



U.S. Department
of Transportation
**Federal Aviation
Administration**

Advisory Circular

Subject: PART 26, CONTINUED
AIRWORTHINESS AND SAFETY
IMPROVEMENTS

Date: 12/3/07
Initiated by: ANM-100

AC No. 26-1

1. PURPOSE. This advisory circular (AC) describes an acceptable means for showing compliance with certain requirements of Title 14, Code of Federal Regulations (CFR) part 26 and how the results of that compliance relate to certain complementary operational rules. The standards in part 26 may require performing assessments, developing design changes, and revising instructions for continued airworthiness for transport category airplanes. This AC provides generic guidance that is applicable to the safety initiatives in part 26 that may be issued (i.e., Enhanced Airworthiness Program for Airplane Systems, Reduction of Fuel Tank Flammability in Transport Category Airplanes, Aging Airplane Safety, and Widespread Fatigue Damage). This AC provides generic guidance on the roles and responsibilities of type certificate and supplemental type certificate holders, manufacturers, owners, and operators. This AC provides guidance on the processes for developing compliance plans, data, and information that would be available to operators to meet the safety objectives.

2. APPLICABILITY.

a. The guidance provided in this document is directed to existing design approval holders (See Appendix C, Definitions of Acronyms and Terms Used in this AC) or pending holders of type or supplemental type certificates, airplane manufacturers, modifiers, and operators of certain transport category airplanes.

Note: While most of this AC discusses means of compliance for design approval holders, paragraph 4f, Compliance Process – Operator, specifically addresses the compliance process for operators.

b. This material is neither mandatory nor regulatory in nature and does not constitute a regulation. It describes acceptable means, but not the only means, for demonstrating compliance with the applicable regulations. The FAA will consider other methods of demonstrating compliance that an applicant may elect to present. While these guidelines are not mandatory, they are derived from extensive FAA and industry experience in determining compliance with the relevant regulations. On the other hand, if we become aware of circumstances that convince us that following this AC would not result in compliance with the applicable regulations, we will not be bound by the terms of this AC,

and we may require additional substantiation or design changes as a basis for finding compliance.

c. This material does not change, create any additional, authorize changes in, or permit deviations from, regulatory requirements.

3. BACKGROUND.

a. The intent of the guidance in this AC is to provide a systematic approach for implementing design approval holder (DAH) and operator compliance requirements for certain safety initiatives. This AC allows flexibility in implementing these requirements without compromising safety. This AC is based on the plan outlined in the final rule, “Fuel Tank Safety Compliance Extension and Aging Airplane Program Update,” published in the Federal Register (69 FR 45936) on July 30, 2004, and the FAA policy statement “Safety – A Shared Responsibility – New Direction for Addressing Airworthiness Issues for Transport Category Airplanes,” published in the Federal Register (70 FR 40166) on July 12, 2005 (see Appendix B). Specific technical guidance for each of the safety initiatives applicable to the DAH and operator may be developed and issued in separate ACs.

b. This AC provides guidance for implementing processes that support performing assessments, developing design changes, developing instructions for continued airworthiness of transport category airplanes, and in making the necessary documentation available to affected persons.

c. In 2003, the FAA Flight Standards (AFS) and Aircraft Certification (AIR) Services reviewed certain safety initiatives for transport category airplanes. The goal of the review was to develop an integrated plan for efficiently implementing safety improvements.

(1) The safety initiatives reviewed were:

(a) Enhanced Airworthiness Program for Airplane Systems (EAPAS)

(b) Fuel Tank Safety Operational Rules

(c) Aging Airplane Safety Rule (AASR)

(d) Widespread Fatigue Damage (WFD)

(e) Corrosion Prevention and Control Program (CPCP)

(2) This review identified potential redundancies and overlaps between the safety initiatives. It also identified that certain efficiencies could be gained and burden on operators reduced by aligning some of the technical requirements and compliance schedules among the safety initiatives. The review resulted in a number of recommendations that were adopted and outlined in the “Fuel Tank Safety Compliance Extension and Aging Airplane Program Update,” Docket No. FAA-2004-17681

(69 FR 45936, July 30, 2004). However, the FAA published a notice revising the implementation of those recommendations (71 FR 38542, July 7, 2006).

d. The FAA reviewed its regulatory approach requiring operators to incorporate design changes or maintenance and inspection program changes, but not requiring the DAH to support operator compliance.

(1) We found that, on occasion, adopting airworthiness requirements only through operational rules has imposed an inappropriate burden on operators. In those cases, implementation of the operational rule requirements depended on the operators having access to necessary information and parts (design changes, revised maintenance and inspection procedures, etc.). This practice relied on voluntary support from the DAHs to make available data and documents needed to support operator compliance. The DAHs did not always provide timely support to the operators. Consequently, operators were not always able to implement the changes to comply with the operational rules by the regulatory compliance date, or they incurred substantial unexpected costs to comply.

