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FEDERAL AVIATION ADMINISTRATION
National Policy

ORDER 8110.104

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SUBJ: Responsibilities and Requirements for Implementing Part 26 Safety Initiatives

1. This order provides direction and guidance on responsibilities, requirements, and processes for finding compliance with the requirements of Title 14 of the Code of Federal Regulations (14 CFR) part 26, and the related operational rules.

2. This order provides the processes for FAA personnel in the Aircraft Certification and Flight Standards Service offices and Aircraft Evaluation Groups who review and approve or accept the compliance plans and data and documents as required by the regulations. Guidance for oversight of compliance with associated operational rules is contained in FAA Order 8300.10, Airworthiness Inspectors Handbook (latest version).

3. This order provides the processes for FAA personnel that will ensure that the responsibilities and requirements for implementing part 26 safety initiatives are carried out.

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Chapter 1. General Information

1. Purpose of This Order. This order provides a systematic approach for implementing design approval holder (DAH) and operator compliance requirements for certain safety initiatives contained in part 26 and related operational parts.

2. Audience. Aircraft Certification Offices (ACO), Transport Airplane Directorate (TAD) offices, Flight Standards Service (AFS) policy divisions and field offices responsible for operators of transport category airplanes, with direction and guidance to implement compliance processes supporting the requirements of part 26, and related operational rules.

3. Where to Find This Order. You can find this order at MYFAA Employee website: https://employees.faa.gov/tools_resources/orders_notices and on the Regulatory Guidance Library (RGL) website: http://rgl.faa.gov.

4. Deviations. Adherence to the procedures in this order is essential for uniform administration of this directive material. ANM-100 and the appropriate AFS policy division coordinate and disposition any deviations. If a deviation from this directive becomes necessary, the FAA employee involved must ensure that the deviations are substantiated, documented, and concurred with by the appropriate supervisor. Submit deviations for review with recommendations to ANM-100 for approval. Title 28 of the United States Code (28 U.S.C.) § 2679 defines the limits of Federal protection for FAA employees.

Chapter 2. Development of Design Approval Holder Requirements

1. General. In 2003, Flight Standards (AFS) and Aircraft Certification (AIR) were tasked by Aviation Safety (AVS) to review certain safety initiatives for transport category airplanes using a holistic approach. The goal of this review was to develop an integrated plan for implementation of those safety initiatives.

a. The safety initiatives reviewed were:

(1) Enhanced Airworthiness Program for Airplane Systems (EAPAS).

(2) Fuel Tank Safety Operational Rules.

(3) Aging Airplane Safety Rule (AASR).

(4) Widespread Fatigue Damage (WFD).

(5) Corrosion Prevention and Control Program (CPCP).

b. This review identified potential redundancies and overlaps among the safety initiatives. It also determined that certain efficiencies could be gained, and the compliance burden on operators could be 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 outlined in the final rule, Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Request for Comments), Docket No. FAA-2004-17681 (69 FR 45936, July 30, 2004). However, the FAA published a revision to the implementation of those recommendations as documented in a notice published in the Federal Register (71 FR 38542, July 7, 2006).

2. Current Practice. In a related effort, the FAA reviewed its regulatory approach of requiring operators to incorporate design changes or maintenance and inspection program changes, but not requiring the DAH to support operator compliance.

a. 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, and so forth). 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.

b. 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, Safety – A Shared Responsibility – New Direction for Addressing Airworthiness Issues for Transport Airplanes, has more information about the DAHs' and operators' responsibilities and the circumstances that will be considered when implementing DAH requirements (See appendix B of this order for the complete text of this policy statement).

Chapter 3. Regulatory Requirements

1. Design Approval Holder Requirement.

a. Title 14 of the Code of Federal Regulations, part 26, requires DAHs (holders of a design approval – see paragraph 3, Design Approval Holder Applicability, of this chapter, and appendix C, Definitions, of this order), of certain transport category airplanes to take actions to support compliance with complementary 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 to support compliance with complementary operational rules. These requirements are necessary to ensure the availability of sufficient information to maintain the continued airworthiness of the affected airplanes or to improve the safety of the existing fleet.

