.C. § 551, et. seq.

[2] Almost all FAA rulemaking is informal rulemaking.

[3] 5 U.S.C. § 551(4)

[4] 5 U.S.C. § 702

[5] Arbitrary and capricious" is a legal term identifying which test the court will apply when making its decision. Under this test, the court's focus is usually on three questions: 1. Does the record support the factual conclusions on which the rule is based? 2. Are the policy conclusions for the rule reasonable? and 3. How well did the agency explain its reasons for concluding as it did?

[6] 5 U.S.C. § 553(b)

meeting. The opportunity to comment is meaningful only if the public receives accurate notice of the proposed action (so that they can respond to the real issues), and has a reasonable period to submit comments to the FAA. The FAA meets these requirements by publishing a notice in the *Federal Register* for public comment.

e. Publication. The APA requires agencies to publish a notice for all proposed rulemaking actions in the *Federal Register,* unless an exception exists for doing otherwise. The *Federal Register* is similar to a legal newspaper where the public can review the rulemaking activities of federal agencies. Rules issued by federal agencies are published in the *Federal Register* chronologically.

f. Good Cause Exceptions. The APA authorizes agencies to bypass the "Notice and Comment" requirements when the FAA finds "good cause" to do so. Congress created three good cause exceptions, which should be used reluctantly, namely: impractical, unnecessary, and contrary to the public interest. The failure of agency personnel to be efficient or responsible by exercising diligence in processing a rulemaking is not, in itself, an appropriate reason to use a good cause exception. The conditions under which each exception can be used are described below.

(1) Impracticable. This exception can be used when an urgent and unsafe condition exists, and going through Notice and Comment rulemaking would increase risks to safety. Giving notice would be "impracticable" if immediate action is required because safety could be compromised during the time it would take to comply with "Notice and Comment" requirements. If you use the impractical exception, you must explain the urgency of the unsafe condition in the "Supplementary Information" section of the AD preamble. In addition, the compliance time in the AD must reflect the urgency or describe the facts that drive the expedited processing. Process ADs quickly to be consistent with the determination of "impracticability," which denotes urgency of some type. If you cannot present a viable reason for the expedited processing, issue an NPRM.

(2) Unnecessary. This exception can be used when the general public has little or no particular interest in the proposed change. The FAA uses this justification for minor corrections, clarifications, and editorial changes. The FAA may also use this justification for ADs on products that have a U.S. type certificate but are not on the U.S. Registry or installed on U.S. registered aircraft. In this case, no person would be affected by the AD because only operators of U.S. registered aircraft are required to comply with an AD. The "unnecessary" exception is inappropriate for use if the AD reduces regulatory requirements, provides another method of compliance, or removes a regulation from 14 CFR. Under these circumstances, you should comply with "Notice and Comment" requirements.

(3) Contrary to the Public Interest. This exception is generally not used for ADs. The purpose of this exception is to excuse an agency from the notice requirement if providing advance notice would defeat the purpose of the agency action. For example, issuing advance notice that the government is contemplating financial controls could cause public reactions so excessive that the financial system could be placed in jeopardy. In such a case, it would be contrary to the public interest to publish advance notice of the government's intentions.

g. Beyond the Scope of Notice. Generally, this phrase is used to address a requirement the agency is about to adopt, or has adopted, in a final rule that was not proposed in the published notice. The phrase is used by agency personnel, courts, and others to point out a discrepancy between what was proposed and what is ultimately adopted in the final rule. As discussed earlier, notice is meaningful only if the actions proposed in the NPRM are substantially the same as those being adopted by the final rule. But, a final rule is not required to perfectly mirror the proposals made in the notice if the added requirement is a logical outgrowth of a proposal made in the notice.

(1) Example of "beyond the scope" and logical outgrowth:

(a) If an NPRM proposes to require a modification to the tail wheel assembly for a certain aircraft, the final rule cannot also require modification to the main landing gear assembly, even if a commenter suggested it, because that requirement is beyond the scope of what was proposed. The additional modification to the main landing gear assembly is beyond the scope because it was not proposed in the NPRM. Also, reducing the compliance time from that originally proposed would be considered beyond the scope of the NPRM.

(b) If an NPRM proposed a modification to the tail wheel assembly, and the FAA decided to add a requirement that the modification include an inspection (that is not part of a standard inspection) to ensure the modification was effective, the FAA could argue that the additional requirement for an inspection is a logical outgrowth of the original proposal because modification without an inspection would be unsafe.

(2) Consider additional rulemaking, such as issuing a Supplemental NPRM[7], if the requirement adopted by the final rule is not a logical outgrowth of the NPRM. Changing the number or type of items addressed in an AD from the number or type proposed in the notice would be improper without additional action.

5. FAA Regulations.
The FAA regulations are found in 14 CFR. Regulations govern conduct, directly or indirectly, related to aviation and have the force and effect of law. For example:

a. 14 CFR part 11. This part describes the FAA's rulemaking process for rules found in the CFR, airworthiness directives, special conditions, exemptions, and airspace designations. It specifically provides that the FAA will follow APA procedures when it issues ADs.

b. 14 CFR part 39. This part provides the FAA's legal framework for ADs. Specifically, § 39.3 defines ADs as legally enforceable rules that apply to aircraft, aircraft engines, propellers, and appliances.

6. Regulatory Findings Addressed in ADs.

a. Federalism (E.O. 13132). This Order requires that every rule be assessed for its impact on state and local government. The purpose of this E.O. is to minimize or prevent the Federal government from imposing regulations that unnecessarily interfere with State, local, and tribal

[7] Refer to Chapter 5, paragraph 2, of this manual.

governments. Where possible, the federal government is encouraged to work in cooperation with the State, local, and tribal governments. Generally, ADs do not have an effect on other government entities. Aircraft operated by government entities are typically public aircraft that are not subject to the Federal Aviation Regulations' requirements for civil aircraft to have type and airworthiness certificates.

b. Significant Regulatory Action (E.O. 12866).[8] Send regulatory actions considered to have a "significant" impact to the Office of Management and Budget (OMB) for review. A "significant regulatory action" is defined as any regulatory action that is likely to result in a rule that might:

(1) Have an annual effect on the economy of $100 million[9] or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,

(4) Raise novel legal or policy issues arising from legal mandates, the President's priorities, or the principles in E.O. 12866.

c. The Regulatory Flexibility Act (RFA).[10] The RFA is part of the economic evaluation that requires federal agencies to analyze the impact that their regulatory actions will have on small entities (i.e., small businesses, small non-profit organizations, and small jurisdictions of government). If the regulatory impact is likely to be "significant," which means it affects a "substantial number" of these small entities, the agency considers less burdensome alternatives or explains why a less burdensome alternative was not chosen. However, the agency is not required to adopt the less burdensome alternative.

d. Paperwork Reduction Act (PRA).[11] The PRA requires agencies to get approval from OMB for information collection activities and to list a record of the approval in the *Federal Register*. The purpose of the PRA is to minimize paperwork requirements. The control number assigned for ADs is "2120-0056."

e. Congressional Review Act (CRA).[12] The CRA requires that, before a major rule can take effect, the federal agency issuing the rule must submit a form titled *"Submission of Federal Rules Under the Congressional Review Act"* to Congress and the Comptroller General. The form

[8] Executive Order 12866, 58 FR 51735 (Oct. 4, 1993).

[9] Executive Order 14094 (88 FR 21879, April 11, 2023) changed this amount to $200 million; however, Executive Order 14094 was revoked by Executive Order 14148 (90 FR 13037, March 20, 2025).

[10] 5 U.S.C. §§ 601 et seq. 5 U.S.C. 602). Executive Order 12866 "Regulatory Planning and Review," signed September 30, 1993 (58 FR 51735).

[11] Public Law 96-511, 94 Statute 2812 (1980) (current version codified at 44 U.S.C. §§3501-20).

[12] 5 U.S.C., Chapter 8, Sec. 251.

provides information that enables Congress to review every new federal regulation issued by the government agencies and, if necessary, overrule it. This process enables Congress to maintain some transparency and oversight of the regulatory process. ADs are generally identified as non-major rules and are, therefore, routine and not subject to review.

f. Intrastate Aviation in Alaska Act.[13]

(1) Congress requires the FAA, "when modifying its regulations in a manner affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish appropriate regulatory distinctions." The statutory requirement applies only to regulations that could impact aviation transportation services occurring strictly within the state of Alaska (i.e., intrastate), if aviation transportation is the only type of transportation service provided, and the aviation transportation in question serves one or more remotely located communities.

(2) Each AD includes a determination as to whether compliance with the proposed action would interrupt aviation transportation to a remote Alaskan community that is not serviced by other modes of transportation. If the FAA determines that the proposed regulatory action would have a negative impact on the availability of transportation services to a remotely located community, and the safety concerns outweigh the benefits of making transportation available, the preamble should include a statement to that effect. However, to be certain, contact your Airworthiness Counsel for guidance.

7. Department of Transportation (DOT) Rulemaking Policies and Procedures.

a. The DOT is the executive agency that acts as a hub to agencies with a transportation-related mission, such as the FAA. In FAA rulemaking, the DOT functions as a conduit between the FAA and all other federal agencies. The DOT monitors FAA actions for possible duplication or conflicts with actions of other agencies. The DOT also reviews whether the FAA has complied with the statutory requirements established by Congress, such as the E.O.s described in this section.[14]

b. DOT Order 2100.6B, *Policies and Procedures for Rulemakings*, emphasizes full public participation in rulemaking actions, including providing a comment period of at least 30 days for all proposed rulemaking actions unless the good cause exception applies or otherwise exempted. In addition, the Order states that issuing substantive rules without completing notice and comment must be the exception. For this reason, when it is not possible to ask for comment prior to the issuance of an AD, the FAA provides an opportunity for the public to comment after the final rule is issued. This applies to emergency ADs and immediately adopted ADs published as a "Final rule; request for comment" ADs.

c. The DOT order requires that the FAA decide for each rulemaking involving a substantive rule whether the proposed action is expected to be significant or non-significant. The criteria for considering a rulemaking to be significant include matters that raise novel legal or policy issues,

[13] Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213).

[14] 44 FR 11034, February 26, 1979.

those estimated to cost $100 million or more per year, and those that create a serious inconsistency or interfere with an action taken or planned by another federal agency. The FAA must notify the DOT of significant regulatory action. The Assistant Chief Counsel for Regulations, AGC-200, and/or the Associate Administrator for Aviation Safety, AVS-1, make these determinations.

Chapter 3. Ex Parte Contacts

1. General.

An ex parte contact occurs when not all parties to an issue are present when the issue is discussed. In AD rulemaking, which begins when the AD worksheet is approved, an ex parte contact is any oral or written communication between the FAA and a person outside the U.S. government regarding the substance of a specific rulemaking, if it excludes other interested parties and occurs before the final rule is published or the NPRM is withdrawn. An ex parte contact may occur at any time during the rulemaking process, from the approval of the AD worksheet to the issuance of a final rule or withdrawal of the NPRM. Communications between the FAA and another branch of the executive government (for example, the National Transportation Safety Board) are not ex parte. Communications between the FAA and an FAA designee or a foreign civil aviation authority (FCAA) are subject to ex parte rules and concerns.

2. DOT Policy.[15]

a. Public Contact. The APA does not prohibit ex parte communications in informal rulemaking. Instead, agency rules and policy determine any restrictions and procedures for these communications should they occur before a rulemaking proceeding closes. DOT's rule on public contacts in informal rulemaking, 49 CFR 5.5, applies to all DOT operating administrations and, therefore, governs ex parte communications concerning ADs. DOT Order 2100.6 contains additional guidance. Ex parte communications may convey a variety of benefits to both the FAA and the public. FAA personnel may need to contact the public directly to obtain information to better understand a product or resolve questions of substance and justification. FAA personnel often need information from the design approval holder (DAH), production approval holder (PAH), affected operators, or the state of design FCAA to facilitate a comprehensive understanding of the unsafe condition and possible corrective actions. FAA personnel may have contact with the public at any stage of the rulemaking process, so long as the substance of the material covered by the contact is disclosed and described in the rulemaking docket. This ensures that other interested parties are aware of and have the opportunity to comment on the material.

b. Draft Regulatory Document or Text. DOT regulations[16] require that DOT personnel avoid releasing information about a rulemaking that is not available generally to the public. This applies during the pendency of the rulemaking (i.e., between issuance of the NPRM and issuance of the final rule). FAA personnel may give details about an AD to outside parties before the NPRM is published in the Federal Register, particularly when necessary to obtain data related to the specifics of the rulemaking, without violating this rule. Although DOT regulations do not expressly prohibit providing information regarding an AD until the NPRM is issued, this does not mean FAA personnel may share a draft copy of an AD (or any part of a draft rulemaking document or regulatory text) with a party outside the government at any stage of the rulemaking process. Disclosing unpublished text can give the appearance that the FAA is seeking approval from an outside party before issuing the AD. It can also give an advantage to some parties over other members of the public. For example, it can give some parties the advantage of knowing

[15] References to "public contacts" in DOT regulations and policy are synonymous with "ex parte" communications or contacts in FAA policy.

[16] 49 CFR 5.5(a)(2).

what the issues will be when the NPRM is published, thereby giving more time for them to prepare their comments. In addition to these harms, providing a draft of an AD risks chilling agency deliberations and communications. FAA individuals who participate in the drafting of ADs may not communicate as candidly if their comments have the potential to be distributed outside of the agency. For these reasons, the release of a draft AD, like any agency record, is subject to and should be analyzed under the Freedom of Information Act.[17]

c. Obtaining Technical Information. In AD rulemaking, it is often necessary to obtain factual information to resolve questions of substance and justification, such as determining specific products affected and developing appropriate corrective actions. Such information sometimes can only be obtained from outside sources such as the DAH, PAH, manufacturers, type clubs, affected operators, etc. Obtaining this factual information is not considered ex parte contact if the NPRM has not been issued yet.

d. Proprietary Information. This type of information should be held strictly confidential. Any questions concerning possible exceptions to allowing disclosure should be coordinated with your Airworthiness Counsel.