(2) The FAA has concluded that under certain circumstances the DAHs should be required to make available data and documents to support operator compliance with complex airworthiness issues. The FAA Policy Statement contained in Appendix B, "Safety - A Shared Responsibility - New Direction for Addressing Airworthiness Issues for Transport Category Airplanes," PS-ANM110-7-12-2005, dated July 6, 2005, effective July 12, 2005, has more information about the DAH's and operators' responsibilities and the circumstances that will be considered when implementing DAH requirements.

4. DISCUSSION.

a. Design Approval Holder (DAH) Requirements.

(1) The regulations in part 26 prescribe requirements for DAHs of certain transport category airplanes to support the continued airworthiness of those airplanes, as may be required by operational rules. Such actions may include, but are not limited to, performing assessments, developing design changes, developing Instructions for Continued Airworthiness (ICA), furnishing data and documents to demonstrate compliance with the applicable airworthiness regulations, and making necessary documentation available to affected persons. These regulations will generally:

(a) Address issues related to continued airworthiness and safety improvements for the existing fleet;

(b) Apply to DAHs and certain applicants for design approval;

(c) Apply to current and pending airplane configurations and future design changes;

(d) Require service instructions that may include design changes, ICA, and airworthiness limitation items (ALI);

- (e) Address repairs, alterations, and modifications;
- (f) Require developing a compliance plan and defining a process for its approval; and
- (g) Require making certain data and documents available to the affected operators and others as appropriate.

(2) Various aspects of the regulations applicable to the DAH are modeled after “The FAA and Industry Guide to Product Certification,” dated January 25, 1999. The website location for obtaining this document is:

http://www.faa.gov/aircraft/air_cert/design_approvals/media/CPI_guide_II.pdf. This guide describes a process for developing project-specific certification plans for type certification programs. This guide also recognizes the importance of ongoing communication and cooperation between applicants and the FAA. The FAA intends to encourage a similar relationship during the process of complying with these regulations. The FAA will use the compliance plan to help ensure that acceptable data, documents, and parts are available to the operators in a timely manner.

b. Compliance Plan Proposal.

(1) One of the principal elements of the requirements for the affected DAHs, and some applicants for, or changes to, a type certificate (when application was made before the effective date of the rule), is to provide a compliance plan proposal within the time specified in the regulations of the applicable rule.

Note: For future applicants for a type certificate, this information will be contained in the certification compliance plan. While the requirements may be somewhat different for each of the referenced safety initiatives, there are a number of similarities.

(2) Generally, the compliance plan must contain:

- (a) A project schedule that identifies all major milestones for meeting the compliance dates specified in the relevant regulations.
- (b) A means of compliance with the relevant regulations that identifies all data and documents substantiating compliance with the DAH requirements. For DAH rules that require that ICA be made available, in developing its plan, the DAH should consider that operators must be able to readily incorporate these ICA into their maintenance or inspection programs. That means the ICA must be sufficiently detailed and formatted to facilitate operators’ compliance with the corresponding operational rules. Any requirements for maintenance and inspection instructions for continued airworthiness made available to the operators may require the kind of information prescribed by Appendix H of part 25 and the level of detail identified in Appendix A of this AC. The FAA expects that the DAH, in the process of

developing a compliance plan, will coordinate with their operators. The DAH should confirm that the data and documents they plan to develop for compliance with DAH rules will be acceptable to the FAA for use by operators in developing proposed changes to their maintenance or inspection programs.

(c) A detailed plan for submitting compliance documentation, including any necessary preliminary submissions of data, analyses, test plans, specifications, or manuals.

(d) A distribution process for the approved data and documents that makes them available to the affected operators and other affected persons.

(e) For those rules where modification parts are necessary, a proposal for how the modification parts will be made available to the affected operators or persons.

(3) Some DAH requirements in the referenced safety initiatives may specify the need for additional information such as a proposal for:

(a) Addressing repairs, alterations, and modifications.

(b) Continuously assessing service information or reliability reporting, if appropriate.

(4) The DAH, to facilitate compliance plan review, approval, and accomplishment, should include additional information such as:

(a) A communication and coordination plan that identifies those responsible for compliance, and their respective roles and responsibilities.

(b) A plan for delegation (i.e., designees, Civil Aviation Authorities (CAA)), if appropriate, of compliance findings necessary to meet the DAH requirements in the relevant rule. This plan should include identification of special authorizations that will be required for qualified persons to make recommendations for approval or approve technical data in support of compliance with the DAH regulations.

(c) A detailed explanation of how and why the proposed means of compliance will be acceptable, if a DAH proposes a means of compliance that differs from that described in applicable FAA policy. The FAA believes this recommendation, which is normal practice in certification projects, will help to facilitate timely review and approval and save both DAH and FAA resources. This expectation is consistent with “The FAA and Industry Guide to Product Certification” previously discussed and the policy contained in Appendix B.

c. Compliance Processes.