> ***Note***: While DAHs are required to make data and documents available to support operator compliance with the related operational rules, the operators could choose to use data and documents they develop, or that are developed by third parties, as long as those data and documents are approved by the FAA Oversight Office.

b. The part 26 requirements may also apply to applicants for a type certificate when application is made before the effective date of the rule. The applicability information is provided in each safety initiative.

c. Part 26 requires DAH submittal of a compliance plan to the FAA for approval that shows how the DAH will comply with the requirements. This compliance plan requirement should demonstrate that the DAH understands the regulations, available guidance and compliance methodology, and has developed an acceptable schedule for actions and deliverables that will lead to on-time compliance with the rules. The FAA will use the compliance plan to help ensure that acceptable data, documents, and parts are available to affected persons in a timely manner to support compliance with the related operational rules. Various aspects of the regulations applicable to the DAHs are modeled after "The FAA and Industry Guide to Product Certification," (CPI Guide) dated September 2004. This guide describes a process for developing project-specific certification plans for type certification programs. This order and associated advisory information is intended to encourage ongoing communication and cooperation between the DAHs and FAA (similar to the relationship promoted by the guide), during the process of complying with these regulations.

> ***Note***: For future applicants for a design approval or changes to a design approval, this information will be contained in the certification plan.

2. Compliance Plan Contents.

a. Generally, the compliance plan must contain:

(1) A project schedule identifying all major milestones for meeting the compliance dates specified in the relevant regulations.

(2) A means of compliance with the relevant regulations identifying all data and documents substantiating compliance with the part 26 DAH requirements. This should include information to support operator compliance with the related 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 AC 26-1, Part 26, Continued Airworthiness and Safety Improvements. The level of detail must be sufficient to enable operators to readily incorporate the proposed changes to their maintenance or inspection programs.

> ***Note***: 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 for operators to use in developing proposed changes to their maintenance or inspection programs.

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

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

(5) 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.

b. Some DAH requirements may specify the need for additional information, such as a proposal for:

(1) Addressing repairs, alterations, and modifications (RAM).

(2) Continuously assessing service information.

c. The DAH, to facilitate compliance plan review, approval, and accomplishment, should include additional information, such as:

(1) An internal company communication and coordination plan that identifies those responsible for compliance, and their respective roles and responsibilities.

(2) A delegation plan for compliance findings necessary to meet the part 26 DAH requirements in the relevant rule. This plan may identify 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. The DAH delegation plan should be consistent with any working agreements between the FAA and CAAs.

(3) 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 will 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.

> *Note:* As described in chapter 5, paragraph 4b(2), the Standardization Team in coordination with the Compliance Team will determine the appropriate documentation necessary to establish an FAA position when the proposed means of compliance differs from the applicable FAA policy.

3. Design Approval Holder Applicability. The safety initiative requirements in part 26 will specify which DAH needs to comply with the regulations. We classify *all* of the following as design approvals or pending design approvals:

a. TC

b. Amended TC

c. Pending TC

d. Pending Amended TC

e. Supplemental Type Certificate (STC)

f. Amended STC

g. Pending STC

h. Pending Amended STC

i. Parts Manufacturing Approval (PMA)

j. Technical Standard Order (TSO)

k. Field Approval

> *Note:* While field approvals for modifications and alterations of transport airplanes may exist, they are not recommended for 14 CFR 121 air carriers per FAA Order 8300.10, Airworthiness Inspector's Handbook, Change 21, Volume 2,

Chapter 1, Perform Field Approval of Major Repairs and Major Alterations, (dated February 23, 2005, or latest version).

4. Type Certificates and Supplemental Type Certificates.

a. Part 26 requirements do not alter the original certification basis for a transport category airplane but are in addition to that basis. They will not change the approval status of any previous design approval. The requirements are prospective and specify actions to be implemented in the future.

b. In most cases, when the part 26 DAH requirements apply to the holder of a TC or STC, they also apply to future amendments to the certificates. The DAH requirements also apply to changes that may be implemented by service bulletins and any pending applications as of the effective date of the part 26 DAH requirements. Under § 21.101, it may be determined that it is not appropriate to require such applicants to comply with new part 25 airworthiness standards that are typically adopted at the same time as part 26 requirements. However, for these initiatives it is appropriate to require such applicants to comply with the same requirements as existing certificate holders. Otherwise, the safety improvements that result from DAH compliance with these requirements could be undone by later modifications. Pending and future changes may have unique compliance schedules as prescribed by the regulations.