3. Procedures for Ex Parte Contacts.

a. Disclosing Ex Parte Contacts. DOT regulations allow FAA personnel to have contacts with the public concerning an informal rulemaking at any stage of the rulemaking process, as long as the substance of the information relied on by the agency is "adequately disclosed and described" in the public rulemaking docket. The description of the information relied on by the agency as a result of the contact must be detailed enough to give the public "notice of the information and an opportunity to comment on its accuracy and relevance."[18] The purpose of the record is to assure that all information that could influence the decision-maker is reflected in the rulemaking record and equally accessible to all members of the public.

b. Recording of Contact. Information that is received prior to issuance of the NPRM or final rule; request for comment can be described in the AD preamble as part of the background explaining why the FAA is issuing the AD. If the preamble does not describe the information adequately enough, place a written record of the contact, including any documents discussed or handed out, in the AD docket at regulations.gov. For written communications (email, letter, text, etc.), a copy of the communication itself may serve as the record of the contact if it includes sufficient information. Verbal communications (telephone, video, or in person) are still "ex parte communications," and a written record of the contact must be created and placed in the AD docket to comply with DOT regulations. If you have any questions about whether the contact was ex parte, contact your Airworthiness Counsel.

(1) While technically not considered ex parte, record significant discussions with outside parties occurring during the AD worksheet phase in the Discussion Record section of the AD worksheet.

[17] 5 U.S.C. § 552(a).

[18] 49 CFR 5.5(a)(1).

(2) For ex parte communication that involves a substantive issue and occurs after the AD worksheet has been approved, record the following information at a minimum:

(a) The date and time that the meeting or conversation took place;

(b) A list of the participants, including their names and titles;

(c) A statement of the topics discussed and what was said about each topic. This statement must be more than an agenda or a list of the topics discussed. The purpose of the statement is to supply a record of the information relied upon during the rulemaking process so the FAA can provide a complete and thorough record for later judicial review. The thoroughness of the statement will also foster public trust for agency actions; and

(d) Any commitments made by DOT/FAA personnel.

c. Referencing Contact in an AD Action. Reference ex parte contacts that take place after the AD worksheet has been approved that influenced the agency's position by doing one of the following:

(1) Identify each ex parte contact along with a short discussion of the communication in the AD preamble, unless it is unreasonable to do so. For example, when the FAA makes a large number of ex parte contacts to get information from several DAHs and operators, identify the circumstances giving rise to the discussion and give a general reference in the AD preamble about how the FAA gathered the information. You don't have to discuss each individual contact.

(2) Include the following or similar statement in the AD preamble for a final rule after NPRM:

> On [date], after the comment period closed, the FAA [corresponded, held a teleconference, had a telephone call, etc.] with [name of company or individual] about the NPRM. A summary of this discussion can be found in the rulemaking docket. The comment by [name of company or individual] and the FAA's response to the comment is addressed below.

(3) Include the following or similar statement in the AD preamble for an NPRM or final rule; request for comments:

> In preparation of AD actions such as notices of proposed rulemaking and immediately adopted final rules, it is the practice of the FAA to obtain technical information and information on operational and economic impacts from design approval holders and aircraft operators. A discussion of each contact or series of contacts influencing the agency's position can be found in the rulemaking docket.

4. Precautions and Practices.

a. During the Comment Period. Ex parte contacts during the comment period are discouraged because interested parties can still submit a written comment to the AD docket or

present their concern at a public meeting announced in the *Federal Register*. If you discuss the NPRM with an outside party, limit the information to only that contained in the proposed rule and information made generally available during a public meeting. Do not discuss other information or the factors the agency is considering as it prepares to issue the final rule.

b. After Comment Period Closes. Ex parte contacts after the comment period closes must also be recorded in the AD docket. If the contact includes information the FAA intends to rely upon in finalizing the AD, the FAA should reopen the comment period to give the public an opportunity to comment on the new information. If you determine it would be helpful to meet with a person or group after the comment period closes, announce the public meeting in the *Federal Register*.

c. After Announced Meeting. Ex parte contacts after a meeting that was announced to the general public are particularly vulnerable to suspicion. If a contact occurs outside of the meeting (as in stepping out in the hall to discuss the rule with one or more, but not all, participants) or after the meeting, you must place a record of the contact in the AD docket.

d. Foreign Civil Airworthiness Authorities. Contacts with international authorities are risky because these people represent the official interests of their governments, and they often represent the interests of DAHs, PAHs, and operators in their countries. Limit your communications with them to exchanging facts or to gaining mutual understanding or "harmonization" during any phase of the rulemaking process. To ensure harmonization, ask the representative not to distribute information or documents about proposed rules to private companies or individuals. Note that FCAAs are not subject to the same information protection requirements as the FAA (e.g., Freedom of Information Act) and therefore they have no restrictions on sharing information the FAA provides them.

Chapter 4. Types of AD Actions

1. Purpose of this Chapter.
This chapter describes:

a. When to issue ADs;

b. The primary types of AD actions the FAA issues;

c. The standard APA procedure for issuing a final rule and the exceptions to this procedure, e.g., emergency AD and "Final rule; request for comments;" and

d. Making changes to AD actions, including supersedures, corrections, rescissions, and withdrawals.

2. When to issue ADs.
ADs are issued when (1) an unsafe condition exists in the product (i.e., aircraft, aircraft engine, propeller, or appliance), and (2) the condition is likely to exist or develop in other products of the same type design. Once an AD is issued, anyone who operates a product that does not meet the requirements of the AD is in violation of 14 CFR 39.7. If the unsafe condition only exists on one product and it is not likely to exist or develop on other products of the same type design, accomplish corrective action through means other than an AD.

3. Advance Notice of Proposed Rulemaking (ANPRM).
The FAA issues an ANPRM when the FAA would like to gather public input about the possibility of issuing a new rule before deciding to proceed with an NPRM. The ANPRM is valuable because the public often provides relevant information. Using an ANPRM is also beneficial when the FAA has identified a wide range of alternatives and wants public help in narrowing the choices before issuing an NPRM. The ANPRM may take the form of a proposed rule or a list of questions designed to collect additional information to be used in developing an NPRM.

4. Notice of Proposed Rulemaking (NPRM).

a. An NPRM is the most common type of AD action. Once the FAA identifies an unsafe condition and proposes corrective actions, the FAA publishes an NPRM to request public comment on the proposed corrective action(s). After the comment period closes, the FAA reopens the comment period by issuing a supplemental NPRM (SNPRM), withdraws the NPRM, or issues the final rule. The FAA considers all comments received and revises the rule as appropriate.

b. After the Office of the Federal Register (OFR) publishes an NPRM and the comment period closes, publish either a "Final rule" (i.e., Final rule after NPRM), an SNPRM, or a "Proposed rule; withdrawal."

c. An NPRM becomes "stale" 16 months after the comment period closes.[19] Depending on the circumstances that caused the NPRM to become stale, you might have to issue a SNPRM prior to issuance of a final rule.

5. Final Rule after NPRM (FRAN).

a. After the comment period closes, the FAA prepares a final rule provided any changes made do not go beyond the scope of the proposed AD.

b. If the FAA does not issue the final rule within 16 months after the close of the comment period, consult with your Airworthiness Counsel.

6. Emergency ADs.
The FAA issues an emergency AD when an unsafe condition presents an immediate risk to safety of flight, when it requires immediate action by owners/operators, and when the FAA cannot wait for publication in the *Federal Register* to address the unsafe condition. Consider the following:

a. Affected Parties. An emergency AD applies only to the people who receive "actual notice." Those who do not physically receive the AD in person or by U.S. mail are not required to comply with it, even if they hear about it.

b. Follow-up Publication in the *Federal Register*. Unless you immediately supersede[20] the emergency AD, publish the follow-up publication in the *Federal Register* as soon as possible, but no later than 30 days. Other than very minor corrections (such as obvious typographical errors) and the addition of boilerplate language, cost of compliance, standard format, and material required for incorporation by reference, the version published in the *Federal Register* as a final rule MUST BE IDENTICAL to the emergency AD. If a *Federal Register* version (FRV) differs from (but does not supersede) the emergency AD, it creates two classes of persons required to comply: those who got the emergency AD and those who did not. The existence of two different corrective actions to the same unsafe condition makes it appear that one is insufficient or not as effective as the other. Further, the FAA could be creating another unsafe condition by causing such a situation to occur.

c. Changing an Emergency AD. To make a change to a previously issued emergency AD, the FAA has three options:

(1) Issue an FRV that is identical to the emergency AD, except for the changes identified in paragraph 6.b. of this chapter. This rule is effective to all persons except those who received the emergency AD. After issuing that FRV, issue an immediately adopted rule (IAR) that supersedes the FRV and contains the corrected information. This AD would be effective to all persons with products listed in the applicability, not just those who personally received the emergency AD.

[19] 49 U.S.C. § 106(f)(4).

[20] Refer to Chapter 5, paragraph 5, of this manual.

(2) Issue an IAR that supersedes the existing emergency AD and contains the corrected information.

(3) Issue a new emergency AD that supersedes the existing emergency AD, followed by *Federal Register* publication of an FRV.

7. Final Rule; Request for Comments (FRC).
When necessary in the interest of safety, the FAA can issue a final rule immediately without first issuing an NPRM. Do not shorten compliance times artificially to fit the criteria of an FRC in an effort to avoid the notice requirement procedures. Similarly, do not use an FRC to address high workload issues; a lack of planning or action on our part cannot be the justification to forgo prior notice. The APA does not set a specific time limit for a rule to qualify for immediate adoption. In general, the FAA issues an FRC only when it is "impractical" to complete the notice requirement procedure because the compliance time for the required action is shorter than the time necessary for the public to comment and for us to publish the final rule[21].

b. Types of FRCs:

(1) Immediately Adopted Rule (IAR). This type of AD action is used when all of the following apply:

(a) The unsafe condition and our risk assessment indicates an immediate safety of flight problem;

(b) Good cause exists to say it is "impractical" to comply with "Notice and Comment" requirements before issuing the AD;

(c) There are affected aircraft on the U.S. Register; and

(d) The FAA can wait for publication in the *Federal Register* to address the unsafe condition and therefore do not need to issue an emergency AD.

(2) No-Notice Final Rule (NFR). This type of AD action is used when:

(a) Good cause exists to say it is "unnecessary" to comply with "Notice and Comment" requirements before issuing the AD (e.g., there are currently no affected aircraft on the U.S. Register and the public will have little or no interest in the AD); and

(b) There is not an immediate safety of flight problem.

(3) Federal Register Version of an Emergency AD (FRV). This type of AD action is used to make an emergency AD effective to all persons.

c. Remember that when an AD has not been preceded by an NPRM, the FAA must make a "good cause" finding of "impractical" or "unnecessary" and specify that finding in the preamble.

[21] Refer to Chapter 2, paragraph 4.f, of this manual.

8. Considerations for IAR and Emergency ADs.
Sometimes, actions to correct an unsafe condition in an IAR or emergency AD involve both a short-term interim action (for example, repetitive inspections or operating restrictions) and a longer-term terminating action (for example, a modification). In these cases, the APA requires that the FAA analyzes each required action separately to determine whether notice is required. If the FAA can make an independent finding of "impracticability"[22] for the terminating action, the FAA may include it as a requirement in the IAR or emergency AD. If the FAA cannot make an independent finding, only include the short-term interim action in the IAR or emergency AD, though the FAA may include the terminating action as an option. In other words, the APA generally does not permit "bootstrapping" a long-term requirement into an IAR or emergency AD. However, there may be specific cases where this may be allowed; consult with your Airworthiness Counsel for guidance. Examples of bootstrapping include,

a. If the terminating action is not immediately mandated, the public may comment on the terminating action, and the APA requires that the FAA issue an NPRM before mandating the terminating action. (The FRC can include the terminating action as an option.)

b. If the level of safety provided by the interim action is inappropriate for long-term operation and the compliance time for the terminating action is too short to allow for public comment, then the FAA can justify impracticability for including the terminating action in the FRC.

9. "Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period".
After issuing an NPRM and after the comment period has closed, the FAA might need to reopen the comment period. A supplemental NPRM provides the public with an additional opportunity to review and comment on the proposed requirements.

a. Additional Burden to the Public. Sometimes the FAA changes the NPRM requirements, based on new information, before issuing the final rule. The FAA uses this AD action if the changed requirements add a burden to the public (by expanding the applicability or shortening the compliance time, for example).

b. Request to Reopen Comment Period. Sometimes, the FAA reopens the comment period based on a request from the public.

10. "Proposed rule; withdrawal".
After issuing an NPRM, the FAA may become aware of new information that prompts withdrawal the proposed rule. Withdrawing the NPRM constitutes only that action and does not prevent the FAA from issuing another NPRM on the same issue in the future.

11. "Proposed rule; extension of the comment period".
After issuing an NPRM and while the comment period is still open, the FAA might need to extend the comment period. This AD action allows the public additional time to review and comment on the proposed requirements specified in the NPRM.

[22] Refer to Chapter 2 of this manual.