(1) The FAA identified two key processes that will help achieve on-time compliance with the objectives and requirements of the referenced safety initiatives: a process to—

(a) Support the development of the DAH compliance plan that will help to ensure its acceptability, and

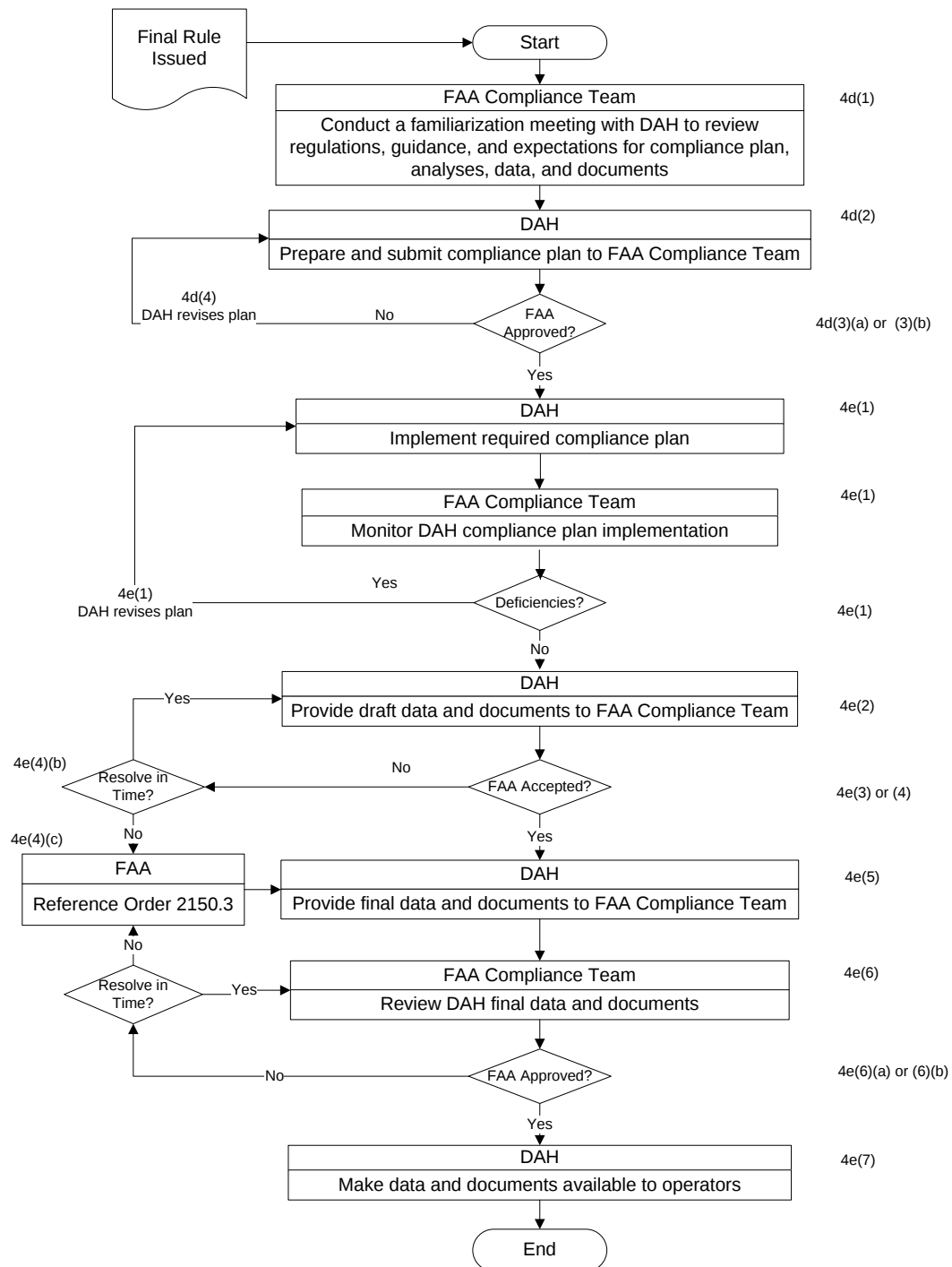
(b) Provide early awareness that acceptable compliance is at risk, and recommendations for resolutions.

(2) The FAA will use a two-team approach:

(a) A Compliance Team generally composed of representatives from the FAA Oversight Office, i.e., the Aircraft Certification Office (ACO) or Transport Airplane Directorate (TAD) office having responsibility for the relevant type certificate or supplemental type certificate (determined by the Administrator), and representatives from affected AEG offices. This Team will work directly with the DAH to review the safety initiative's requirements and available guidance, review and approve the DAH compliance plan, monitor the implementation of the plan, and make the final determination of DAH compliance with the requirements.