5. Parts Manufacturer Approval.

a. In many cases, part 26 rules will impose DAH requirements for design changes, instructions for continued airworthiness (ICA), and airworthiness limitations (ALI). In attempting to comply with the operational requirements, operators may find that previously installed PMA parts interfere with compliance. In these cases, the operators must coordinate the means of compliance with the FAA oversight office through their principal inspector (PI).

b. In reviewing applications for future PMAs, one of the issues that will need to be considered is whether the part would comply with all applicable ALI. In reviewing PMA applications, the responsible ACO should determine whether the PMA would violate any relevant ALI. If so, the PMA applicant is required to address the requirement that is the basis for each ALI. Because a PMA is a design and production approval, the effect of the safety initiative on the PMA part and the effect of that part on other parts or components directly affected by the requirements of part 26 must still be considered in accordance with FAA Order 8110.42B, Parts Manufacturer Approval Procedures (or latest version). An example of this issue is where an ALI calls for controlling the configuration of a component through adherence to the component maintenance manual. In this case, the preservation of a safety feature in the component may involve a number of parts. However, a PMA may only involve one of the parts. The PMA approval must ensure that the product as a whole complies with the applicable requirements.

6. Repairs and Alterations. Repairs and alterations may inadvertently compromise part 26 safety objectives. Certain existing and future repairs and alterations are subject to the same airworthiness requirements as airplanes affected by part 26 requirements.

7. DAH Service Publications. There are a number of service-ready documents that may contain data and information approved by the FAA.

a. For example:

(1) Service Bulletins. Some DAHs identify optional changes to their type design through issued service bulletins.

(2) Airworthiness Limitation Item (ALI). Some DAHs publish a maintenance-planning document containing all applicable ALIs.

(3) Component Maintenance Manual (CMM). Some DAHs use this manual to control the configuration of critical design features, such as a fuel pump, during the process of repair or overhaul.

(4) Structural Repair Manuals. Some DAHs produce these manuals in support of the operators' continued airworthiness program.

b. The FAA approved data and information contained in these documents and other documents may change as required by regulation, service experience, or product improvement. The DAHs issuing such data and information must assess the changes to ensure continued compliance with the requirements of part 26.

Note: See AC 20-114, Manufacturers' Service Documents, latest version, for additional information.

Chapter 4. Compliance Oversight Process for Part 26 Regulations

1. Compliance Processes. Each safety initiative that contains DAH requirements to support operational regulations usually will be linked by cross-references. The compliance schedules are sequential for the DAH and the affected operators. The FAA identified two key processes and associated timelines for accomplishment to help FAA personnel work with the DAH to ensure the necessary data and documents are available on time for operator compliance.

a. A process to support the development of the DAH compliance plan that will help to ensure its acceptability.

b. A process to provide early awareness that acceptable compliance is at risk, and recommendations for resolutions.

2. Two-Team Approach. For each safety initiative that has DAH requirements, the FAA will use a two-team approach to help the DAHs achieve compliance:

a. A Compliance Team to support and work directly with each affected DAH and make findings of compliance.

b. A Standardization Team to provide technical support for all compliance teams involved with the same safety initiative.

3. Team Composition.

a. Compliance Team. This team is generally composed of representatives from the FAA oversight office, i.e., the ACO or TAD office having responsibility for the relevant TC or STC (determined by the Administrator) and representatives from affected AFS and AEG offices. This team will work directly with the DAHs to review the safety initiative 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 that includes the acceptability of data and documents intended for the support of operator compliance with the regulations. The AEG representative will ensure the DAH compliance plan and data and documents support operator compliance. All compliance team members must be fully trained on their safety initiatives. The FAA oversight office manager, in coordination with the TAD, will appoint the team leader.

b. Standardization Team. This team is generally composed of representatives from the TAD Standards Staff, including the TAD international and standardization branch offices, and representatives from the AFS policy division. The team composition will generally include the authors of the airworthiness and operational rules and guidance materials. This team will provide technical guidance, training to ensure the Compliance Teams are knowledgeable of the regulations and their intent, and standardization in support of the Compliance Teams. 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, not that the means of compliance used by the aviation industry is necessarily the same. The AFS representative will ensure the DAH compliance plans and data and documents support operator compliance. All Standardization Team members must be fully trained on their safety initiatives. The Standardization Team will consult with the appropriate legal counsel staff on those occasions requiring rule interpretation or potential enforcement action. The TAD or Transport Standards Staff manager will appoint the team leader.