12. Superseding AD Actions.
Superseding AD actions might be issued as an NPRM, final rule, FRC, or emergency AD. The FAA issues a supersedure when the FAA needs to correct an error that affects the substance of or to expand the scope of an existing AD. Examples include adding a part number, correcting a part number (when that part number actually exists), mandating compliance with additional service information, reducing compliance times, expanding applicability, changing the methods of compliance, adding corrective actions, adding or changing inspection requirements, or adding mandatory terminating action.

a. Identifying Supersedures. A superseding AD gets a new amendment number and a new AD number; the previous AD is deleted from 14 CFR part 39.

b. Considerations for Writing Supersedures. Keep the following in mind when superseding an AD:

(1) When restating old compliance dates, limit them to the previous requirements only. When increasing applicability, do not use old compliance dates for newly added products. On the other hand, do not omit provisions of the previous AD that are intended to remain in effect until operators have complied with the requirements of the superseding AD. Conduct a thorough side-by-side comparison of the previous AD and the new AD draft replacement.

(2) Remember to give instructions in the amendatory language in terms acceptable to the OFR. "Supersedure" is an internal FAA term.

(3) The preamble must indicate that the FAA is superseding a previous AD.

c. Describing the Change in the AD. Include a discussion of each change in the AD that caused the supersedure. Be sure to consider whether the change affects any compliance time.

13. "Notice of Proposed Rulemaking (NPRM); correction" or "Final rule; correction".
The FAA issues a correction AD action when the change has no effect on compliance with the AD. Examples include, but are not limited to, changes to the contact information, address or telephone number for obtaining service information, or an incorrect AD docket number.

a. Identifying Corrections. A correction AD is not assigned a new amendment number or a new AD number because compliance is not affected.

b. Considerations for Writing Corrections. Keep the following in mind when correcting an AD:

(1) Remember to give instructions in the amendatory language in terms acceptable to the OFR.

(2) The preamble must indicate that the FAA is correcting a previous AD.

(3) You may only correct a final rule if the correction can be published in the *Federal Register* prior to the effective date of the final rule; otherwise, you must supersede the final rule.

(4) See the OFR Best Practices Guide in the ADD Library for more information on writing corrections.

c. Describing the Change in the AD. Include a discussion of each change to the AD in the preamble. For completeness, publish the entire rule portion in the correction document.

14. Removing an Existing AD.
Removing an existing AD requires a rule change under 14 CFR part 39. The standard procedure is to use the NPRM process to solicit public comment. If justified, process the rescission as an IAR.

a. Identifying Removals. A removal AD gets a new amendment number but retains its AD number with the addition of an "R1" suffix (for example, "2007-12-05 R1").

b. Considerations for Writing Removals. Keep the following in mind when removing an AD:

(1) Check whether the AD being removed mentions or affects another existing AD that is still effective.

(2) Be sure that removing the AD does not leave an unsafe condition unresolved.

(3) The fact that all owners or operators have complied with an AD does not make the AD (the change in type design) unnecessary. Do not remove an AD based on a DAH's claim that all affected aircraft have complied with the AD. Do not remove an AD based on information that no affected aircraft are on the U.S. registry.

(4) Remember to give instructions in the amendatory language in terms acceptable to the OFR.

(5) The preamble must indicate that the FAA is removing an existing AD.

c. Describing the Change in the AD. Include a discussion of why it is necessary to rescind the AD.

15. Sensitive Security Information (SSI) AD Action.
FAA Order 1600.75, *Protecting Sensitive Unclassified Information (SUI)*, provides policy and guidance for protecting sensitive unclassified information the FAA creates or controls. AD actions that relate to national transportation safety or security issues fall within the scope of FAA Order 1600.75 and are defined as sensitive security information (SSI).

a. SSI is a designation *unique* to the DOT's operating administrations and to the Department of Homeland Security. It applies to information the FAA obtains or develops while conducting *security activities,* including research and development activities. Unauthorized disclosure of SSI would:

(1) Constitute an unwarranted invasion of privacy

(2) Reveal trade secrets or privileged or confidential information obtained from any person; or

(3) Be detrimental to transportation safety or security.

b. Refer to work instruction, AIR-600-037-W1, for details on how to process security related ADs.

16. Other Types of Documents Published in the *Federal Register*.
The OFR Document Drafting Handbook (DDH) includes a list of other types of documents available for publication in the *Federal Register*, such as a public meeting notice. Contact your AD focal point (e.g., AD Program Manager) for more information about these other types of documents.

17. Petition for Exemption.
An AD is a regulation promulgated using the procedures of 14 CFR part 11. A petition requesting relief (exemption) from the requirements of an AD must meet the requirements of 14 CFR 11.81. Refer to the Office of Rulemaking's Exemption Process or your Airworthiness Counsel for more information.

Chapter 5. Drafting, Coordinating, Issuing, Publishing, and Distributing ADs

1. Purpose of this Chapter.
This chapter addresses drafting, coordinating, issuing, publishing, and distributing AD actions.

2. AD Worksheet.
The AD process begins when the AD worksheet is approved. The AD worksheet is the tool for conveying factual information to the appropriate office for drafting an AD action. Typically, separate AD worksheets are used for each applicable model or series when the complexity of the AD (e.g., multiple product configurations, multiple actions, and multiple compliance times) for a particular unsafe condition varies among those models or series. This practice facilitates a better review of proposed ADs and easier compliance with final rules for owners and operators.

a. Use the AD worksheet approved by the Organization and System Policy Branch, AIR-630. You can find the AD worksheet in the Airworthiness Directives Development (ADD) application at https://askme.faa.gov/add. Complete an AD worksheet in all cases except for a FRV of an emergency AD, provided the content of the emergency AD is restated in the FRV.

b. In ADD, send the completed AD worksheet and other supporting information (e.g., service information) to the AD focal point for the product. For appliances, provide it as follows:

(1) When the unsafe condition exists in the appliance (e.g., the appliance is the cause of a fire, direct cause of occupant injury, etc.), send it to the AD focal point identified by AIR-720. The AD action is issued against the appliance.

(2) When the unsafe condition results from the installation of the appliance on an aircraft, engine, or propeller, send it to the AD focal point responsible for that product. The AD action is issued against the aircraft, engine, or propeller; not the appliance.

c. Do not accept assurance from a DAH that all products are in compliance as a reason not to issue an AD action. The unsafe design remains approved, and there is no assurance that a modification remains on the product.

d. Coordination. AD worksheets must be signed by all appropriate parties. Signatures are typically captured within ADD, but personnel may also provide an actual signature, initial a hard copy, or send approval by email.

(1) If a worksheet is used, it is complete when the following personnel sign it:

(a) The Aviation Safety Engineer (ASE);

> **Note**: For the purposes of this manual, any reference to an ASE includes a flight test engineer or flight test pilot.

(b) The ASE's manager or person acting on the manager's behalf. This may be the ASE's front-line manager or the product-type section manager, as applicable;

(c) The Aircraft Evaluation Division (AED) focal (except for appliances). In ADD,

this is identified as AEG;

(d) The applicable AIR-500/-800 certificate managing office representative when a quality control problem is identified. In ADD, this is identified as MIDO/MIO; and

(e) Certification Branch Manager. In ADD, this is identified as ACO Manager.

(2) For NPRMs and SNPRMs, the disposition comment worksheet is approved when:

(a) For comments received, the worksheet is completed, the ASE and the ASE's manager (or person acting on the manager's behalf) sign it, and it is forwarded to the AD Focal in ADD. Or,

(b) When no comments are received, the worksheet is completed and it is forwarded to the AD Focal in ADD. No signatures are required in this case.

(3) For AD worksheets involving appliances that can be installed on various types of aircraft (e.g., transport category airplanes, small airplanes, or rotorcraft) or for unsafe conditions that cross product types, the ASE coordinates the worksheet with all affected certification branches.

3. Drafting References and Tools.

a. Document Drafting Handbook (DDH). The OFR DDH contains guidelines for developing and formatting rules. The OFR may reject an AD if it does not follow those guidelines.

b. OFR Incorporation by Reference (IBR) Handbook. The OFR IBR handbook highlights the issues to consider when incorporating material by reference into the CFR. The handbook describes the purpose and legal effect of IBR.

c. U.S. Government Printing Office (GPO) Style Manual. The GPO Style Manual contains guidance for proper grammar and punctuation.

d. FAA Order 1000.36. Follow this order to ensure the FAA is communicating clearly, effectively, and in plain language.

4. AD Templates.

a. Use the AD templates approved by AIR-720 and AGC-200. The current templates can be found in ADD.

b. For a security-related AD, see work instruction AIR-600-037-W1 for any special marking instructions.

5. Review and Coordination of AD Action.

a. The reviewers listed below must identify and resolve all possible issues with the ASE and must immediately raise unresolved issues through appropriate management levels to obtain

resolution. Except as provided in paragraph 5.b, the AD action is ready for signature once the following personnel have reviewed and coordinated on the grid:

- The ASE;
- The ASE's manager or person acting on the manager's behalf. This may be the ASE's front line manager or the product-type section manager, as applicable;
- AED (except for ADs for appliances) In ADD, this is identified as AEG;
- The applicable AIR-500/-800 certificate managing office representative (for a quality control issue). In ADD, this is identified as MIDO/MIO;
- Airworthiness Counsel. In ADD, this is identified as Legal; and
- AIR-500/-700 Management, as applicable.

b. For the following AD actions, you may coordinate on the grid as listed:

(1) A FRV of an emergency AD that restates the content of the emergency AD only requires coordination with your Airworthiness Counsel and AIR-500/-700 Management, as applicable, and

(2) Correction documents (NPRM and final rule) and final rule after NPRM (FRAN) documents, when no comments or only supportive comments are received, only require coordination with your Airworthiness Counsel and AIR-500/-700 Management, as applicable.

c. For AD actions involving appliances that can be installed on various types of aircraft (e.g., transport category airplanes, small airplanes, or rotorcraft) or for unsafe conditions that affect more than one product type, the technical writer must coordinate the draft AD action with all affected certification branches.

6. Administrator's AD Alert.

a. AIR-720 prepares an Administrator's AD Alert (AOA Alert) using the template coordinated with AIR-720. The template can be found in ADD. AD actions that include an AOA Alert are not released for publication until approval is received from AIR. Transmit the completed alert to the Executive Director, Aircraft Certification Service, AIR-1, in advance of the issuance of a "sensitive" AD. Do not send the AD to the OFR for publication or AIR-720 for distribution before AIR-1, or a person acting on their behalf, has approved the Administrator's AD Alert.

b. Typical examples of ADs that are considered "sensitive" include ADs that are:

(1) Unusually burdensome (e.g., imposes a significant cost impact under the DOT Policies, or might add a significant cost increase over previously issued ADs);

(2) Controversial;

(3) Expected to generate a high level of congressional or public interest (e.g., 737 MAX);

(4) Grounding aircraft;

(5) Affecting a large fleet of aircraft; or

(6) Anticipated to generate significant news media coverage, especially if related to a well-publicized accident.

c. Refer to the AOA Alert Process document in ADD for more information.

7. Signature of AD Action.
After coordinating with all necessary parties, the AIR-500/-700 Director signs the AD action. The Director may redelegate authority to sign ADs to the Deputy Director, but no further. Persons acting as the Director or Deputy Director may also sign ADs provided an appropriate delegation memo authorizes them.

8. Continued Airworthiness Notification to the International Community (CANIC).

a. The FAA uses a CANIC to notify civil airworthiness authorities of other countries of pending significant safety actions. Examples of significant safety actions include, but are not limited to, the following:

(1) Urgent safety situations;

(2) The pending issuance of an Emergency AD;

(3) A safety action that affects many people, or operators;

(4) A Special Federal Aviation Regulation (SFAR);

(5) Other high interest event (e.g., a special certification review (ref. FAA Order 8110.4)).

b. Refer to Quality Management Systems (QMS) documents AIR-001-030-F1, *CANIC Template*, and AIR-001-030-W1, *AIR Continued Airworthiness Notification to the International Community*, for the CANIC template and procedures regarding initiating, drafting, coordinating, issuing, and distributing CANICs.

9. Publication of AD Action.

a. Sending the AD Action to the OFR. After the AD action is signed, the issuing office sends the digitally signed AD action, if authorized by the OFR, to the OFR for publication.

b. Correcting or Withdrawing Documents from the OFR. The OFR DDH provides procedures for correcting or withdrawing documents from the OFR.

10. Distribution.
The AD process ends when the AD is distributed to the affected parties. After the AD is

published in the *Federal Register*, AIR-720 distributes the AD per the process below. AIR-720 also posts it on DRS.

a. Emergency ADs.

(1) For emergency ADs that require AIR-720 support after business hours and on weekends or holidays, notify the AIR-720 Manager as soon as possible to ensure personnel are available to complete AIR-720's distribution responsibilities.

(2) Within 24 hours after receiving the signed AD, AIR-720 must:

(a) For transport category airplanes, including engines, propellers, or appliances installed on them:

- Publish the emergency AD on DRS;
- Notify subscribers of affected airplanes, including engines, propellers, or appliances, using the distribution list maintained in GovDelivery;
- Notify FCAAs using the distribution list maintained by AIR-720;
- Notify appropriate FAA personnel using the distribution list maintained in AIR-720.
- Email the emergency AD to all affected operators with an A447 OpSpec paragraph listed in the Web-based Operations Safety System, as called out in the "applicability" of the AD; and
- Mail the emergency AD to all affected owners listed in the FAA Aircraft Registry, as called out in the "applicability" of the AD;

(b) For rotorcraft or small airplanes, including engines, propellers, or appliances installed on them:

- Publish the emergency AD on DRS;
- Notify subscribers of affected airplanes, including engines, propellers, or appliances, using the distribution list maintained in GovDelivery;
- Notify FCAAs using the distribution list maintained by AIR-720;
- Notify appropriate FAA personnel using the distribution list maintained in AIR-720; and
- Mail the emergency AD to all affected owners listed in the FAA Aircraft Registry, as called out in the "applicability" of the AD;

b. Final Rules, including "Final rules; request for comments." AIR-720 distributes the

AD electronically. You can find final rules at:

- The FAA DRS website
- The Federal Docket Management System (FDMS) website
- The Federal Register

c. NPRMs. AIR-720 does not distribute NPRMs to owners or operators. You can find NPRMs at:

- The FAA DRS website
- The FDMS website
- The Federal Register

d. ADs Affecting Appliances.