(b) A Standardization Team composed of representatives from Aircraft Certification and Flight Standards Services offices. This Team will provide technical guidance and training to ensure the Compliance Teams are knowledgeable of the regulations and their intent, and standardization. The standardization function will be achieved through frequent coordination with the Compliance Teams and is intended to ensure that the DAHs' means of compliance satisfy all of the regulatory requirements. The means of compliance used by the DAH may not necessarily be the same as that which is commonly used by the industry. Although the various means of compliance used by industry must all satisfy the regulatory requirements, we recognize that they may differ among each other.

(3) The FAA and DAH will normally use the processes illustrated in the following flow chart (figure 1). The flow chart shows an overview of the processes. The numbers in the flow chart refer to certain steps in the details that follow.

FIGURE 1. COMPLIANCE PROCESSES

d. Compliance Plan Development, Submission, and Review (Refer to Figure 1).

(1) The familiarization process includes a *review* of information that is already available in the applicable rules, their preambles and guidance materials developed by the FAA or through the tasking of the Aviation Rulemaking Advisory Committee (ARAC), as applicable. The familiarization process is intended to facilitate development of an acceptable compliance plan. It also demonstrates the FAA's intent for proactive collaboration between the Compliance Team and the DAH throughout the compliance process. The Compliance Team, as soon as possible after issuance of the safety initiative rule, will:

- (a)** Conduct a familiarization meeting with the DAHs to review the:
 - 1** applicable regulations and guidance information;
 - 2** requirements for compliance plan development;
 - 3** compliance plan deficiency resolution process;
 - 4** compliance plan approval process;
 - 5** expectations for the required analysis content as discussed in the regulations and guidance material; and
 - 6** expectations for the general content and format of their data and documents to be provided in accordance with the schedules established in the compliance plan.

(2) The DAHs, in showing compliance with each safety initiative requirement, must:

- (a)** Develop a compliance plan specific to the safety initiative (to facilitate early identification of issues, the DAH should provide periodic updates regarding the development of the plan); and
- (b)** Submit a compliance plan within the time stated in the regulations specific to the safety initiative.

(3) The Compliance Team will:

- (a)** Review the submitted plan and, if acceptable, notify the DAH by a letter of approval; or

(b) Review the DAH submitted plan and, if not acceptable:

- 1** identify these deficiencies in the proposed compliance plan;
- 2** discuss these deficiencies with the DAH and identify, if possible, mutually acceptable correction(s) to the compliance plan; and
- 3** notify the DAH by letter of the deficiencies.

(4) If the Compliance Team notifies the DAH of deficiencies, the DAH must submit a corrected plan to the FAA Oversight Office for review and approval.

e. Compliance Plan Monitoring And Accomplishment.

(1) The Compliance Team will monitor the DAH's progress towards compliance with the regulations. The monitoring function includes meeting with the DAH to review the status of compliance and the achievement of milestones in the approved compliance plan. The FAA will identify any deficiencies as provided in paragraph 4d(3)(b).

(2) The DAH must provide, as required by the regulations, a draft of all data and documents necessary to demonstrate compliance prior to the compliance date defined in the respective rule for each safety initiative. This requirement allows the Compliance Team sufficient time to review the submitted compliance data and documents, and determine if the DAH will meet the compliance date stated in the respective safety initiative regulation.

(3) The Compliance Team will review the draft data and documents and, if acceptable, will notify the DAH.

(4) In the event the Compliance Team finds the draft data and documents not acceptable:

(a) The Compliance Team will notify the DAH of deficiencies in the draft data and documents and identify, if possible, mutually acceptable corrections.

(b) The DAH notifies the Compliance Team if it can or cannot resolve the deficiencies in time to meet the compliance dates stated in the applicable regulation.

(c) The FAA may initiate the appropriate actions as may be provided by FAA Order 2150.3, "Compliance and Enforcement Program" if no data is submitted or if there is no acceptable resolution of the issues in time for compliance. The Standardization Team through AFS-300 will alert those Principal Inspectors (PI) and/or Flight Standard District Offices (FSDO)

who have oversight responsibility for operators affected by the operational rules on those occasions when the DAH is unable to comply with the regulations.

(5) The DAH must submit the final data and documents by the compliance due date as required by the regulation, or as determined by resolution of issues (see 4e(4)(c)).

(6) The Compliance Team will:

(a) Review and approve the final data and, if acceptable,

1 Notify the DAH by letter of FAA approval, and

2 Notify the affected PIs and/or FSDOs through AFS-300, of the availability of the approved data that operators can use to develop proposed changes to their maintenance or inspection programs to show compliance with the operational rules.