4. Standardization and Compliance Teams' Responsibilities.

a. In general, the Compliance and Standardization Teams' responsibilities are to follow each of the guidance documents below:

(1) This order (which is consistent with AC 26-1, Part 26, Continued Airworthiness and Safety Improvements);

(2) Each safety initiative rule that has a DAH responsibility;

(3) Associated advisory circulars;

(4) FAA Order 8110.54 (latest version), Instructions for Continued Airworthiness Responsibilities, Requirements, and Contents; and

(5) Project specific guidance.

b. Standardization Team. The Standardization Team's project-specific responsibilities are to:

(1) Establish a process for accomplishing paragraph 4d of this chapter, "Standardization and Compliance Team Coordination," considering the following:

(a) Identify job aids related to acceptable compliance plans, issue resolution, etc.;

(b) Identify key areas for coordination;

(c) Develop and distribute policy to address novel issues; and

(d) Define parameters for acceptable delegation plans.

(2) Familiarize the Compliance Teams with the regulatory requirements, and technical and compliance process information:

(3) Assist all Compliance Teams in the standardization of the compliance determination;

(4) Provide technical guidance;

(5) Communicate with Compliance Teams to disseminate information, obtain project status, and ensure standardization;

(6) Assist with issue resolution, as appropriate; and

(7) Establish and implement a process to ensure standardization with other aviation authorities (this should be based on any working agreements previously developed).

c. Compliance Team. The Compliance Team's project-specific responsibilities are to:

(1) Establish a plan for accomplishing their oversight activities, including carrying out the process defined by the Standardization Team in paragraph 4d of this chapter, Standardization and Compliance Team Coordination;

(2) Work with assigned DAH to implement the part 26 requirements;

(3) Support DAH development of compliance data and documents (compliance plan and final compliance deliverables);

(4) Review and approve the compliance plan if acceptable, or identify deficiencies and necessary corrective actions;

(5) Monitor the implementation of the approved plan, identify any deficiencies, and work with DAH to develop necessary corrective actions;

(6) Notify DAH of the identified deficiencies and corrective actions and document the communication (by letter, record of meeting, e-mail, or other written record).

(7) Review and approve the compliance data and documents if acceptable, or identify deficiencies and necessary corrective actions.

(8) Initiate compliance and enforcement activities per FAA Order 2150.3, Compliance and Enforcement Program (latest version), if appropriate.

d. Standardization and Compliance Team Coordination. The Compliance Team will coordinate with the Standardization Team, as appropriate, to:

(1) Provide status on the progress of the project;

(2) Identify the issues and resolution; and

(3) Obtain technical or process guidance from the TAD or AFS specialists.

Note: Each affected FAA Oversight Office will identify one person to represent the Compliance Team(s) from that ACO or branch when coordinating with the Standardization Team. That person will be responsible for communicating with

the Standardization Team, and providing information to their Compliance Team(s), as identified in this order.

e. Team Coordination with FAA Management. The Standardization and Compliance Teams will coordinate their activities with FAA management. This includes providing briefings on issues affecting compliance, milestones identified in the approved compliance plan, and schedule requirements of part 26. There will be a number of teams participating during the DAH compliance period involving a significant amount of activity.

(1) The TAD manager will identify a focal point as a liaison between the teams and the appropriate AIR, and AFS management.

(2) The focal point will:

(a) Coordinate the teams' activities and decisions required by this order;

(b) Provide summaries of the teams' activities required by this order;

(c) Provide summaries of the DAHs' progress towards compliance with the applicable DAH regulations;

(d) Ensure management involvement if the required milestones are not achieved and there is potential non-compliance with part 26 technical or schedule requirements;

(e) Report any FAA or CAA team issues, including unresolved non-standardization, affecting DAH compliance with the applicable DAH regulations;

(f) Provide recommendations to management to resolve issues regarding process or compliance; and

(g) Receive direction and guidance from management and communicate it to the teams.