(1) The FAA Aircraft Registry Database does not contain appliance information. Therefore, when possible, the issuing office includes in the applicability statement of the AD the aircraft make and model(s) in which an appliance might be installed on.

(2) For ADs that don't or can't identify a specific affected appliance model (such as a transceiver AD), AIR-720 might have to distribute the AD to the entire fleet or a large portion of the fleet. If preparing an AD that requires such a distribution, contact AIR-720 as soon as possible to discuss distribution.

e. Security-Related ADs.

(1) A security-related AD must be distributed only to need-to-know persons. Each office must coordinate early with AIR-720 and provide a list of affected operators for specific distribution.

(2) Refer to AIR-600-037-W1 for details on the distribution of a security-related AD.

11. Exchange of Continuing Airworthiness Information.

a. International Civil Aviation Organization (ICAO) Annex 8. Amendment 100 to ICAO Annex 8, Airworthiness of Aircraft, Section 4, obligates the United States to exchange continuing airworthiness information with ICAO member states.

b. Effect on ADs. Bilateral agreements between the United States and other countries also require the exchange of AD information. The FAA meets this requirement by ensuring that ICAO Member States that have notified the FAA of the inclusion of a U.S.-manufactured aircraft on its registry are sent all applicable ADs. AIR-720 is the focal point for the exchange of airworthiness information with international civil aviation authorities.

12. Biweekly Supplements.
A biweekly supplement contains all ADs issued by the FAA during the previous two weeks. AIR-720 posts each biweekly supplement on the FAA DRS website.

13. Unilateral AD Action for non-U.S. State of Design (SoD) Products.
In general, the FAA leverages the SoD FCAA to issue mandatory continuing airworthiness information (MCAI) for products for which they are responsible under ICAO Annex 8 and issues those ADs in accordance with FAA Order 8040.5, *Airworthiness Directive Process for Mandatory Continuing Airworthiness Information*. However, there may be times when the FCAA has not issued an MCAI for an issue the FAA is investigating as an airworthiness concern. Use the following procedure when considering issuing an AD for which the SoD FCAA has not issued MCAI:

a. When investigating an airworthiness concern, notify the FCAA responsible for the product early in the investigation to determine if they will be issuing an AD as the SoD for the product. AIR should share with the FCAA the data indicating the potential unsafe condition during its investigation, which may assist the FCAA in better determining its need for issuing an AD as the SoD.

b. Use the domestic AD worksheet and template in ADD.

(1) Draft, coordinate, and issue the AD action following the process in this manual.

(2) Specify in the discussion section of the AD action why the FAA chose to take correction action independent from the SoD.

(3) Prior to issuing the AD, discuss the unsafe condition, applicability, and corrective action(s) with the SoD FCAA to ensure accuracy and completeness of the information.

(4) Contact the International Office, AIR-40, with any issues related to discussions with the SoD FCAA and to determine if it is necessary to complete a Bilateral Relationship Maintenance form, see AVS QMS document AIR-002-025-W1.

c. Draft an AOA Alert.

(1) Indicate in the AOA Alert that it is a unilateral AD action and what discussions took place with the FCAA.

(2) Forward the AOA alert to the appropriate AIR-500/-700 front office for awareness.

(3) AIR-500/-700 forwards the AOA Alert to AIR-10 for coordination with AIR-1/-2, AVS, and the Administrator's office.

d. Draft a CANIC to formally notify FCAAs of the pending FAA AD, see AVS QMS document AIR-001-030-W1.

e. After receiving confirmation from AIR-10 that all required coordination is completed, send the AD action to the Office of the Federal Register for publication.

Chapter 6. Preamble of an AD

1. Purpose of this Chapter.

This chapter provides policy and guidance on certain sections of the preamble. You can find more details about the preamble in the OFR DDH. Refer to FAA Order 8040.5, *Airworthiness Directive Process for Mandatory Continuing Airworthiness Information*, for guidance on MCAI-related ADs.

2. Information Headings.

The preamble provides the basic information about the "who, what, where, when, and why" of the document for the average reader rather than just the aviation expert. It does not include regulatory text; the regulatory text is in the rule portion of the AD. All documents the FAA sends to the OFR must include the information headings shown in Example 6-1 and explained in Table 6-1 of this chapter.

Example 6-1: Information Headings in an AD Action

[4910-13-P]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-1205; Project Identifier AD-2023-00441-E; Amendment 39-22452; AD 2023-11-06]

RIN 2120-AA64

Airworthiness Directives; Engine Alliance Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

Table 6-1: Explanation of Information Headings

Information Heading	Explanation
[4910-13-P]	Billing Code: • This information heading appears on the first line in the text of the AD action that the FAA sends to the *Federal Register*. It does not appear in the published version of the document.
DEPARTMENT OF TRANSPORTATION	Department Name

Information Heading	Explanation
Federal Aviation Administration	Subagency Name
14 CFR Part 39	CFR Citation: • The CFR chapter the document amends or proposes to amend.
[Docket No. FAA-20-+++++; Project Identifier **-****-***-*; Amendment 39-**; AD **]**	Agency Identification Numbers: • AD docket number obtained from the FDMS. • Project identifier is unique to each AD. • Amendment number to CFR Part 39. This number doesn't appear in NPRMs. • AD number. This number doesn't appear in NPRMs.
RIN 2120-AA64	RIN Number: • Assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions. • All AD actions carry the same RIN.
Airworthiness Directives; **	Subject Heading; Name of Product Affected: • The name of the TC holder and model of the product (i.e., aircraft, aircraft engine, propeller, or appliance) affected with additional qualifiers, as necessary.
AGENCY	Name of agency issuing the regulatory action
ACTION	Type of AD action (e.g., NPRM, Final Rule, etc.)

3. AD Numbering.

a. Identifying AD Actions. ADD automatically assigns the project a project identifier after the ASE creates the project (the worksheet). After the worksheet is approved, AIR-720 obtains a FDMS docket number.

(1) Docket Number (underlined below).

Docket No. FAA-2023-XXXX; Project Identifier AD-2023-XX-A; Amendment 39-XXXXX; AD 2008-XX-XX

(a) AIR-720 contacts DOT DMS Docket Operations by telephone or by email and requests an FDMS docket number. AIR-720 supplies the following information to DOT DMS Docket Operations:

- AD Docket Title (i.e., Project Identifier)
- Category (i.e., Rulemaking)
- Subcategory (i.e., Airworthiness Directives)
- Action Office (e.g., AIR-720)
- AD Docket Subject (i.e., TC Holder/Model/Subject)

(b) The DOT DMS Docket Office then assigns the next sequential AD docket number, which includes the calendar year the FDMS docket number is requested. Example: FAA-2023-1205.

(2) Project Identifier (underlined below). The project identifier includes the type of AD action (AD or MCAI), the year in which the project was created, a unique sequential number, and the affected product type(s). The product types are as follows:

- T – Transport category airplanes
- A – Small (normal category) airplanes
- E – Engines
- R – Rotorcraft
- P – Propellers
- G – Gliders
- Q – Appliances
- B – Balloons
- S – Airships
- W – Powered-lift
- L – Light-Sport Category Aircraft (LSA)
- U – Unmanned Aircraft Systems (UAS) (must be used in conjunction with the base product type)

Docket No. FAA-2023-XXXX; Project Identifier AD-2023-00152-E; Amendment 39-XXXXX; AD 2023-XX-XX

b. Retaining Project Identifier and Docket Number. For SNPRMs and final rules that follow NPRMs, use the same project identifier and FDMS docket number used for the NPRM.

c. Amendment Number (underlined below). Before an AIR-500/-700 Director or Deputy Director signs an AD, AIR-720 gets a part 39 amendment number and an AD number from ADD

and updates the AD to insert these numbers.

Docket No. FAA-2023-XXXX; Amendment 39-XXXXX; AD 2023-XX-XX

d. AD Number (underlined below).

Docket No.FAA-2023-XXXX; Amendment 39-XXXXX; AD 2023-XX-XX

(1) Every AD is assigned an AD number. The number consists of eight digits separated by dashes and is used for agency tracking, maintenance recordkeeping by operators, and filing purposes.

- The first four digits indicate the calendar year in which the AD action is issued.
- The second two digits indicate the biweekly period of the year in which the AD number was assigned.
- The last two digits are issued sequentially, beginning with –01 for each biweekly period and continuing in ascending order until the next biweekly period begins, unless the AD is an emergency AD.

(2) Emergency AD numbers are designated the "50 series." Examples are 2005-10-51 and 2004-14-52. The AD numbers follow the same system described previously.

(3) Contact AIR-720 if, for any reason, an AD or amendment number needs to be generated outside of ADD.

4. Subject Heading.

a. For AD actions involving type certificated (TC) aircraft, engines, or propellers, specify the affected TC holder and product type only. For example:

Example 6-2: Subject Heading with TC Holder and Product Type

The Boeing Company Airplanes

(1) Use the legal name of the TC holder specified on the Type Certificate Data Sheet (TCDS). Identify previous TC holder(s) if including them makes it easier to identify the product. Whether you list previous TC holders depends on the DAH, model, and history. Evaluate these on a case-by-case basis. Review the applicable TCDS for the TC holder history, and review ADs issued against affected models to determine if they named previous TC holders. There is no standard threshold (in years) that determines how far back to go when identifying previous TC holders. For example:

Example 6-3: Subject Heading with Previous TC Holder

Textron Aviation, Inc. (Type Certificate previously held by Beechcraft Corporation) Models 1900, 1900C, and 1900D Airplanes

(2) For AD actions affecting many different TC holders, replace the TC holder with "Various [Aircraft/Engines/Propellers]," as appropriate. Use product descriptor as necessary (e.g., Transport Airplanes, Reciprocating Engines). For example:

Example 6-4: Subject Heading Involving Many Different TC Holders

Various Transport Category Helicopters

b. For AD actions involving appliances, identify the DAH's name followed by the affected part name/type. For example:

Example 6-5: Subject Heading Involving an Appliance

Thommen Aircraft Equipment AG, Digital Air Data Computers

c. For AD actions involving LSA, identify the make as specified on the FAA Forms 8130-15 of the affected aircraft and the product type. Those forms can be found in the Airworthiness Certification application at https://askme.faa.gov/AWC.

Example 6-6: Subject Heading Involving an LSA airplane

ICON Aircraft, Inc., airplanes

5. Summary.
Using the information from the AD worksheet and service information, as appropriate, the summary must briefly describe the following:

a. The mandated or proposed corrective action(s) (e.g., This AD requires you to XXX …); and

b. The unsafe condition (e.g., This AD was prompted by XXX …).

6. Background.
This section clearly justifies why the AD action is necessary. Fully explain the unsafe condition and the circumstances that created a need for the AD. Present the history of the information sent to the FAA to date. Describe what would happen if the FAA did not take AD action (i.e., this condition if not corrected could result in …). To further support why the AD action is necessary, the FAA may also describe elements of a risk analysis.

7. Material Incorporated by Reference under 1 CFR Part 51.
This section describes all service information that will be incorporated by reference by the AD action and gives a brief description of the procedures specified. See Chapter 9 for more information on incorporation by reference.

8. Differences Between this [Proposed] AD and Service Information.
This section describes major differences from the service information (e.g., changes to avoid bootstrapping, mandating terminating action, effective dates, etc.).

9. Interim Actions.
The requirements of some ADs are "interim actions" until a more effective modification or action is developed or to avoid bootstrapping. The preamble of these ADs must contain a statement indicating that it is an interim action so all affected operators know that the FAA may issue additional rulemaking in the future; however, follow-on action is not required if additional data does not support it. The following are some specific examples:

a. If the AD requires repetitive inspections and the FAA knows that the DAH is developing a modification or action that makes those inspections unnecessary, you may use one of the following statements, as appropriate.

Example 6-7: Interim Action Statements

The FAA considers this proposed AD interim action. If final action is later identified, we might consider further rulemaking then.

Example 6-8: Interim Action Statements

The FAA considers this proposed AD interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the FAA might consider additional rulemaking.

b. Sometimes the FAA issues an IAR or an emergency AD that requires operators to initiate repetitive inspections within a short time. When the FAA issues the IAR or emergency AD, there might be a modification available that, once installed on the aircraft, would end the need for repetitive inspections. If the FAA plans to require the modification, but the compliance time for its installation exceeds the criteria for an "immediate" rule and there is enough time to allow the public to comment on the modification, then you may use the following statement in the preamble to the IAR or emergency AD:

Example 6-9: Interim Action Awaiting Terminating Action

The FAA considers this AD interim action. The agency is currently considering requiring [the installation of..., which will constitute terminating action for the repetitive inspections required by this AD action]. However, the planned compliance time for the installation of the modification would allow enough time to provide notice and opportunity for prior public comment on the merits of the modification.

c. Some ADs require that owners or operators send a report of inspection results to us or to the DAH. The FAA uses this information to determine if an additional action or a final action is necessary (see Chapter 7, paragraph 14, for more information about reporting requirements). You may use a statement similar to the following in these cases:

Example 6-10: Interim Action Awaiting Inspection Results

The FAA considers this AD interim action. The inspection reports that are required by this AD will enable the agency to obtain better insight into [the nature, cause, and extent of the cracking,] and eventually to develop final action to address the unsafe condition. Once final action has been identified, the FAA might consider further rulemaking.