(b) If the final data is not acceptable, follow the process prescribed in paragraph 4e(4)-(6), except that for this activity, the “draft data and documents” will be “final data and documents” and DAHs must be notified of deficiencies by letter.

(7) Following approval by the Compliance Team of the required compliance information, the DAH will make available to the affected operators and other persons the approved data, documents, and parts that support compliance with the operational rules. This should be done in accordance with the methods and schedule outlined in the DAH’s approved compliance plan.

f. Compliance Process – Operator.

(1) The normal basis for changes to an operator’s Continuous Airworthiness Maintenance Program (CAMP) may be recommendations from the DAHs, alternative methods of compliance with regulatory requirements such as airworthiness directives, or change requirements indicated by its reliability program or Continuing Analysis and Surveillance System (CASS).

(2) For the referenced safety initiatives, the bases for the operator’s proposed implementation program are the data and documents approved by the Compliance Team. These data and documents are developed by the DAHs in accordance with those regulations that support compliance with the related operational rules.

(3) The operational rules associated with these safety initiatives may require the following:

(a) Airplane repairs and alterations, including modifications approved under an STC, and,

(b) Incorporation of ICA, which may include airworthiness limitations, in the CAMP or the inspection program.

(4) The DAH data and documents approved by the FAA Oversight Office (Compliance Team) are likely to be specific to a certain model or series airplanes.

(5) The DAH's analysis is based on the airplane model configuration as described in each of the safety initiatives. It is likely that the airplane model configuration(s) used in the DAH analysis may not be the same for different operators of the same model. The operator's airplane configurations may include:

(a) Optional changes developed by the type certificate holder that are affected but were not included in the analysis;

(b) Various repairs, alterations, and modifications (RAM) incorporated by supplemental type certificates or field approvals. (Each set of DAH regulations will identify the particular types of RAMs, if appropriate; e.g., type of system such as fuel tank, and kind of approval such as installation of an auxiliary fuel tank that are to be addressed for compliance.)

Note: While field approvals for modifications and alterations of transport airplanes may have occurred in the past, they are not recommended per FAA Order 8110.10 Change 21 as may be applied to 14 CFR 121 air carriers (see also Order 8300.10, Volume 2, Chapter 1).

(6) The operator should propose a plan based on data and documents approved by the FAA Oversight Office in consideration of the following:

(a) Incorporating airplane ICA that consider potential airplane configuration differences, e.g., changes in wiring architecture due to incorporation of repairs or alterations, changes in airframe structure to allow incorporation of new systems or conversion from a passenger to freighter configuration, etc.;

(b) Changing its CAMP or inspection program based on data and documents approved by the Compliance Team;

(c) Including any compliance schedule(s) for the operational rules that require the affected operators to achieve a specified level of compliance by a certain time. For example, a rule may require 50 percent of the affected fleet to incorporate the required changes within a specified time prior to the compliance date for 100 percent of the affected fleet;

(d) Revising its minimum equipment list (MEL) as may be prescribed by the Master MEL; and

(e) Submitting the proposed changes to their PI or the cognizant FSDO for review and approval on a schedule that will provide sufficient time for review, approval, and incorporation to meet the compliance date.

Note: The FAA recognizes that there may be some occasions where the DAH is unable to comply with the regulations. There may also be cases where the DAH no longer exists. As stated in the policy statement (see Appendix B), under these circumstances the operator is still obligated to comply with the operational rules. However, the FAA realizes that those occasions may significantly complicate the operator's effort to show compliance with the operational rules. The FAA recommends the affected operators contact their DAHs early in the compliance process period to ensure their intent to comply. Operators should also familiarize themselves with the regulations and the associated guidance information contained in the relevant ACs and policy so they can determine the best way to obtain necessary data and documents in the event a DAH is unable to support the compliance activity. Affected operators are also encouraged to collaborate with other operators who may also be impacted by lack of support on the means for compliance.

Note: Some STC holders may choose to surrender their STCs rather than comply with the DAH requirements. In this case, the data from the STC remains the property of the STC holder even though the STC has been surrendered. If an operator wants to obtain the data from the STC to support compliance with the operational rules, they would need to make arrangements with the owner of the STC for access to the data.

(7) The PI or the cognizant FSDO will:

(a) Review the operator's plan for proposed changes in comparison with the data and documents approved by the Compliance Team;

(b) If there are substantive differences between the approved information and the operator's proposed changes, the PI or the cognizant FSDO will coordinate with Flight Standards Service offices and the Compliance Team on the acceptability of the proposed changes or means for resolution in accordance with Order 8300.10, "Airworthiness Inspector's Handbook";

(c) Accept the operator's plan for showing compliance with the operational rules if it will achieve compliance; and,

(d) If acceptable, approve the operator's proposed changes to their program, which will be maintained for the operational life of the airplane, by issuing an Operations Specification that will reference each aging airplane initiative and the date of approval. Changes to the program will require approval and a revision to the Operations Specification, if applicable.