Chapter 5. Compliance Process — DAH Rules

1. Compliance and Standardization Teams' Processes. The FAA and DAH normally use the processes illustrated in the flowchart (figure 5-1, Compliance Processes). The flowchart shows an overview of the processes, and illustrates the steps to follow during the compliance plan development, submission, review, approval, implementation, monitoring, and determination. This flowchart is an expansion of the flowchart in related AC 26-1, Part 26, Continued Airworthiness and Safety Improvements.

2. Preparatory Activities. Due to the compliance dates associated with these safety initiatives, the activities identified in this section should be accomplished prior to the issuance of each new safety initiative rule. The TAD, FAA Oversight Office manager, and AFS management will identify the Standardization and Compliance Teams' membership as soon as practical before the issuance of the final rule to begin implementation activities. These teams will remain in existence through the related operational rule compliance date to ensure they are available to assist the principal inspectors or Flight Standards District Offices in evaluating operator-proposed changes to approved ICA, if necessary.

a. The Standardization Team will —

(1) Define the roles and responsibilities of the individual team members;

(2) Develop a plan to carry out their team responsibilities, as defined in chapter 4, paragraph 4b, Standardization Team; and

(3) Familiarize Compliance Teams with:

(a) The requirements of the safety initiative, as described in chapter 3, paragraph 1, Design Approval Holder Requirement;

(b) The applicable technical guidance (FAA advisory circulars, orders, documents, and policy) regarding compliance methodology. This includes expectations for the format and content of data and documents to demonstrate compliance with the safety initiatives' DAH requirements and the related operational rules (see chapter 3, paragraph 1);

(c) The Compliance Teams' responsibilities in carrying out their functions as described in this order and coordinating their activities with the Standardization Team; and

(d) The additional information the Compliance Teams will need during the compliance process. This information may include applicable compliance process information contained in this order, any mutually acceptable plans for working with the affected CAA, other FAA orders or policy, such as Order No. 2150.3, Compliance and Enforcement Program, (latest

version) available at http://rgl.faa.gov and the FAA Aviation Safety Customer Service Initiative available at the FAA website:
http://www.faa.gov/about/office_org/headquarters_offices/avs/cust_service.

b. The Compliance Team will —

(1) Define the roles and responsibilities of the individual team members;

(2) Develop a plan to carry out their responsibilities as defined in chapter 4, paragraph 4c, Compliance Team;

(3) Participate in training and familiarization activities related to the safety initiative and implementation processes; and

(4) Coordinate their activities with the Standardization Team.

3. Activities Following Rule Issuance. The Compliance Team will review with the DAH its obligations under each new safety initiative rule and the FAA's expectations for compliance. As soon as possible after issuance of each safety initiative rule, the Compliance Team will conduct a familiarization meeting with the DAHs to review the:

a. Applicable part 26 regulations and guidance information (see chapter 3, paragraph 1),

b. Requirements for compliance plan development,

c. Compliance plan deficiency resolution process,

d. Compliance plan approval process,

e. Expectations for the required analysis content as discussed in the regulations and guidance material, and

f. Expectations for the format and content of their data and documents. The DAH is to provide this information in accordance with the schedules established in the compliance plan and any dates defined by regulation. The project specific data and documents may comprise two sets of information:

(1) One set that provides all pertinent information to demonstrate compliance with the technical requirements of part 26, e.g., tests, analysis, drawings, and parts; and,

(2) A second set that provides the information necessary for the affected operators to comply with the associated operational rules, e.g., service bulletins, and maintenance and inspection instructions. This may include service-ready documents like airplane maintenance manuals, maintenance planning documents, standard wiring practice manuals, and component maintenance manuals that should contain project specific information. See FAA Order 8110.54,

Instructions for Continued Airworthiness Responsibilities, Requirements and Contents (latest version), for further discussion of service-ready documents.