10. Costs of Compliance.
This section includes the costs associated with the mandatory corrective action(s) and calculates them as follows: the number of work-hours required to complete the AD (or one inspection cycle if the AD requires repetitive inspections) multiplied by the current established burdened labor rate, plus the cost of parts. The stated costs must address all actions mandated by the AD (e.g., revising the Instructions for Continued Airworthiness (ICA)). You can express the labor and parts costs for individual products. Give a total cost for the entire affected U.S.-registered fleet. When determining the costs of an AD action:

a. Make sure the number of work hours (at the burdened labor rate), the cost of parts, the total number of U.S.-registered aircraft or the total number of products installed on U.S.-registered aircraft equals the total cost stated in the AD. Don't include other unstated factors. The FAA must give the necessary cost information so the public can see how we reached the total.

b. Don't make unsubstantiated presumptions about how many aircraft, engines, or other products have already had the work required by the AD performed.

c. If more than one aircraft certification category or model requires different actions, state the cost for each category separately.

d. Calculate the total cost to comply with the actions of the proposed AD (e.g., accessing, testing, parts, closing, etc.). State them in the *Cost of Compliance* section of the preamble as if no warranty program exists. If a TC holder or DAH offers warranty coverage, add a statement mentioning the warranty program, but do not exclude any costs.

e. Do not state any costs beyond initial work hours and parts costs. For example, don't include costs that operators might incur in individual maintenance scheduling or costs that operators might pass on to others.

f. Include on-condition costs (e.g., those costs associated with follow-on actions to a required inspection, such as repairing a crack detected during an inspection) per product. Do not include the total fleet on-condition costs as the FAA has no way of knowing how many products will be required to perform those actions.

Chapter 7. Rule Portion of an AD

1. Purpose of this Chapter.

This chapter provides policy and guidance for certain sections in the rule portion of an AD. Although the preamble explains the AD and its purpose, the rule portion of the AD stands alone. Refer to FAA Order 8040.5, *Airworthiness Directive Process for Mandatory Continuing Airworthiness Information*, for guidance on MCAI-related ADs.

2. Headings in the Rule Portion of an AD.

While the actual content of each AD varies, you must include certain headings in the rule portion of every AD. Example 7-1 provides an excerpt from a Final Rule AD. Refer to the standardized templates in ADD for the headings required in other types of AD actions.

Example 7-1: Headings in the Rule Portion of an AD

2023-11-06 Engine Alliance: Amendment 39-22452; Docket No. FAA-2023-1205; Project Identifier AD-2023-00441-E.

(a) Effective Date

This airworthiness directive (AD) is effective [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

(b) Affected ADs

None.

(c) Applicability

This AD applies to Engine Alliance Model GP7270, GP7272, and GP7277 engines with an installed high-pressure turbine (HPT) interstage seal having part number (P/N) 2047M99P02 and serial number (S/N) BTB71863 or BTB86871.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a manufacturer investigation that revealed that certain

3. Product Identification.

The product identification specifies the name of the TC holder or DAH (including LSA manufacturer) used in the Subject Heading in the preamble.[23]

[23] Refer to Chapter 7, paragraph 4, of this manual.

Example 7-2: Product Identification for an NPRM

Lycoming Engines (Type Certificate previously held by Textron Lycoming): Docket No. FAA-2024-1695; Project Identifier AD-2023-00783-E.

Example 7-3: Product Identification for a Final Rule

2023-23-14 The Boeing Company: Amendment 39-22616. Docket No. FAA-2023-2228; Project Identifier AD-2023-01095-T.

a. If many different TC holders are affected, replace the TC holder with "Various [Aircraft/Engines/Propellers]," as appropriate. For example:

Example 7-4: Product Identification for a Final Rule Involving Many Different TC Holders

2024-06-02 Various Airplanes and Helicopters: Amendment 39-22917. Docket No. FAA-2024-0996; Project Identifier AD-2023-00365-A,Q,R,T.

b. For AD actions that result from an unsafe condition associated with a supplemental type certificate (STC) or parts manufacturer approval (PMA), use the TC holder's legal name of the product affected (not the holder of the PMA or STC). For example, write the product identification statement for an STC issued to Dart Aerospace on multiple helicopter makes and models as the following:

Example 7-5: Product Identification for a Final Rule Involving an STC

2024-20-07 Various Helicopters: Amendment 39-22866. Docket No. FAA-2024-1004; Project Identifier AD-2023-01058-R.

c. For AD actions associated with appliances, use the appliance DAH's name. For example:

Type-Example 7-6: Product Identification for a Final Rule Involving an Appliance

2025-07-01 Thommen Aircraft Equipment AG: Amendment 39-23002. Docket No. FAA-2024-23221; Project Identifier MCAI-2024-00065-Q.

d. For AD actions associated with LSA, use the LSA manufacturer's name as specified on the FAA Forms 8130-15 of the affected aircraft.

Example 7-7: Product Identification for a Final Rule Involving LSA

2025-19-71 Van's Aircraft, Inc.: Amendment 39-20009. Docket No. FAA-2025-1891; Project Identifier AD-2025-0052-L.

4. Effective Date.
The templates contain standard effective dates. If, in a rare instance (usually at the direction of the AIR-500/-700 management), an AD is effective upon publication, enter the following bracketed statement in the space left for the effective date.

Example 7-8: Effective on Publication

(a) This AD is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

5. Affected ADs.

a. List any AD numbers that are superseded by the AD we're publishing. For example:

Example 7-9: Affected ADs for a Supersedure

(b) This AD replaces AD 2004-12-15, Amendment 39-13675 (69 FR 33837, June 17, 2004) (AD 2004-12-15).

b. List the AD number of other ADs if the requirements of those ADs are affected. Clearly identify when a new AD affects the compliance of existing AD(s) (e.g., the new AD terminates an action required in an existing AD). Provide details on the specific paragraphs of the existing ADs and explain how they are affected in a separate paragraph of the new AD. Do not identify an existing AD when allowing credit for prior action(s) already done (e.g., accomplishment of the applicable requirements of AD 2013-15-07 before the effective date of this AD is acceptable for compliance with the requirements of paragraphs (g), (h), and (i) of this AD). Also, do not use this paragraph to identify an existing AD solely because the "new" AD mentions an existing AD. For example:

Example 7-10: Affected ADs Related to Other ADs

(b) This AD affects AD 2007-12-19, Amendment 39-15097 (72 FR 32782, June 14, 2007) (AD 2007-12-19).

6. Applicability.
Include a statement or table that identifies the affected product using the information specified in the Subject Heading in the preamble. Use only Microsoft Word tables, since they are searchable. Add serial numbers (S/Ns), line numbers, etc., if they are appropriate and useful. For example:

Example 7-11: Identifying Applicability Using a Statement with Subparagraphs

(c) This AD applies to The Boeing Company airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model 757-200 series airplanes, as identified in Boeing Special Attention Service Bulletin 757-21-0106, dated March 24, 2005.

(2) Model 757-300 series airplanes, as identified in Boeing Special Attention Service Bulletin 757-21-0107, dated March 24, 2005.

Example 7-12: Identifying Applicability Using a Single Statement

(c) This AD applies to Robinson Helicopter Company Model R44 helicopters, certificated in any category.

Example 7-13: Identifying Applicability Using Tables

(c) This AD applies to The Boeing Company airplanes, certificated in any category, identified in table 1 of this AD:

Table 1 – Applicability

Models –	Boeing –
737-600, -700, -700C, -800, -900 series airplanes	Special Attention Service Bulletin 737-24-1165, Revision 1, dated October 20, 2005
737-300, -400, -500 series airplanes	Alert Service Bulletin 737-24A1166, Revision 4, dated May 21, 2009
747-400, -400D, -400F series airplanes	Service Bulletin 747-24-2254, Revision 1, dated March 5, 2007

Example 7-14: Identifying Applicability Using Tables with S/Ns

(c) This AD applies to the Textron Aviation Inc. (Type Certificate previously held by Beechcraft Corporation) airplanes, certificated in any category, identified in table 1 of this AD:

Table 1 – Applicability

Model –	Serial Numbers –
1900	UA-3
1900C	UB-1 through UB-74, UC-1 through UC-174, and UD-1 through UD-6
1900D	UE-1 through UE-439

a. STC or PMA. Some ADs correct a condition that arises when one or more different models of aircraft, engine, or propeller are altered as a result of an STC or PMA.

(1) Use the following:

(a) If only one TC holder is affected, list the name of the TC holder and model(s) affected and reference the STC or PMA as identified in the Subject Heading in the preamble. For example:

Example 7-15: Applicability Statement for STC

(c) This AD applies to the helicopters identified in paragraphs (c)(1) through (8) of this AD, certificated in any category.

(1) Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters modified by Supplemental Type Certificate (STC) SR00831LA; Model EC120B helicopters modified by STC SR00780LA; and Model EC130B4 helicopters modified by STC SR01687LA.

* * * * *

Example 7-16: Applicability Statement for PMA

(c) This AD applies to all Embraer S.A. airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category, equipped with any NORDAM passenger window having parts manufacturer approval part number (P/N) P00038-3.

(b) If the Subject header and product identification statements applied to many different TC holders (e.g., Various Airplanes), list the name of each TC holder and model(s)

affected. Reference the STC or PMA as identified in the Subject Heading in the preamble. For example:

Example 7-17: Applicability Statement for Many TC Holders and STCs

(c) This AD applies to all serial numbers of the following airplanes, certificated in any category, that are modified by Supplemental Type Certificate (STC) SA1921CE, SA1922CE, or SA1923CE, as identified in table 1 of this AD:

Table 1 – Applicability

Type Certificate Holder –	Models –
Aerostar Aircraft Corporation	PA-60-600, PA-60-601, PA-60-601P, and PA-60-700P
Textron Aviation Inc. (Type Certificate Previously Held by Beechcraft Corporation)	2000
Piper Aircraft, Inc.	PA-46-310P and PA-46-500TP
Textron Aviation Inc. (Type Certificate previously Held by Cessna Aircraft Company)	T303, 310R, 425, and 441
Sabreliner Corporation	NA-265-40, NA-265-60, NA-265-70 and NA-265-80

(2) An alternative is to issue a separate AD for each TC holder affected by the STC or PMA.

b. Appliance ADs. For appliance ADs (e.g., TSOs), use the information specified in the Subject Heading in the preamble. If known, include the aircraft, engine, or propeller model(s) that may use the appliance. For example:

Example 7-18: Applicability Statement for Appliance ADs

(c) This AD applies to Sicma Aero Seat cabin attendant seats series 150 type FN and 151 type WN, all part and serial numbers. These attendant seats are installed on, but not limited to, Airbus Models A319, A320, and A321 series airplanes.

c. Light-Sport Category Aircraft. Use the information specified in the Subject Heading in the preamble. If applicable, include any qualifiers (serial numbers, part numbers, manufacture date, etc.) to limit applicability to affected aircraft.

▪ **Example 7-19: Applicability Statement for LSA Aircraft**

(c) This AD applies to Van's Aircraft, Inc. Model RV-12iS airplanes, certificated in any category.

d. Serial Numbers (S/Ns) or Other Identifiers. You may use or reference S/Ns or other identifiers with the model number to further identify products affected by an AD.

(1) If the product is currently in production, the ASE works with the DAH/manufacturer to determine when the production run will end or when a product improvement will eliminate the unsafe condition cited by the AD. Then state the complete range of S/Ns. Ensure the production run ends as represented by the DAH/manufacturer.

(2) When citing a range of S/Ns, such as "S/N 12340 through S/N 12345 inclusive," ensure the applicability includes every S/N listed within the range, including both the starting and ending S/N.

e. Certification Category.

(1) Type Certification Categories. Aircraft are type certificated in categories, such as transport, normal, commuter, restricted, acrobatic, etc. For aircraft ADs, boilerplate language includes the phrase "certificated in any category" in the applicability statement. If the unsafe condition does not affect all certification categories, specify which categories the AD excludes. For example:

Example 7-20: Excluding TC Categories from an AD

(c) This AD applies to Aerotek II, Inc. Models B-1 and B-1A airplanes, certificated in any category except restricted.

(2) Airworthiness Certification Categories. The boilerplate phrase "certificated in any category" also applies to the airworthiness certification of the aircraft. Unless specifically stated, ADs apply to the make and model of the product set forth in the applicability statement regardless of the classification or category of the airworthiness certificate issued for the aircraft.

(3) Type-Certificated Engine or Propeller Installed on Non-U.S.-Type Certificated Aircraft. Do not exclude a type certificated engine or propeller from the applicability statement of an AD because it might be installed on an aircraft that does not hold a U.S. type certificate. Write the applicability statement to include all affected engine or propeller models, including those installed on LSA, but do not specify a non-U.S.-type certificated aircraft that it might be installed on (e.g., amateur-built aircraft).

f. Military Aircraft. List military aircraft in the applicability paragraph of ADs if:

- The military aircraft is eligible for certification under a civilian TC; or
- The AD affects the civil counterpart of the aircraft.

Example 7-21: Applicability Statement with Military Aircraft

(c) This AD applies to The Boeing Company Model DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-33F, DC-9-34, DC-9-34F, and DC-9-32F (C-9A, C-9B) airplanes.

g. Military Engines. List military engines in the applicability paragraph of ADs if:

- The military engine is included in the type design of military aircraft that are eligible for certification under a civilian TC; or
- The AD affects the civil counterpart of the engine.

Example 7-22: Applicability Statement with Military Engines

(c) This AD applies to Honeywell International, Inc. T5311A, T5311B, T5313B, T5317A, T5317A-1, T5317B, T5317BCV, and former military T53-L-11, T53-L-11A, T53-L-11B, T53-L-11C, T53-L-11D, T53-L-11A S/SA, T53-L-13B, T53-L-13B S/SA, T53-L-13B S/SB, and T53-L-703 model turboshaft engines.

