

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.571

National Policy

Effective Date:
11/20/20

Cancellation Date:
11/20/21

SUBJ: Airworthiness and Operational Risk-Based Decision Making

1. Purpose of This Notice - Awareness. This notice brings awareness to Federal Aviation Administration (FAA) safety inspectors of risk-based decision-making guidance and resources that eliminate single-person decisions, supports the reestablishment of compliance, and provides procedures to authorize alternative methods to continue safe operations as needed and as appropriate. When operational and/or airworthiness issues are complex, difficult to determine, or there is potential for controversy, Flight Standards (FS) employees will exercise risk-based decision making and eliminate single-person decisions. This notice also provides awareness that FAA Order 8900.1, Volume 3, Chapter 60, Section 1, Risk-Based Decision Making Airworthiness Directive Compliance, and Volume 3, Chapter 60, Section 2, Interdependent Risk-Based Compliance and Management Decision Making, now reflect this expectation.

2. Audience. The primary audience for this notice is the FS Safety Assurance offices' aviation safety inspectors (ASI). The secondary audience includes the Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <https://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <https://fsims.faa.gov>. This notice is available to the public at <https://www.faa.gov/regulations>.

4. How to Support the Change - Desire.

a. Aggressive Corrective Action. Compliance action requires the completion of corrective action. Refer to FAA Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, subparagraphs 14-1-2-3D3) and 4). Corrective action to regain compliance and correct safety issues is the duty of a certificate holder. The FS Executive Director expects the FS workforce to exercise interdependence, critical thinking, and consistency in its oversight of the certificate holder (refer to the Executive Director's June 2015 Monthly Message, available at https://my.faa.gov/org/linebusiness/avs/offices/afx/afx1_messages.html). Aggressive corrective action by a certificate holder and an FS workforce exercising interdependence, critical thinking, and consistency will reduce the impact of inadvertent low-risk design shortcomings or performance errors. These actions by a certificate holder and the FAA can avoid significant disruption to the traveling public while still achieving the highest levels of

compliance and safety in the National Airspace System (NAS). Do not confuse certificate holder aggressive-corrective action with FAA Compliance Action. Aggressive correction by a certificate holder to regain compliance and correct safety issues enables the FAA to use Compliance Action.

b. Production and Use of Order 8900.1 Guidance. Individuals at all levels of the FAA and in the aviation industry are encouraged to engage in the production and use of 8900.1 guidance. If Order 8900.1 guidance and direction conflicts with Title 14 of the Code of Federal Regulations (14 CFR), 14 CFR takes precedence, and inspectors should refer these conflicts to their immediate supervisor and the Safety Standards division. If Order 8900.1 guidance is contradictory or confusing, email the details to the FSIMS Librarian and email a courtesy copy to the office management.

5. How We Will Change - Knowledge.

a. Managing an Airworthiness Directive (AD) Unsafe Condition. Title 14 CFR part 39, §§ 39.17, 39.19, and 39.21, in conjunction with FAA Order 8900.1 Volume 3, Chapter 59, Section 3, Safety Assurance System: Processing Alternative Methods of Compliance Proposals to Airworthiness Directives; and FAA Order 8110.103, Alternative Methods of Compliance (AMOC); address the request, proposal, and approval of an alternative method of compliance (AMOC) or a change in compliance time for an AD. Order 8900.1 Volume 3, Chapter 60, Section 1 directs ASIs and PIs to FAA resources that will eliminate single-person decisions when an AD is complex and compliance is difficult to determine. The guidance also directs ASIs and principal inspectors (PI) on how to obtain AMOC support if there is an urgent need after normal business hours.

b. Managing Air Carrier Risk. Title 14 CFR part 119, §§ 119.5, 119.7, 119.49, and 119.51, in conjunction with Order 8900.1, Volume 3, Chapter 2, Section 1, Exemptions, Deviations, Waivers, and Authorizations; and Chapter 18, Section 2, Automated Operations Safety System, explains the Administrator's authority to use operations specifications (OpSpec) to manage safety and air carrier risk, and provides detailed procedures for their purpose and use. Order 8900.1 Volume 3, Chapter 60, Section 2 directs ASIs to FAA resources that will eliminate single-person decisions, ensures compliance, and, as needed, authorize temporary amendments using nonstandard text within an OpSpec, to resume aircraft operations.

Note: The Safety Risk Management division will update its FS Evaluation Program (FSEP) audit tools to reflect these guidance updates.

6. How to Implement the Change - Ability. When noncompliance interrupts air carrier operations, ASIs must seek guidance from internal FAA resources beginning with the certificate management office (CMO), PIs, Front Line Managers (FLM), and office managers. Discovery of inadvertent nonconformance with a "technical or low safety risk means of compliance within an OpSpec authorization" can occur at inopportune times. FS management must ensure proper resourcing to eliminate single-person decisions, regardless of when it occurs or when it is reported. To prevent significant disruption of the traveling public, FS resourcing must be adequate to ensure personnel with the knowledge, experience, and expertise are available to work with the air carrier to manage the safety risks, ensure the public's safety, regain

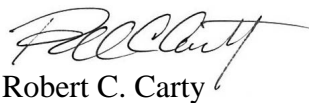
compliance, and resume operations as quickly as possible. If the CMO receives an urgent request for support after normal business hours, the CMO manager or designee must notify the Safety Assurance division manager or designee. If the Safety Assurance division manager or designee agrees, they will request support from the managers of the responsible offices identified here:

- Responsible Aircraft Certification Service offices.
- Safety Assurance division.
- Office of Safety Standards:
 - Aircraft Evaluation Division (AED).
 - Air Transportation Division.
 - Aircraft Maintenance Division.

Note: The Safety Assurance division manager or their designee will notify the certificate holder by email whether FS agrees their proposal is urgent. Do not indicate in any manner that FS accepts their proposal, only that it is under review.

7. Sustaining the Change - Reinforcement. To sustain consistent application of these processes, the Safety Assurance division must ensure adherence to this guidance. FS resourcing must be adequate to ensure personnel with the knowledge, experience, and expertise are available to work with the air carrier to manage the safety risks, ensure the public's safety, regain compliance, and resume operations as quickly as possible. Because this process addresses safety issues that could quickly become controversial, the Safety Risk Management Division should perform frequent audits. These audits should include the proper use of interrelated processes and programs, such as the Voluntary Disclosure Reporting Program, Aviation Safety Action Program, Flight Operational Quality Assurance, and Flight Standards Compliance Program.

8. Disposition. We will incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct questions or comments concerning the information in this notice to the Aircraft Maintenance Division, Air Carrier Maintenance Branch at 202-267-1675.



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