ORDER

U.S. Department of Transportation
Federal Aviation Administration

8110.50

Date : 10/20/2003

SUBJ: SUBMITTING INSTRUCTIONS FOR CONTINUED AIRWORTHINESS FOR TYPE CERTIFICATES, AMENDED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES

1. PURPOSE. This order rescinds previous guidance and directs all Aircraft Certification Offices/ Engine Certification Office (ACO/ECO) and Aircraft Evaluation Groups (AEG) that applicants must submit Instructions for Continued Airworthiness (ICA) to the Federal Aviation Administration (FAA) for all design approvals for which application was made after January 28, 1981.

2. DISTRIBUTION. Distribute this order to the branch level of Washington headquarters for Aircraft Certification Service, and Flight Standards Service; to the branch level in the Aircraft Certification Directorates; to the regional Flight Standards Divisions; to all Flight Standards District Offices; to all Aircraft Evaluation Groups; to all Aircraft Certification Offices; to the Engine Certification Office; to the Aircraft Certification Branch, the Airworthiness Branch, and the Regulatory Support Branch at the FAA Academy; to the Brussels Aircraft Certification Staff; and to all Flight Standards International Field Offices.

3. ADHERING TO REGULATORY STANDARD.

a. The Aircraft Certification Service (AIR) recently had several certification projects in which the applicability of the requirements to develop ICA was a matter of contention. Specifically, ACOs and AEGs asked whether Title 14, Code of Federal Regulations (CFR) §21.50(b) requires ICA be furnished for supplemental type certificates (STC), amended STCs or amended type certificates (ATC) for products for which the *original* type certificate (TC) was applied for before January 28, 1981. The language of 14 CFR §21.50(b) is clear, stating in relevant part that:

> The holder of a **design approval, including** either the type certificate or **supplemental type certificate** for an aircraft, aircraft engine, or propeller **for which application was made after January 28, 1981,** shall furnish at least one set of complete Instructions for Continued Airworthiness… [emphasis supplied]

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Initiated By: AIR-100

b. STCs, amended STCs and ATCs are design approvals. Following 14 CFR §21.50(b), applicants must furnish ICA to the owner for all STCs, amended STCs and ATCs for which they filed an application after January 28, 1981, regardless of the date of application for the original TC. The FAA's policy is to require adherence to 14 CFR §21.50(b). The FAA requires ICA for all design approvals (TC, STC, amended STC and ATC) for which application was made after January 28, 1981.

c. Although in this order we specifically address the need to submit ICA for all TCs, STCs, amended STCs and ATCs, it does not preclude the requirement for an applicant to provide ICA for other types of design approvals. As stated above, 14 CFR §21.50(b) requires the design approval holder to furnish at least one set of complete ICA.

4. HOW TO IMPLEMENT THIS ORDER. Items **a.** through **f.** below provide interim guidance. The Aircraft Engineering Division will work with ACOs and AEGs to provide follow-on guidance on ICA development and submittal.

a. Effective immediately, each applicant for a TC, STC, amended STC or ATC must submit a complete set of ICA.

b. Design approvals for STCs, amended STCs and ATCs should not be issued until ACO/ECO and AEG personnel have accepted all ICA and approved the ICA limitations section for the affected aircraft. However, the ICA may be incomplete at the issuance of the approval if the applicant, ACO/ECO, and AEG agree on a program to ensure that the ICA will be complete and accepted before the first affected aircraft is operated with a standard airworthiness certificate. The minimum elements of the program are:

(1) A list of all parts affected by the design change.

(2) A detailed schedule for completing and submitting ICA to the ACO/ECO.

(3) A statement indicating that, "Instructions for Continued Airworthiness are incomplete. The aircraft will be eligible for return to service when the ICA are complete and accepted." ACO/ECO must place this statement in the "Limitations" section of the STC or the Type Certificate data sheet. This means an aircraft can be modified, but is not eligible for return to service until complete ICA are accepted. When we accept the ICA, the ACO/ECO can remove the statement.

c. We will not retroactively require development of, or changes to, ICA on all previously approved certification projects at this time. However, we will require ICA for these projects if the ACO/ECO and AEG determine there is a deficiency in the information needed to maintain the product in an airworthy condition. Airworthiness concern investigations, assessments of potential unsafe conditions, or special certification reviews can reveal such deficiencies.

d. The ICA for an STC, amended STC or ATC need only address continued airworthiness with respect to the design change for which application is made, as well as other systems, parts

or areas of the aircraft affected by the design change. We consider such ICA "complete" for the purpose of 14 CFR §21.50(b). The ICA produced for these design changes must be found acceptable and subsequently made available according to 14 CFR §21.50(b).

e. An applicant's submitted *assessment* of the need for ICA may satisfy the "complete set of ICA." If the assessment shows that the certification project did not change any information, procedures, process, requirements or limitations in the current ICA, and the ACO/ECO and AEG concur, then no further ICA development is necessary.

(1) The ACO/ECO should place a statement on the design approval (that is, design approval letter, FAA-approved top drawing, or type certificate data sheet) indicating that additional ICA change is not required.

(2) For an STC, the ACO/ECO should place the statement under the "Limitations and Conditions" section.

f. If previous ICA or maintenance documents do not exist, or were developed before January 28, 1981, the ICA submitted for a design change should follow the format requirements in the appropriate airworthiness standards as far as possible. ACO/ECO and AEG should favorably consider any submittal of ICA containing the essential information to maintain the design change in an airworthy condition.

5. PREVIOUS MEMORANDA AND THEIR INTERPRETATION.

a. Our AIR predecessor, the Office of Airworthiness, issued memoranda dated August 3, 1982 and August 8, 1983. Both stated that:

> …14 CFR §21.50(b) applies only to type certification, supplemental type certification, and amended type certification projects, whose *original* certification basis includes a requirement for ICA as amended on September 11, 1980 (effective January 28, 1981).

b. The 1983 memorandum further stated that a project to amend 14 CFR §21.50(b) was started to reflect this interpretation. An amendment was never issued. These memoranda have sometimes been cited as a basis for not requiring ICA for some STC projects.

c. FAA legal counsel has determined that these memoranda did not change the plain meaning of 14 CFR §21.50(b). The 1982 and 1983 memoranda are hereby rescinded.

6. REQUEST FOR INFORMATION. You can obtain additional information, or ask questions about this order, at the Aircraft Certification Service, Aircraft Engineering Division, Delegation and Airworthiness Programs Branch, AIR-140, telephone (405) 954-4815.

7. 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 office Records Management Officer/Directives Management Officer for guidance regarding retention or disposition of records.

8. SUGGESTIONS FOR IMPROVEMENT. Send suggestions, clarifications or comments for improvement of this order to: Aircraft Certification Service, Planning and Financial Resources Management Branch, AIR-530, Attention: Directives Management Officer. You can use FAA Form 1320-19, Directives Feedback Information, to do this. At Internet address www.feds.faa.gov, select "Browse," then select the numerical range of the form.

/s/
Nicholas Sabatini
Associate Administrator for
Regulation and Certification