7. ATA/JASC Code.
Include the code and subject title that clearly and concisely reflects the contents of the AD action (e.g., 32, Landing Gear; or 3220, Nose/Tail Landing Gear). When possible, use the more specific JASC code. A copy of the JASC code document can be found in ADD.

8. Compliance.
The compliance requirements involve compliance times and mandated corrective actions.

a. Basic Elements of Compliance Times. The FAA considers the following information when establishing a compliance time or period:

(1) Establishing a Compliance Threshold. A compliance "threshold" establishes the point in a product's life by which the owner or operator must take action to detect or prevent the unsafe condition. The threshold is based on an engineering assessment. For example, if airplanes show fatigue cracking at 10,000 landings, the ASE may determine it is necessary to require an initial inspection for fatigue cracking before the airplane accumulates 5,000 landings.

(2) Establishing a Grace Period for Products that Have Exceeded the Threshold. Some products might have already exceeded the threshold that the ASE establishes for an AD. In these cases, the ASE includes a "grace period" to prevent the FAA from unnecessarily grounding the aircraft. The ASE selects a grace period that avoids grounding or interfering with normal maintenance schedules while still ensuring timely compliance and maintaining an acceptable level of safety. It's important to note, though, that in some cases, we might need to ground aircraft. When setting a grace period, consider the following factors:

(a) The degree of urgency of the unsafe condition, which must be balanced against the amount of time necessary to do the required actions.

(b) The availability of replacement parts.

(c) Operators' regular maintenance schedules.

(d) Other factors affecting the ability of operators to comply.

b. Expressing Compliance Times Using Flight Hours or Hours Time-in-Service (TIS).

(1) Simple Compliance Times. A simple way to express a compliance time is to state the number of hours of operation at which all affected products must be in compliance with the AD. Using the phrase "within [X] flight hours" means any time up to or at [X] hours. The phrase "before the [product] accumulates [X] hours TIS" means up to but not including [X] hours. Clarify whether the hours stated are total hours (since new) or hours from a given reference (e.g., after the effective date of this AD). Use the following examples as guidance.

- **Example 7-23: Simple Compliance Time Using Flight Hours**

Required within 100 flight hours after the effective date of this AD.

Example 7-24: Simple Compliance Time Using TIS

Required within 100 hours time-in-service (TIS) after the effective date of this AD.

Example 7-25: Compliance Time Using Landings

Before the airplane accumulates 100 landings after the effective date of this AD ...

(2) Multiple Compliance Times. When there are multiple compliance times, avoid stating compliance times that create overlapping requirements. Be clear whether qualifiers such as "after the effective date of this AD" are intended to apply to all conditions or just some. Use the following example as guidance:

Example 7-26: Multiple Compliance Times Using TIS

Before the airplane accumulates 5,000 total flight hours or within 300 flight hours after the effective date of this AD, whichever occurs later …

(3) Compliance time for a Component. If compliance times relate to the flight hours or hours time-in-service of a part, use a statement similar to Example 7-27.

Example 7-27: Compliance Time for a Component Using TIS

Before the torque link, P/N 13579 accumulates 1,000 hours total time-in-service (TIS) or within 100 hours TIS after the effective date of this AD, whichever occurs later ...

c. Expressing Compliance Times Using Calendar Times.

(1) Use calendar times (e.g., "within 6 months after the effective date of this AD") when:

(a) The FAA can establish a direct relationship between calendar time and airworthiness. For example, after operating in a corrosive environment, an airplane might not be operated for 6 months. Corrosion could continue to develop over time; therefore, compliance based on calendar time would be necessary to detect the unsafe condition.

(b) An aircraft's usage rate varies greatly throughout the fleet. In this instance, the FAA generally can't prioritize the compliance time any other way; or

(c) Logistics for the operators, such as parts availability, repair facility availability, means they must perform the actions in the AD on an attrition basis with a calendar deadline.

- **Example 7-28: Compliance Time Using a Calendar Date**

Within 25 flight hours or 30 days, whichever occurs first, after the effective date of this AD...

- **Example 7-29: Compliance Time Using a Calendar Date**

Before the aircraft accumulates 2,500 total hours TIS or within 24 months after the effective date of this AD, whichever occurs first…

(2) When the FAA expresses compliance times in months or calendar months after the effective date of the AD, the FAA might establish the time from the effective date as follows:

(a) If the compliance time is "within 12 months after the effective date of this AD" and the effective date is January 15, 2006, the deadline for compliance is January 15, 2007.

(b) If the compliance time is specified as a number of calendar months after the effective date, the time is measured from the end of the month during which the AD becomes effective. If the compliance time is "within 12 calendar months after the effective date of this AD" and the effective date is January 15, 2006, the deadline for complying is January 31, 2007.

d. Expressing Compliance Times Using Dates. While an AD is being developed, the FAA can't precisely determine the effective dates, particularly during the NPRM stage. Therefore, citing a calendar date (for example, "before December 1, 2006") isn't usually an appropriate method of specifying a grace period. However, when the FAA can establish a direct analytical relationship and it is appropriate to use calendar dates, give a brief explanation of the relationship in the preamble of the AD. The mere fact that the service document or an international civil aviation authority's AD refers to a calendar date isn't enough to justify using a calendar date in a U.S. AD. In most cases, this relationship does not exist because:

(1) Compliance thresholds are usually a function of usage, which is unrelated to calendar dates.

(2) Grace periods reflect the time needed after the effective date to complete the required actions.

e. Expressing Compliance Times Using the Number of Landings or Flight Cycles.

(1) Use the number of landings or flight cycles on an aircraft to express compliance time if the problem is related to landings or flight cycles; for example, if the problem is related to landing gear, flaps, or fatigue that is aggravated by landing or pressurization cycles. The term landing should be defined in the AD as it may mean different things for different products (e.g., for airplanes does it include touch and gos; for helicopters does it mean engine shutdowns).

Example 7-30: Compliance Time Using Number of Landings

Required before accumulating 100 landings after the effective date of this AD.

(2) If applicable, use a statement in the AD to provide for operators that do not keep landing records. For example:

(a) The compliance times of this AD are presented in landings. If you do not keep a record of the total number of landings, then multiply the total number of aircraft hours TIS by (whatever multiplier is appropriate for the affected aircraft).

(b) Subject to acceptance by [appropriate FAA official], operators that do not have landing records can determine the number of landings by dividing the number of hours of TIS of each airplane by the time of the average flight for the aircraft of that type in the operator's fleet.

f. Expressing Compliance Times Using Engine Cycles. You may use cycles to express compliance time for ADs that affect turbine engines. Use the standard cycle definition and cycle counting methodology specified in the approved service document for the applicable engine model. When the definitions for the cycle or counting methods in the AD differ from those in the approved service document, include the cycle definition or the cycle counting method in the regulatory text of the AD. In this case, make sure the cycle definition or counting methodology doesn't allow an airplane to exceed its approved cyclic retirement life specified in the approved service document.

g. Expressing Compliance Times for Inspection and Repair. If a required inspection could result in a required repair or replacement, the AD must clearly state the compliance times for both the inspection and the repair or replacement. Use the following examples as guidance.

Example 7-31: Inspection Compliance Time

Within the next 100 flight hours after the effective date of this AD, visually inspect the internal structure at Wing Station 12 for cracks using dye penetrant and a glass of at least 10 power in accordance with the procedure specified in paragraph (a) of Vega Service Bulletin No. 25, dated November 29, 1988.

Example 7-32: Repair or Replacement at Time of Inspection

If a crack is found, repair before further flight in accordance with the procedure specified in paragraph (b) of Vega Service Bulletin No. 25, dated November 9, 1988.

Example 7-33: Repair or Replacement at Time Different From Inspection

If a crack is found, repair within the next 50 hours time-in-service after the inspection required by paragraph (a) of this AD in accordance with the procedure specified in paragraph (b) of Vega Service Bulletin No. 25, dated November 29, 1988.

h. Expressing Compliance Times that Coincide with Scheduled Maintenance. Compliance times that coincide with scheduled maintenance are appropriate when the unsafe condition isn't so urgent that a shorter compliance time is necessary. However, don't express compliance times in terms of an indefinite or nonspecific maintenance interval, such as "at the next 'C' check." Maintenance schedules vary from operator to operator, so there is no assurance that the action will be done within the time frame for safe operation of the aircraft.

i. Maintenance Intervals Together with Calendar Times, Hours, or Cycles. Specify compliance times in terms of maintenance intervals together with a specific calendar time, hours, or cycles. For example:

Example 7-34: Maintenance Interval and Calendar Time

Required at the annual inspection or 60 days after the effective date of this AD, whichever occurs later.

j. Expressing Repetitive Compliance Times.

(1) When an initial inspection is followed by repetitive inspections at periodic intervals, you may use the statement in Example 7-35, but use it in the instruction itself, not as a separate compliance paragraph. This can be specified as part of the compliance requirement or as part of the inspection instruction. For example:

Example 7-35: Repetitive Compliance Time

Required within 25 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 25 hours TIS from the last inspection.

(2) Example 7-36 shows a compliance time for an inspection before the effective date of the AD. The phrase in Example 7-36 "unless already done within the last 75 hours TIS" accounts for an operator who has made an inspection before the effective date of the AD.

Example 7-36: Allowance for Inspections before the Effective Date

> Within 25 hours time-in-service (TIS) after the effective date of this AD, unless already done within the last 75 hours TIS, and thereafter at intervals not to exceed 100 hours TIS from the last inspection, inspect ...

9. Corrective Action.
Every AD contains a clear and concise statement of the action(s) that addresses the unsafe condition. This statement includes:

- The method of performing the actions, and
- Corrective measures or limitations required.

a. Method of Specifying Corrective Actions. Identify the corrective actions in an AD in a manner that ensures the actions are complete, clear, and enforceable. For example:

(1) Include the corrective actions from the service information in the AD text;

(2) Include the corrective actions determined by the ASE; or

(3) Incorporate the service information by reference.[24] In the AD text, provide the complete identification of the service information, including the document number, title, and date. If the FAA incorporates service information into an AD by reference, do not use the phrase "or later FAA-approved revision" when referring to the service information. This phrase violates OFR regulations for approving materials that are incorporated by reference. Service information that we incorporate by reference in an AD is often revised after the FAA issues the AD. The FAA can approve later revisions of service information as an AMOC, if applicable.

Example 7-37: Citing a Service Bulletin that is Incorporated by Reference

> Initially, at whichever time occurs latest in paragraphs (g)(1)(i) through (iii) of this AD and thereafter at intervals not to exceed 110 hours time-in-service (TIS), visually inspect the upper power lever in accordance with paragraphs A. through F. of the Accomplishment Instructions in Cirrus SR2X Service Bulletin SB2X-76-05, dated October 29, 2024 (Cirrus SB2X-76-05)..

(4) For MCAIs, incorporate the MCAI by reference (known as the "IBR the MCAI process") if a DAH has approved posting its service information to FDMS (after publication of the final rule). Don't IBR the MCAI if the process would be too complex (e.g., there would be too many exceptions to the MCAI). Similar to how the FAA would IBR service information, sometimes it is more efficient to IBR the foreign AD instead. Benefits include improved AD processing efficiency, streamlined IBR approval from the OFR due to the simpler nature of foreign ADs versus typical DAH service information, and allowance for "later approved" service information without an AMOC. However, keep in mind that since the FAA will not be IBRing the DAH service information, the FAA will need permission from the DAH to post it to the

[24] Refer to Chapter 10 of this manual.

docket. See Chapter 10 for more information about posting service information to the docket.

b. Method of Referring to Service Information without IBRing. For procedures where standard practices exist or there is more than one way to accomplish the action, do not incorporate by reference the service information. In other words, if it is not important how the action is accomplished, referring to service information, without mandating its use, is acceptable. In this case, give an informational reference in a note, for example:

Example 7-38: Informational Reference to Service Information

> **Note 1 to paragraph (c)(1)**: Information about the location of the date of manufacture can be found in Meggitt Service Information Letter SIL Restraint-25-002-2023, dated September 25, 2023.

c. Describing Inspections. If an AD requires an inspection:

(1) Define the area of the product or the specific parts to be inspected.

(2) State whether it is necessary to do extra actions when it is not specified in the service information, e.g., disassembling an area or removing bolts in order to do the inspection.

(3) Describe provisions for an FAA-approved method, if acceptable. For example,

Example 7-39: Language for FAA-Approved Method

> (2) Within 30 days after the effective date of this AD, repair the main deck cargo door hinge using a method approved by the Manager, AIR-520, Continued Operational Safety Branch, FAA.

(4) Refer to the applicable service information or document for the inspection procedures if the procedures are in that document.

d. Records Review in Lieu of Inspection. When the need to take corrective action depends on whether a particular P/N is installed, the FAA allows for reviewing the maintenance records instead of inspecting the product, provided the P/N can be positively identified from the records review.

e. Describing Replacement Parts. Except in ADs that require immediate grounding, consider the availability of replacement parts when writing an AD. Compare the availability of replacement parts versus the risk of not addressing the unsafe condition in a timely manner to avoid unnecessary groundings. Manage the risk at an acceptable level. If you cannot manage the risk within the limits of part availability, grounding must occur. Use the term “new” carefully when requiring a part replacement (i.e., “replace with a new part”). In this context, “new” means a part that has not been used. If an operator wants to install a part that is not new, but is still serviceable, the operator would need an AMOC approval to do so in this scenario. If the intent is to allow installing a new or serviceable part, use language such as “replace with a new or

serviceable part" in the AD. Use clear, specific language instead of vague terms like "new", such as "a part with zero hours" or "a part that has never been installed," etc.

f. Terminating Action.