(8) Whenever an operator incorporates an alteration, maintenance, or inspection program change that is subject to the requirements of these safety initiatives, the PI or cognizant FSDO must determine that the operator incorporates related means of compliance with these operational rules, e.g., ICA.

/s/

John J. Hickey
Director
Aircraft Certification Service

APPENDIX – A

Maintenance Instructions

The following list contains additional information that may be required in the content of the maintenance instructions.

- 1.** The location of the design feature or structure to be maintained or inspected and any access requirements.
- 2.** Diagrams of structural access plates and information needed to gain access for inspections when access plates are not provided.
- 3.** Information describing the order and method of removing and replacing products and parts with any necessary precautions to be taken.
- 4.** Any unique procedures required, such as special detailed inspections or a dual sign-off maintenance record of requirements.
- 5.** Methods, techniques and practices required to perform a task and the pass/fail criteria for any inspection.
- 6.** Specific task information, such as inspections defined by pictures or schematics.
- 7.** Details for the application of special inspection techniques including radiographic and ultrasonic testing where such processes are specified.
- 8.** Special equipment or test apparatus required.
- 9.** Intervals for any repetitive task.
- 10.** Information needed to apply protective treatments to the structure after inspection.

APPENDIX – B

Policy Statement

Safety - A Shared Responsibility - New Direction for Addressing Airworthiness Issues for Transport Category Airplanes

Based on our evaluation of more effective regulatory approaches for certain types of safety initiatives and the comments received from the Aging Airplane Program Update (July 30, 2004), the FAA has concluded that we need to adopt a regulatory approach recognizing the shared responsibility between DAHs and operators¹. When we decide that general rulemaking is needed to address an airworthiness issue, and believe the safety objective can only be fully achieved if the DAHs provide operators with the necessary information in a timely manner, we will propose requirements for the affected DAHs to provide that information by a certain date.

In applying this policy, we will consider the following factors when determining if DAH requirements are needed to support the safety objective:

- The complexity of developing data and documents to address the safety issue²: Type design data analysis is necessary for the timely, efficient development of necessary data and documents.
- The need for FAA-approved service instructions to be available in a timely manner: We need to be confident that when the required data and documents are provided, they will be acceptable, are available on time, and can be readily implemented by the operators to comply on large fleets of airplanes.
- Whether a number of different types of transport airplanes need similar safety improvements: Because the safety issue is common to many airplanes, we need to ensure that technical requirements and compliance process are consistent to ensure required safety level can be achieved equitably.

¹ This policy will not affect the FAA's process for determining when and under what circumstance it is appropriate to issue ADs.

² This consideration will also address the potential for a readily identifiable third party to develop the complex data and documents in time to achieve compliance.

- The safety objective needs to be maintained for the operational life of the airplane: We need to ensure that future design changes do not degrade the achieved level of safety in the fleet.
- Additional factors relevant to the safety objective being addressed: There may be other factors that are unique to a particular safety concern that we also need to consider.

When the FAA takes this regulatory approach to implementing actions necessary for safety through complementary operational and DAH requirements, we will:

- Publish a notice of proposed rulemaking for public comment.
- Provide the rationale for adopting requirements for both the operators and DAHs.
- Identify the affected airplane models and types of operations.
- Define the specific information that must be developed and made available.
- Provide technical information in the rule when it is necessary for compliance.
- Identify processes and procedures for implementation of safety related actions.
- Specify the appropriate compliance times to allow for all of the design, certification, and implementation activity to occur.
- Consider the economic impacts to all affected parties and ensure that the safety benefits are sufficient to warrant the costs.
- Publish the proposed guidance materials associated with the safety initiatives concurrently with the rulemaking proposals, or as soon after as possible. This will enable industry to evaluate all of the related materials as soon as they are available and provide comprehensive comments to the FAA. For any materials that are not available during the comment period on the NPRM, we will provide a separate comment period for the proposed guidance.
- Identify training requirements.
- Seek information from industry to gain a full understanding of these considerations when developing our proposal.

This policy is based on the need to ensure there are acceptable data and documents available in a timely manner to support operator compliance with the related operational rules. The FAA understands that in some cases where airplane modifications are required, third parties may

be able to offer engineering support for compliance with the operational rules. However, the FAA believes that requirements for DAHs may still be necessary because DAHs have all of the original data (analysis, models, test results, service experience, etc.) necessary to evaluate their current designs and develop modifications or programs that will enable them to show compliance in a timely way. In addition, these rules may also include production cut-in requirements, so DAHs would have to develop designs to comply with those requirements anyway.