4. Compliance Plan Development. As the DAHs are developing compliance plans in accordance with each safety initiative rule and AC 26-1 (see chapter 3, paragraph 1(c) of this order) —

a. The Compliance Team will —

(1) Oversee the DAH activities to develop a compliance plan specific to the safety initiative;

(2) Provide the Standardization Team with status on DAH compliance plan development;

(3) Inform the Standardization Team if a potential non-compliance or deviation from FAA policy is identified, and participate in defining and implementing the appropriate action; and,

(4) Coordinate responses with the Standardization Team for issues that are not covered by existing guidance, including methods of compliance.

b. The Standardization Team will —

(1) Oversee the Compliance Team activities to ensure standardization among all affected DAHs; and

(2) In coordination with the Compliance Team, identify non-compliance issues and deviations from FAA policy and develop recommendations to address them. These recommendations will be reviewed with management for disposition as appropriate. When the proposed method of compliance deviates from existing guidance, appropriate documents will be developed to establish an FAA position for the following situations:

(a) Method of compliance does comply with rules, but deviates from the guidance.

(b) Method of compliance does not comply with rules, but provides an equivalent level of safety.

(c) Method of compliance does not comply with rules, but the DAH provides appropriate justification for an exemption.

(d) Method of compliance does not comply with the rules and does not provide for an equivalent level of safety or justify an exemption.

5. Review/Approval of Compliance Plan. Following DAH submittal of the proposed compliance plan, the Compliance Team, in coordination with the Standardization Team, will review the submitted plan within 4 weeks.

> *Note*: The Compliance Team is strongly encouraged to conduct a preliminary review within one week of receipt of the DAH compliance plan. If the preliminary review determines there are any major deficiencies, the Compliance Team should immediately notify the DAH of their findings. The Compliance Team should document the discussions in a record of meeting, record of teleconference, or email, and send a copy to the DAH to ensure they agree with the FAA characterization of the discussion.

a. The Compliance Team will —

(1) Review the proposed compliance methodology and confirm that any agreed upon revisions to the plan, as a result of previous reviews, are addressed; and

(2) Review the plan for issues not covered by existing guidance, including methods of compliance, and coordinate their response with the Standardization Team.

b. The Standardization Team will —

(1) Oversee the Compliance Team activities to ensure standardization among all affected DAHs;

(2) Review the resolution of any issues identified by the Compliance Team related to the proposed compliance plan submitted by the DAH; and

(3) Coordinate their determination of acceptability of the resolution of issues with the Compliance Team.

c. If the proposed plan <u>is</u> acceptable, the Compliance Team will —

(1) Coordinate, as necessary, with the Standardization Team; and

(2) Inform the DAH by a letter of approval of the compliance plan signed by the FAA oversight office manager. This letter should be sent within 6 weeks of receipt of the DAH proposed compliance plan.

d. If the proposed plan is <u>not</u> acceptable, the Compliance Team will –

(1) Identify the deficiencies in the proposed compliance plan;

(2) Coordinate, as necessary, with the Standardization Team;

(3) Notify the DAH by letter of these deficiencies within 6 weeks of receipt of the proposed compliance plan;

(4) Work with the DAH to expeditiously identify mutually acceptable correction(s) to the proposed compliance plan; and

> *Note*: The Compliance Team should work closely with the DAH during this time. Discussions to identify mutually acceptable solutions to correct deficiencies should be documented in writing, e.g., in a record of meeting, record of teleconference, or email. The record should identify areas of agreement and disagreement, and why the FAA believes compliance is at risk. If, after a reasonable time, there appears to be an impasse, or no assurance of timely resolution, the Compliance Team and Standardization Team should request management facilitation.

(5) Review the revised compliance plan submitted by the DAH to determine its acceptability and, if acceptable, follow the steps in paragraph 5c, of this chapter. The approval letter for an acceptable plan should be sent within 3 weeks of receipt of the revised submission.

(6) If the revised compliance plan is still not acceptable and it appears resolution cannot be achieved quickly, raise the issue to the Standardization Team and management for facilitation and document correspondence and meeting notes for possible future enforcement action.

6. Compliance Plan Monitoring.

a. The Compliance Team will —

(1) Monitor the DAH's progress of implementing the approved plan. The monitoring function includes meeting with the DAH to review the status of the milestones in the approved DAH compliance plan.

(2) Provide frequent status to Standardization Team regarding the DAH's implementation of their compliance plan and any issues.