(1) Mandating Terminating Action. The FAA mandates terminating action when the FAA determines that removing the source of the problem (e.g., design change, part replacement) better ensures long-term continued operational safety and eliminates the need for any repetitive inspections or special operating procedures (e.g., flight manual limitations on payload or flight speed). For structural issues, examples of when terminating action should be mandated include:

(a) The condition (e.g., cracking, environmental damage, delamination) is not easily detectable or the inspection method is unreliable; or

(b) The area to be inspected is hard to reach, not easily accessible, or hindered by an intervening structure or is otherwise unreliable; or

(c) The sheer size of the area covered, or the physical demands on the inspector, make detection unreliable; or

(d) The inspections are not effective to detect the condition before it could cause the unsafe outcome. Examples where inspections would be ineffective include:

- Cracking that could lead to Widespread Fatigue Damage (WFD)
- Stress Corrosion Cracking
- Damage that grows quickly or unpredictably, such that inspections are impractical

(2) Optional Terminating Action. If the FAA has determined that repetitive inspections or special operating procedures are adequate to ensure long-term continued operational safety, then a terminating action is optional.

(3) No Terminating Action Available. If a terminating action is not available, for example because the unsafe condition is still under investigation, you may include an explanation in the preamble of the AD why the FAA is not providing a terminating action. If a terminating action is developed after the AD is issued, then it will need to be approved as an AMOC to the AD or mandated by a superseding AD, as appropriate.

g. Allowing Credit for Corrective Actions Already Done.

(1) Whenever possible, allow credit for corrective actions already done. If the AD requires a one-time action such as an inspection, modification, or replacement, use a statement similar to Example 7-40.

Example 7-40: Allowing Credit for Corrective Action

Comply with this AD within the compliance times specified, unless already done.

(2) You can also limit credit for corrective action already done if the unsafe condition

warrants it, for example, if a recent inspection would do, but not an inspection done a year ago. For example:

Example 7-41: Limiting Credit for Corrective Action

Comply with this AD within the compliance times specified, unless already done within the last 50 hours time in service (TIS).

(3) When appropriate, allow credit for actions accomplished using an earlier revision of the service information than identified in the AD action. See the OFR Best Practices Guide in the ADD library for examples of OFR's preferred language for writing these kinds of statements.

Note: If credit cannot be given for all actions, then list the specific actions (e.g., inspection, replacement, etc.) that can get credit (e.g., AD requires detailed and high frequency eddy current inspections but previous service bulletins only included the detailed inspections, then specify detailed inspections in the credit paragraph).

h. Referencing Maintenance Documents or Programs. Do not state that a maintenance document or program is "FAA-approved" without verification from FAA's Flight Standards Service.

10. Using Notes.
Use notes in the text of the rule portion of an AD only for informational purposes where the information is not required by the AD itself, but might help the operator to comply with the AD. See the OFR Best Practices Guide in the ADD Library for more information on notes.

11. Describing Special Flight Permits.
14 CFR part 39 allows special flight permits for every AD. The only way to prohibit or limit special flight permits is by including the limitation or prohibition in the AD itself. When any special flight permit limitation or prohibition is included in an AD, the ASE must coordinate with the appropriate AED.

12. Alternative Methods of Compliance (AMOCs)[25] in Supersedure AD Actions.
Include a provision in the AMOC paragraph of all supersedure ADs if the FAA intends to provide credit for previously approved AMOCs that continue to be valid. If not all of the AMOCs are valid or approved under the superseding AD, then list those that are. This information might help operators and eliminate unnecessary applications for AMOCs. Previously approved AMOCs continue to be valid for supersedure ADs only if the approved AMOC information is included in the supersedure AD. If the supersedure AD does not include the approved AMOC information, the AMOC is no longer valid.

Example 7-43: Previous AMOC Information

AMOCs approved previously in accordance with AD 2001-10-01, amendment 39-12226, are approved as AMOCs for the corresponding requirements in paragraph (g) of this AD.

[25] Refer to FAA Order 8110.103, *Alternative Methods of Compliance (AMOC)*

13. Authorization to Perform Work.
Work required by ADs can only be done by persons prescribed in 14 CFR 43.3 and 43.7. AD corrective actions are not considered preventative maintenance. However, an AD may allow certain actions (checks) to be performed by pilots under the following criteria:

a. Performing a visual check is limited to an owner, operator, or pilot holding, at a minimum, a private pilot certificate. In doing so, the check must not require the use of any of the following:

(1) Tools – a tool is considered to be anything necessary to aid in the procedure, including magnification aids, scopes, etc., but does not include flashlights or shop rags or towels used for cleaning, provided no cleaning solution is required;

(2) Precision measuring equipment;

(3) Training;

(4) Pilot logbook endorsements; or

(5) Use of or reference to technical data that is not contained in the body of the AD (i.e., a pilot cannot be required to obtain and follow instructions in service information that is not in the AD document).

b. The AD action must be coordinated with the Aircraft Evaluation Division to ensure that allowing a pilot to perform this check is operationally acceptable.

c. The preamble portion of the AD must contain the justification for allowing the pilot to perform the check and emphasize that this AD authorization is an exception to our standard maintenance regulations. It must also state that the AD requires the pilot to record compliance in the aircraft's maintenance records, in accordance with applicable regulations. An example of acceptable preamble language:

> The owner/operator (pilot) holding at least a private pilot certificate may [perform this check/check the [*part name*]/revise the existing [*document type*] for your [helicopter/airplane/engine/etc.]/etc.] and must enter compliance with the applicable paragraph(s) of the [proposed] AD into the [helicopter / airplane / engine / propeller/etc.] maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform [this action/these actions] because [it/they] only involve(s) [cleaning surfaces of each blade with a cheesecloth and visually checking for unsmooth areas and surfaces that snag or fray the cheesecloth/visually checking each [part name] for a [condition]/revising the flight manual/etc.]. [This action/These actions] could be performed equally well by a pilot or a mechanic. This is an exception to the FAA's standard maintenance regulations.

d. The rule portion of the AD must include the following statement:

> "The owner/operator (pilot) holding at least a private pilot certificate may [perform this check/ check the [*part name*]/revise the existing [*document type*] for your [helicopter/airplane/engine/etc.]/etc.] and must enter compliance with the

applicable paragraph(s) of the [proposed] AD into the [helicopter / airplane / engine / propeller/etc.] maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439."

14. Reporting Requirements.
When the FAA needs to know the results of an inspection to determine whether the FAA will take additional action, include a statement in the AD to require reporting the results of the inspections to the responsible FAA Office, DAH for the affected product, or the civil aviation authority (or its delegated agent).

a. Reporting and the Paperwork Reduction Act. When a reporting requirement is needed in an AD, the ASE must be able to justify that requiring reporting meets the criteria of the Paperwork Reduction Act. The preamble of the AD must include the required Paperwork Reduction Act language. The Office of Management and Budget (OMB) previously approved the inclusion of reporting requirements in ADs based on the FAA's need to:

- Help develop a corrective action;
- Determine the scope of the problem and how adequate the DAH corrective actions are; and
- Avoid unsafe consequences if we do not collect the information.

We have approval from the OMB to require a report and collect information. According to this Act, we must:

- Specify the information we are requiring in the report;
- Include the address(es) (e.g., mail, e-mail, facsimile) to which the reporter sends the report; and
- State that reporting requirements have been approved by the OMB and assigned OMB control number 2120-0056.

b. Quality Control (QC) Problems. Collecting inspection results is one means the FAA can use to influence quality control on a DAH or repair station. When the FAA can attribute an unsafe condition addressed by an AD to a DAH's QC problem, consider including a reporting requirement in the AD. These reports can help the FAA gather as much information as possible about the nature and extent of the QC problem.

c. Reporting for Repetitive or Continuing Requirements. If the FAA is requiring a report and the AD has repetitive inspections or other continuing requirements, limit the reporting requirement to the initial inspection findings unless the FAA determines that later reports are necessary. If the AD requires repetitive reporting, consider superseding the AD to remove that requirement once the certification office has accumulated sufficient information.

d. Reporting Requirement Compliance Times.

(1) For domestic ADs that include a reporting requirement, use the following compliance times:

Table 7-1: Reporting Compliance Times

AD Action	Compliance Time
Emergency ADs or IARs	10 days
All other AD actions	30 days

(2) On a case-by-case basis, consider ADs where the ASE determines the need for information is critical enough to warrant a compliance time shorter than those provided in Table 7-1 of this manual. When establishing compliance times shorter than those provided above, include additional justification and discussion in the AD worksheet to explain deviating from the compliance times provided in Table 7-1. Stating that the information is urgently needed is insufficient.

15. Material Incorporated by Reference.
If the AD instructions mandate the use of service information, the OFR approves the document for incorporation by reference. Chapter 9 of this Manual explains the approval process regarding referenced material.

16. Signature Block.
The signature block is the last item on the last page of the AD. It has two parts: the Issuing Statement, and the Signature of the Issuing Official. Include both of these.

a. Issuing Statement. The issuing statement is the date when we issued the document.

Example 7-44: Issuing Statement

Issued on [date]

b. Signature of Issuing Official. Only the AIR-500/-700 Director, the Deputy Director, or their actors may sign the AD. No one may sign an AD "for" the Director or the Deputy Director. The OFR requires that the typed name and title of the signer appear below the signature.

- For handwritten signatures, signers must use any color other than black ink to make sure the original document won't be confused with copies. The OFR recommends that signers use blue ink.

- For electronic signatures, the signer's name on the AD must be the same as the digital signature.

17. Specialized AD Subjects.

a. ADs for Surplus Military Aircraft. An AD issued against surplus military aircraft that have civilian TCs must be issued on the basis of civil operating experience or appropriate military experience similar to civil operations.

b. ADs that Affect Products in Production. Some ADs require a specific design change (or equivalent) for products that are currently in production. Compliance with the actions in the AD is accomplished before the product leaves the production facility.

c. ADs to Change Life Limits or Inspections. Life limits and inspections change when current life limits contribute to unsafe conditions, or when inspections are needed to check for the presence of unsafe conditions. Not all products have Instructions for Continued Airworthiness (ICA), and not all operators are required to follow ICA. The FAA can enforce changes to life limits and inspections in the following ways:

(1) Including the Life Limits and Inspections in the AD Action. The FAA can write reduced life limits or new or different inspection requirements to address an unsafe condition directly into an AD. For example:

Example 7-45: Typical Language for Life Limited Parts

Remove the torque link from service and replace it with a new or serviceable part before accumulating 5,000 cycles on the torque link, or within 50 hours TIS after the effective date of this AD, whichever occurs later. Thereafter, remove torque link, P/N 13579, from service and replace it with a serviceable part before accumulating 5,000 cycles.

(2) Requiring a Revision to the Limitations Section through an AD Action. The DAH might revise the ALS to reduce the life limits or to impose new or different inspection requirements to address an unsafe condition. For this to be mandatory, issue an AD that requires revision of the ALS. Once the ALS section is revised, the AD has been fully complied with and the life limit or inspection change remains enforceable as a part of the ALS. Requiring revision of the ALS, rather than requiring individual repetitive inspections through the AD, is advantageous for operators. It allows them to record AD compliance once when they make the revision, rather than after every inspection. Example 7-46 of this manual shows AD language to revise airworthiness limitations. Paragraph (2) in Example 7-46 is also necessary because 14 CFR 91.403(c) would otherwise permit operation under alternative inspection intervals set forth in approved operations specifications or inspection programs, which might conflict with the intervals required by the AD.

Example 7-46: Language to Revise Airworthiness Limitations

(1) Revise the airworthiness limitations section, as follows: _____ (2) Thereafter, except as provided in paragraph (h) of this AD, no alternative replacement times or structural inspection intervals may be approved for this [part].

d. ADs that Revise FAA-Approved Flight Manuals.

(1) Only an AD can mandate changes to the Limitations Section of an FAA-approved Aircraft or Rotorcraft Flight Manual (AFM/RFM). An owner or operator doesn't have to comply with any change to a manual other than a change mandated by an AD. Service information, even if FAA-approved, can't mandate compliance for products in service.

(2) When the AD requires changing the AFM/RFM, compliance is complete when the

affected party:

(a) Makes the manual revisions,

(b) Installs any related required placards (if appropriate); and

(c) Makes a maintenance record entry or gains Principal Operations Inspector approval of change to a customized AFM/RFM.

(3) If the intent is to mandate the AFM/RFM provision, the AD must specify adding that provision to the limitations section of the AFM/RFM, since the operating limitations are the only section of the AFM/RFM that's mandatory for the pilot.[26] If it is intended that the added AFM/RFM provisions be advisory only (e.g., warnings), the provisions may be added to other appropriate sections of the AFM/RFM by issuing an AD.

e. ADs that Correct Maintenance-Related Defects or Quality Control Failures.

(1) The FAA may issue an AD to change current maintenance procedures if the current maintenance procedures are incorrect or incomplete, and thereby lead to an unsafe condition. The FAA doesn't issue ADs to correct individual cases of improper maintenance or lack of maintenance that contributed to or produced an unsafe condition.

(2) The FAA may also issue an AD if, as a result of a quality control failure, a product does not meet its type design, and the nonconformance results in an unsafe condition.

f. ADs for Products Manufactured Outside the U.S. The FAA issues ADs against products manufactured outside the United States that are type-certificated under 14 CFR 21.29 (or its predecessor, CAR 10) under the same circumstances the FAA issues ADs against domestic products, that is, when the FAA determines that an unsafe condition might exist or develop in other products of the same type design. Refer to FAA Order 8040.5, *Airworthiness Directive Process for Mandatory Continuing Airworthiness Information*, for guidance addressing MCAI-related ADs.

[26] 14 CFR 91.9

Chapter 8. Public Comments

1. Purpose of this Chapter.
This chapter explains:

a. The APA requirement for considering comments;

b. Where to place comments and when to begin dispositioning them;

c. How to handle comments received on FRCs and late comments; and

d. How to disposition comments.