This policy builds on current regulations (14 CFR 21.50 and 21.99) that require DAHs to “make available” certain service information that is necessary to maintain the airworthiness of airplanes. The FAA understands that data and documents, such as airplane maintenance manuals, structural repair manuals, service bulletins, etc., and support are part of some purchase contracts between DAHs and operators. In each case, the DAH would be required to “make available” the service information developed under a DAH requirement. Since current business relationships are structured to comply with this existing long-standing requirement, we do not anticipate any disruption in these relationships as a result of the DAH requirements. The requirement to “make available” does not preclude the DAH from charging for these data and documents.

In adopting this policy, we do not intend to limit the flexibility that a DAH has to contract with a third party to provide a means of compliance with a DAH requirement. This type of business arrangement has been used by DAHs to provide customer support for modifications associated with both required and voluntary configuration changes. If a DAH does rely on third parties, the DAH would still remain fully responsible for ultimate compliance with the requirement.

Under this policy, we will continue to hold the affected operators responsible for implementing actions necessary for safety. In the event the DAH no longer exists and, therefore, cannot provide the required support, the operator still has the responsibility for complying with the operational rule on time. The operator must work to contract with a party capable of providing the needed support, or potentially remove airplanes from service.

Under this policy, we would not make DAHs responsible for addressing safety problems related to airplane configurations for which they are not the design approval holder. They would not be expected to provide data and documents related to modifications developed by third parties or operator-developed repairs and alterations. However, they may be required to provide guidance on how to assess the effects of those kinds of changes on the DAH’s design.

Regulations applying this policy will contain additional features that will help ensure that the required safety related actions are acceptable and available on time for implementation by the operator. A requirement for compliance planning by the DAHs will be an integral part of this new approach to ensure that the DAH and the FAA have a common understanding of how the DAH intends to comply. The FAA is committed to assuring the proposed requirements of this new approach are complied with so that the safety objectives are achieved on time. This approach will also promote the development of consistent and standardized safety related actions.

As previously discussed, this policy statement is the cumulative result of past experience and in-depth reviews of past efforts to ensure the safety of the fleet through the certification and continued airworthiness processes. The FAA concludes that, under the circumstances described above, this new regulatory approach is necessary for safety and provides an efficient and cost effective strategy for addressing complex airworthiness issues in the future.

Issued in Washington, DC on July 6, 2005.

/s/

Nicholas A. Sabatini
Associate Administrator for Aviation Safety

Docket No. FAA-2004-17681

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APPENDIX – C

Definitions of Acronyms and Terms Used in this AC.**a. Acronyms.**

AASR	Aging Airplane Safety Rule
AC	Advisory Circular
ACO	Aircraft Certification Office
AD	Airworthiness Directive
AEG	Aircraft Evaluation Group
AFS	Flight Standards Service
AIR	Aircraft Certification Service
ALI	Airworthiness Limitation Item
ALS	Airworthiness Limitations Section
ARAC	Aviation Rulemaking Advisory Committee
AVS	Aviation Safety
CAA	Civil Aviation Authority
CAMP	Continuous Airworthiness Maintenance Program
CASS	Continuing Analysis and Surveillance System
CFR	Code of Federal Regulations
CPCP	Corrosion Prevention and Control Program
DAH	Design Approval Holder
EAPAS	Enhanced Airworthiness Program for Airplane Systems
FAA	Federal Aviation Administration
FSDO	Flight Standards District Office
ICA	Instructions for Continued Airworthiness
MRB	Maintenance Review Board
NPRM	Notice of Proposed Rulemaking
PI	Principal Inspector (this may include any or all of the affected Airworthiness or Operations Inspectors)
RAM	Repairs, Alterations, and Modifications

STC	Supplemental Type Certificate
TAD	Transport Airplane Directorate
TC	Type Certificate
TSO	Technical Standard Order
WFD	Widespread Fatigue Damage

b. Definitions.

Aircraft Evaluation Group	Flight Standards Service representatives who know the operational and maintenance aspects of the certification project and are responsible for determining the operational acceptability and continuing airworthiness requirements of newly certified or modified aircraft, engines, and propellers intended to be operated under the provisions of the CFR. This function includes providing the FAA oversight office support in the review and approval of the initial and subsequent changes to the type design.
ARAC	An advisory committee that serves as a forum for the FAA to obtain input from the aviation industry on major regulatory issues.
Civil Aviation Authority	The aviation authority responsible for the certification and continued airworthiness of those airplanes having U.S. type certification within its state of design as established in accordance with agreements with the U.S.
Continued Airworthiness	Certified aircraft, engines, propellers, and appliances are safe to operate for the intended purpose; they are maintained safely throughout their service life; the product meets its type design and is in a condition for safe operation.
Design Approval Holder	The holder of any design approval, including type certificate, amended type certificate, supplemental type certificate, amended supplemental type certificate, parts manufacturer approval, TSO authorization, letter of TSO design approval, and field approvals. In particular contexts, the term DAH may also refer to applicants for design approvals.

