

National Policy

09/28/2010

Cancellation Date:

09/28/2011

SUBJ: Placing Service Information into the Federal Docket Management System

1. Purpose of this Notice. This notice explains when to place service information (e.g., service bulletin, etc.) specified in a Federal Aviation Administration (FAA) airworthiness directive (AD) action, including mandatory continuing airworthiness information related ADs, into the Federal Docket Management System (FDMS).

2. Audience. All FAA employees and managers who are involved in issuing AD actions.

3. Where Can I Find this Notice? You can find this notice on the Directives Management System (DMS) website at http://www.faa.gov/regulations_policies/orders_notices/ or the FAA's Regulatory and Guidance Library (RGL) website at <http://rgl.faa.gov>.

4. Effective Date. This notice becomes effective on December 30, 2010.

5. Service Information Incorporated by Reference (IBR'd) in an AD.

a. Each directorate is responsible for placing service information documents into the FDMS at website <http://www.regulations.gov> after the document is IBR'd in a final rule AD action (e.g., "Final rule; request for comments," final rule after NPRM, or Federal Register version of an emergency AD). It is not necessary to redact the service information document.

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

6. Design Approval Holder (DAH) Consent.

a. Except as specified in paragraph 5.a. of this notice, written consent from the DAH, both foreign and domestic, must be provided to the directorate responsible for the product before placing service information documents identified in an NPRM or final rule AD action into the FDMS. The DAH consent may either be a one-time "blanket" approval for any AD action on their product or limited to a specific AD action. Written consent must include, at a minimum, the following:

(1) 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, then the specific service information document(s) must be specified.

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

b. Upon receipt of the written consent, place the service information document into the FDMS at

website <http://www.regulations.gov> in the specific AD docket. It is not necessary to redact the service information document.

c. 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 in the manner described in paragraph 6.a. of this notice.

7. Distribution. Distribute this notice to the Office of the Chief Counsel; to all Regional Airworthiness Counsels; and to all branch levels in the Aircraft Certification Service and aircraft certification directorates.

8. Background.

a. Title 5 of the United States Code (5 USC) § 552(a)(1) provides that “matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.” Incorporation by reference was established to allow Federal agencies to meet the requirement to publish regulations 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 full in the Federal Register. This material, like any other properly issued regulation, has the force and effect of law.

b. 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. It can also be obtained from the DAH of the product that is subject to the service information.

c. Inclusion of IBR'd service information in the FDMS further serves to meet the OFR's regulatory requirement to make IBR'd documents available to the public. Additionally, placing this information in the 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 USC § 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.

d. Service information, when IBR'd, becomes publicly available, thereby making it no longer subject to Export Administration Regulations (EAR). A DAH may assert certain protections for their IBR'd service information, especially when such information 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 and does not affect any cause of action a DAH may wish to assert with respect to a third party.

e. This notice was coordinated with the FAA Office of the Chief Counsel, Regulations Division, AGC-200.

9. Suggestions for Improvement. If you find any deficiencies, need clarification, or want to suggest improvements to this directive, send a written or electronic copy of FAA Form 1320-19 to the Aircraft Certification Service, Administrative Services Branch, AIR-510, Attention: Directives Management Officer. You may also send a copy to the Aircraft Engineering Division, AIR-100, Attention: Comments to Notice

N8110.112. If you urgently need an interpretation, contact the Delegations and Airworthiness Programs Branch, AIR-140, at (405) 954-4103. Always use FAA Form 1320-19 to follow-up each verbal conversation.

10. Records Management. Refer to Orders 0000.1, *FAA Standard Subject Classification System*; 1350.14, *Records Management*; and 1350.15, *Records, Organization, Transfer and Destruction Standards*; or your Records Management Officer or Directives Management Officer for guidance regarding retention or disposition of records.



Susan J. M. Cabler
Acting Manager, Aircraft Engineering Division
Aircraft Certification Service

Appendix A. FAA Form 1320-19, Directive Feedback FormU.S. Department
of Transportation**Federal Aviation
Administration****Directive Feedback Information**

Please submit any written comments or recommendation 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: Notice N8110.112To: Directive Management Officer, AIR-510*(Please check all appropriate line items)*☐ An error (procedural or typographical) has been noted in paragraph _____ on page _____.☐ Recommend paragraph _____ on page _____ be changed as follows:
(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: _____

FAA Form 1320-19 (10-98)