2. APA Requirement.

a. The APA requires that agencies fully consider all comments received in response to NPRMs. The FAA complies with this APA requirement in the "Comments" section of a final rule. It is not necessary to address comments that are not relevant to the NPRM or the unsafe condition addressed by it, although relevance is not always obvious and is ultimately a legal question. Agencies do not have to respond to each individual comment, but instead must consider and respond to "significant comments." Significant comments are those that, if adopted, would require a change in the agency's proposed rule. The disposition of comments in the preamble of a final rule shows that the FAA's decision to promulgate a rule is not "arbitrary and capricious" and, therefore, is not subject to being invalidated by a court. Comments are usually directed at the most controversial parts of rules, and the answers to the comments could protect the AD from future legal or political challenge.

b. Section 553(c) of the APA requires that the FAA give the public time to comment on a proposed AD. The APA doesn't give any particular amount of time for a comment period. DOT policy, however, contemplates a comment period of at least 30 days.

3. Where to Find Comments in the Docket.
Comments can be found at the Federal eRulemaking Portal website regulations.gov. All comments received via postal mail, email, or fax must be posted at regulations.gov.

4. No Comments Received.
If no comments or only supportive comments are received, answer Yes to the question on the Disposition Comments worksheet in ADD that starts "Were no comments or only supportive comments received?" Complete the rest of the worksheet. If there aren't any comments or we received only supportive comments, you don't need to get signatures to close out the AD worksheet phase. The final rule will identify no comments or only supportive comments were received.

5. Comment Disposition.
Begin dispositioning comments as soon as the comment period closes using the Disposition Comments worksheet in ADD. Evaluate all comments and any other related information received in response to the proposed AD. Decide whether or not changes are within the scope of

the NPRM.[27] If the ASE receives any direct comments, written or oral, then the ASE provides them to AIR-721 to post in FDMS.

6. Comments to FRCs.

a. The FAA requests public comments in FRCs. If comments, including supportive or "no objection" comments, are received during the comment period to an FRC, complete one of the following tasks:

(1) After the comment period closes and the comments have been analyzed, complete the FRC Comment Disposition worksheet in ADD and notify the assigned technical writer. AIR-721 posts the form to FDMS.

(2) Respond directly to the commenter in writing. Post a copy of the comment (if not already in FDMS) and the response to FDMS.

b. If comments warrant a change to an FRC, publish a disposition of the comments that warranted the change in a subsequent AD action. You may also use the preamble to discuss other comments received.

c. If a comment raises a significant issue that might have wide or continuing interest among members of the affected public, but does not result in a change to an FRC, publish a response to the comment in the Federal Register as a "Final rule; disposition of comments."

7. Late Comments.

a. Place any late written or oral comments received after the comment period closes in FDMS.

b. If a person files a comment after the comment period closes, under 14 CFR 11.45(b), consider late comments to the extent possible only if they do not significantly delay the rulemaking process (i.e., check for and consider incorporating any comments received until the final rule is issued).

8. How to Disposition Comments.

a. Organizing Comments. Group the comments by issue, not by commenter. Don't group all of the comments made by one commenter together. Summarize and/or paraphrase the comment without restating each comment word for word.

b. Identifying Commenters.

(1) Don't refer to the commenter's gender.

(2) Identify all commenters by organization, if applicable. Do not identify individual commenters by name.

[27] Refer to Chapter 2, paragraph 4g, of this manual.

(3) The identity or purpose of the commenter, such as a student's submittal of a comment as part of a school assignment, is not relevant to whether the FAA needs to respond. Only the substance (whether the comment is significant) is relevant to whether the FAA is legally required to consider the comment and respond to it.

c. Addressing Comments.

(1) Each disposition should answer what change in the proposal the commenter wants, why the commenter wants the change, and whether the FAA agrees.

(2) Always address comments in the past tense ("One commenter requested that the FAA modify the proposed rule to include. . . ").

(3) If the FAA agrees with a comment as stated by the commenter, don't restate the reason when agreeing with it. If there is an additional reason for agreement, include that reason.

(4) If a commenter proposes a change but does not give any reasons for it, state that the commenter does not justify the requested change.

(5) If a commenter states an observation but does not propose a change, infer the change. For example, if the commenter states, "The proposal would not be cost effective," infer that the commenter would like to see the proposal withdrawn.

(6) Acknowledge supportive or "no objection" comments.

(7) If the FAA changes the AD in response to a comment, include a statement to explain the change.

(8) Do not state that a comment is "beyond the scope of the notice." The word "scope" is a legal term that implies notice according to the APA requirement that agencies give the public the opportunity to comment. The FAA is prohibited from adopting rules that are "beyond the scope" of the notice without providing additional opportunity for public comment. If the FAA disagrees with the comment, give solid reasons for disagreeing rather than saying that the comment is "beyond the scope." If a comment is beyond the scope of the notice, but still has merit, consider additional rulemaking. For example:

(a) Issue a SNPRM if the change itself doesn't address an immediate safety of flight problem. Doing this gives the public additional time to comment on the change before adopting a final rule.

(b) Issue a final rule that is within the scope of the original proposed AD. Then issue a new proposed AD to supersede the AD with a new AD action that incorporates the necessary change.

(c) Issue an IAR that incorporates the change. Use this option if the change addresses an immediate safety of flight problem. Discuss the comments submitted for the proposed AD and solicit additional comments.

(9) If you are unsure how to address a comment, talk to your Airworthiness Counsel.

Chapter 9. Incorporation by Reference and Appendices

1. Purpose of this Chapter.
This chapter describes incorporating material by reference or as an appendix to an AD action.

2. Incorporation by Reference (IBR).

a. Incorporation by reference allows Federal agencies to comply with the requirement to publish rules in the *Federal Register* by referring to materials already published elsewhere. The legal effect of IBR is that the material is treated as if it were published in the *Federal Register*. This material, like any other properly issued rule, has the force and effect of law. Congress authorized IBR in the Freedom of Information Act to reduce the volume of material published in the *Federal Register* and the CFR. For guidance on IBR procedures, see the DDH and the IBR Handbook.

b. The OFR will not publish the final rule AD in the *Federal Register* until the reference material is approved by the Director of the OFR. To be approved, IBR material must meet the regulatory publishing requirements in 1 CFR part 51.

c. The OFR does not require that you resend service information that they previously approved for IBR.

d. Both the preamble and the rule portion of the AD must include specific language to be approved for IBR. The preamble must include a summary of the material being incorporated and a discussion of the ways that the material is reasonably available and how it may be obtained. The rule portion must include language of incorporation that meets the requirements of 1 CFR 51.9.

e. See the OFR Best Practices Guide in the ADD library for more information on IBR.

3. Incorporating Material as Appendices.
If supplemental information is inappropriate for IBR or if actual publication is preferable, you may add the information to the AD as an appendix. You may use selected parts of a service bulletin as an appendix. The most important thing to remember is that, for the purposes of the AD, the material in the appendix is sent by the FAA and is not someone else's publication. For this reason, it is critical that you identify everything that you do not want printed (e.g., letterhead, stray lines or marks, or any information not referenced in the AD language). Refer to the DDH for additional information.

a. Referencing an Appendix within the AD. In the text of the AD action, only refer to the appendix number ("in accordance with Appendix 1 of this AD…," for example). Do not use an appendix as an alternative to IBRing a service document.

b. Numbering Paragraphs or Instructions in an Appendix. Although the appendix might be an extract from another document, the appendix must be complete. Check that the appendix does not begin with extracted details (e.g., "Instruction 4,"). If necessary, redesignate paragraphs so the appendix does not appear to be missing information.

Chapter 10. AD Docket

1. Purpose of this Chapter.
This chapter describes what information and documents are placed in the AD docket (i.e., FDMS).

2. Maintaining the AD Docket.
The FAA must maintain a docket for each AD action in FDMS. The docket must include enough information to support the AD action. Do not include any drafts of the AD or AD worksheet.

3. AD Docket Contents.
Except for proprietary data, the AD docket must contain any documents that support the 14 CFR part 39 action. The following information, at a minimum, must be placed in the AD docket at regulations.gov:

a. Record of technical decision making (i.e., the version of the AD action that is published in the *Federal Register* or emergency AD);

b. FAA reports, summaries or lists of facts, data, or reports that support the AD action. This does not include deliberative information such as corrective action review board documents, risk analyses, or any of our investigative work;

c. ADs or other similar documents issued by an FCAA;

d. Any material incorporated by reference;

e. Records of each ex parte contact or series of contacts; and

f. Comments received on the proposed rulemaking (if any).

4. Proprietary Data in AD Dockets.
Carefully consider whether to include or exclude proprietary information in the AD docket, as all documents in the docket are available for public inspection. The docket must contain enough information to form the basis for the rulemaking action and support the choices the FAA made. Exclude proprietary data from a DAH or other source, unless IBR'd or the DAH or other source specifically states that the FAA can include it in the docket. All documents placed in the AD docket are available for public inspection. Consult with your Airworthiness Counsel for any questions. Proprietary documents the FAA relies on in issuing the AD are still part of the AD record and must be maintained. If you need to place any information in the supplemental docket (e.g., proprietary information), contact AIR-721.

5. Placing Service Information into the AD Docket

a. Material IBR'd as a result of a final rule AD action is made available for public inspection at the National Archives and Records Administration. The DAH of the product subject to the service information also provides access to this material.

b. Including IBR'd service information in FDMS at regulations.gov meets the OFR's regulatory requirement to make IBR'd documents available to the public. Placing this information in FDMS also serves to further enhance the agency's efforts to comply with the E-Government Act of 2002, which requires agencies, to the extent practicable, to "ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under 5 U.S.C. § 553." That statute further states that these electronic dockets "shall make publicly available online, to the extent practicable, . . . other materials that by agency rule or practice are included in the rulemaking docket." Such material includes service information IBR'd in an AD action.

c. Service information, when IBR'd, becomes publicly available, thereby making it no longer subject to Export Administration Regulations. A DAH may assert certain protections for their IBR'd service information, especially when it is placed on the FDMS. The FAA's placement of this information on the FDMS is solely for the purpose of complying with our statutory requirements. It does not affect any cause of action a DAH may wish to assert with respect to a third party.

d. Service Information IBR'd in an AD.

(1) AIR-720 is responsible for placing service information documents into FDMS after the document is IBR'd in a final rule AD action (e.g., FRC, FRAN, or FRV). Do not redact the service information document.

(2) The service information document must have IBR approval from OFR before placing it into the FDMS. Evidence of IBR approval may be a letter from the OFR or publication of the AD in the *Federal Register*.

e. DAH Consent.

(1) Except as specified in paragraph 5.d. of this chapter, obtain written consent from the DAH, both foreign and domestic, before placing service information documents identified in an NPRM or final rule AD action into the FDMS. DAH consent is not required to place IBR'd service information in FDMS. The DAH consent may either be a one-time "blanket" approval for any AD action on their product(s) or limited to a specific AD action. Written consent must include, at a minimum, the following:

a. A statement allowing the FAA to place service information identified in an NPRM or final rule AD action, as appropriate, into the FDMS. If the consent is not a "blanket" approval, the specific service information document(s) must be specified.

b. The printed name, position/job title, and written signature of the person authorized within the company/organization to grant permission.

(2) Upon receipt of the written consent, place the service information document into the FDMS at regulations.gov in the specific AD docket. Do not redact the service information document.

(3) Service information referenced in an AD action but not IBR'd, such as when referenced in a note or provided as an informational reference in the text, does not constitute a regulatory requirement. Do not place any part of this service information into the FDMS without the written consent of the DAH.

Appendix A. Acronyms

AC — Advisory Circular

AD — Airworthiness Directive

ADC — AD Coordinator

AED — Aircraft Evaluation Division

AFM — Aircraft Flight Manual

AGC — Office of the Chief Counsel

AIR — Aircraft Certification Service

ALS — Airworthiness Limitations Section

AMOC — Alternative Method of Compliance

ANPRM — Advanced Notice of Proposed Rulemaking

AOA — Office of the Administrator

APA — Administrative Procedure Act

ASE — Aviation Safety Engineer

ATA — Air Transport Association of America

CANIC — Continued Airworthiness Notification to the International Community

CAR — Civil Air Regulation

CFR — Code of Federal Regulations

COS — Continued Operational Safety

DAH — Design Approval Holder

DDH — Document Drafting Handbook

DOT — Department of Transportation

DRS — Dynamic Regulatory System

FAA — Federal Aviation Administration

FCAA — Foreign Civil Aviation Authority

FDMS — Federal Docket Management System

FR — Final Rule

FRC — Final rule; request for comments

FRV — Federal Register Version (of an emergency AD)

GPO — Government Printing Office

IAR — Immediately Adopted Rule

ICAO — International Civil Aviation Organization

IBR — Incorporation by Reference

JASC — Joint Aircraft System/Component Code

MCAI — Mandatory Continuing Airworthiness Information

NARA — National Archive and Records Administration

NPRM — Notice of Proposed Rulemaking

OFR — Office of the Federal Register

OMB — Office of Management and Budget

P/N — Part Number

PMA — Parts Manufacturer Approval

RIN — Regulatory Information Number

RFM — Rotorcraft Flight Manual

S/N — Serial Number

SFAR — Special Federal Aviation Regulation

SNPRM — Supplemental Notice of Proposed Rulemaking

STC — Supplemental Type Certificate

TC — Type Certificate

TCDS — Type Certificate Data Sheet

TIS — Time-in-service

TSO — Technical Standard Order

USC — United States Code

Appendix B. Directive Feedback Information

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

Subject: FAA-IR-M-8040.1D, Airworthiness Directives Manual

To: Directive Management Officer, AIR-600

(Please mark all appropriate line items)

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

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

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

☐ Other comments:

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

Submitted by: _____ Date: _____

Telephone Number: _____ Routing Symbol: _____

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