FAA Oversight Office	FAA Oversight Office is the aircraft certification office or office of the Transport Airplane Directorate having oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.
Field Approval	Design approval of a major repair or major alteration of an individual aircraft, aircraft engine, propeller, or appliance by an aviation safety inspector. This is documented by completing and signing Block 3 of FAA Form 337. We approve these major repairs or alterations by either examining data only, or by physically inspecting, demonstrating, or testing the product.
Flight Standards Service Offices	Offices located in FAA headquarters responsible for developing guidance and policy applicable to transport category airplanes for AEG personnel and AFS field personnel (airworthiness and operations Aviation Safety Inspectors) in the conduct of their responsibilities.
Instructions for Continued Airworthiness	Documentation that sets forth instructions and requirements for the maintenance that is essential to the continued airworthiness of an aircraft, engine, or propeller.
Maintenance Instructions	Information that includes recommended periods for cleaning, inspection, adjustment, testing, lubrication, degree of inspection, applicable wear tolerances, and recommended work necessary for each part of the airplane and its engine auxiliary power units, propellers, accessories, instruments, and equipment to provide for continued airworthiness of the airplane. Recommended overhaul periods and necessary cross-references to the Airworthiness Limitations section of the maintenance manual are also included (see 14 CFR 25 Appendix H.25.3(b)). (See Appendix A of this AC for additional information).

Maintenance Review Board Report (Transport Category Aircraft)	This report is intended for use by air carriers and contains the initial minimum scheduled maintenance and inspection requirements for a particular transport category aircraft and on-wing engine program. Air carriers use the MRB report, and its associated requirements, to develop maintenance programs. See AC 121-22A, "Maintenance Review Board Procedures," for additional information.
Products	Products are certified aircraft, aircraft engines, or propellers.

APPENDIX – D

RELATED DOCUMENTS

The following related documents are provided for information purposes and are not necessarily directly referenced in this advisory circular (AC).

a. Advisory Circulars. An electronic copy of the following ACs can be downloaded from the Internet at <http://rgl.faa.gov>.

- (1) AC 25.19, Certification Maintenance Requirements
- (2) AC 25.1529-1, Instructions for Continued Airworthiness of Structural Repairs on Transport Airplanes
- (3) AC 20-114, Manufacturers' Service Documents
- (4) AC 43.13-1, Acceptable Methods, Techniques, and Practices – Aircraft Inspection and Repair
- (5) AC 120.16, Air Carrier Maintenance Programs
- (6) AC 120-79, Developing and Implementing a Continuing Analysis and Surveillance System
- (7) AC 121.22, Maintenance Review Board Procedures

b. FAA Policy. An electronic copy of the following policy statements can be downloaded from the Internet at <http://rgl.faa.gov>.

- (1) ANM112-05-001, Policy Statement, "Process for Developing SFAR 88-related Instructions for Maintenance and Inspection of Fuel Tank Systems," Oct. 6, 2004.
- (2) PS-ANM110-7-12-2005, Policy Statement, "Safety – A Shared Responsibility - New Direction for Addressing Airworthiness Issues for Transport Airplanes," issued July 6, 2005, effective July 12, 2005. The Policy Statement is also included in this AC, Appendix B.

c. FAA NPRMs. An electronic copy of the following NPRMs that address safety initiatives for transport category airplanes can be downloaded from the Internet at <http://rgl.faa.gov>.

(1) Enhanced Airworthiness Program for Airplane Systems (EAPAS), Docket No. FAA-2004-18379, Notice No. 05-08 (70 FR 58508, dated October 6, 2005).

(2) Damage Tolerance Data for Repairs and Alterations, Docket No. FAA-2005-21693, Notice No. 05-11 (71 FR 20574, dated April 21, 2005).

(3) Widespread Fatigue Damage (WFD) Docket No. FAA-2006-24281, Notice No. 06-04 (71 FR 19928, dated April 11, 2006).

(4) Reduction of Fuel Tank Flammability in Transport Category Airplanes (FRM), Docket No. FAA-2005-22997, Notice No. 05-14 (70 FR 70922, dated November 23, 2005).

d. FAA Final Rule. An electronic copy of the following final rules can be downloaded from the Internet at <http://rgl.faa.gov>.

(1) "Fuel Tank Safety Rule Compliance Extension and Aging Airplane Program Update," (69 FR 45936, dated July 30, 2004), and a revision was published in the Federal Register (71 FR 38542, dated July 7, 2006). Amendment No. 91-283, 121-305, 125-46, 129-39.

(2) "Enhanced Airworthiness Program for Airplane Systems/Fuel Tank Safety (EAPAS/FTS)," Docket No. FAA-2004-18379, published in the Federal Register (72 FR 63364) dated November 8, 2007. Amendment Nos. 1-60, 21-90, 25-123, 26-0, 91-297, 121-336, 125-53, 129-43.