(3) Follow the same steps identified in paragraph 5d, of this chapter, to correct any deficiencies in the DAH compliance plan implementation, except that for the purposes of this activity "proposed compliance plan" will be "compliance plan implementation." If there are significant deficiencies in the compliance plan implementation, such as technical issues or severe schedule delays, that put timely compliance at risk, the Compliance Team should notify the DAH by letter documenting the concerns and recommended corrective actions within one week of identifying deficiencies. Discussions related to less significant deficiencies or deficiencies that are being addressed by an acceptable recovery plan can be documented in a record of meeting, record of teleconference, or email.

b. The Compliance Team and Standardization Team will —

• coordinate their Teams' activities with FAA management. This includes providing briefings on issues affecting compliance and milestones identified in the approved compliance plan and schedule requirements of part 26 (see chapter 4, paragraph 4e, Team Coordination with FAA Management).

> *Note*: In the event an acceptable compliance plan is not provided by the DAH, the Compliance Team will still monitor the activity of the DAH towards compliance with the regulations. The lack of an approved DAH compliance plan does not mitigate the regulatory requirement to comply. As noted in paragraph 5d(6), of this chapter, the lack of a compliance plan must be elevated to the Standardization Team and management for resolution.

7. Draft Data and Documents Submittal and Review.

a. As required by the part 26 rules, a draft of all data and documents necessary to demonstrate compliance must be submitted by a certain date prior to the compliance date defined in the respective safety initiative rule. Each safety initiative will specify the compliance date by which the draft data and documents submittal is due. This requirement allows the Compliance Team sufficient time to review the submitted draft compliance data and documents, and determine if the DAH will be in compliance with the respective safety initiative rule.

b. The Compliance Team will —

(1) Review the draft data and documents, and <u>if</u> acceptable, notify the DAH within 5 weeks of receipt;

> *Note*: The Compliance Team is strongly encouraged to conduct a preliminary review within one week of receipt of the DAH draft data and documents. If the preliminary review determines there are any major deficiencies, the Compliance Team should immediately notify the DAH of their findings. The Compliance Team should document the discussions in writing, e.g., in a record of meeting, record of teleconference, or email, and send a copy to the DAH to ensure they agree with the FAA characterization of the discussion.

(2) Review the draft data and documents, and if the draft data and documents are <u>not</u> acceptable, the Compliance Team will:

(a) Identify the deficiencies in the draft data or documents or schedules, in coordination with the Standardization Team, and will notify the DAH within 5 weeks of receipt of the draft data and documents;

(b) Identify, if possible, mutually acceptable corrections(s) to the draft data and documents in coordination with the Standardization Team; and

Note: The Compliance Team should work closely with the DAH during this time. Discussions to identify mutually acceptable solutions to correct deficiencies should be documented in writing, e.g., in a record of meeting, record of teleconference, or email. The record should identify areas of agreement and disagreement, and why the FAA believes compliance is at risk. If, after a reasonable time, there appears to be an impasse, or no assurance of timely resolution, the Compliance Team and Standardization Team should request management facilitation.

(c) The FAA will initiate the appropriate actions as may be provided by FAA Order 2150.3, Compliance and Enforcement Program (or latest version) if no data is submitted or if there is no acceptable resolution of the issues in time for compliance. The documentation of the Compliance Team's identification and communication to the DAH of compliance problems and proposed corrective actions, and of the DAH's responses, will be important evidence to support any necessary enforcement action. The Standardization Team, through the appropriate AFS policy division, will alert those PIs/FSDOs who have oversight responsibility for operators affected by the operational rules on those occasions where the DAH is unwilling or unable to comply with the regulations. However, operators have the responsibility to comply with the operational rules by the specified compliance date. So, they will need to consider how best to achieve compliance in these cases, for instance by obtaining support from a third party.

8. Final Data and Documents Submittal, Review, and Approval. As required by the rules, the DAH must provide the final data and documents by the compliance due date. If it becomes apparent that the DAH will not comply by the compliance due date, the compliance team, after consultation with the standardization team, may agree to an aggressive schedule for achieving full compliance, and take into account the DAH's performance in meeting that schedule in determining what, if any, enforcement action is appropriate.

a. The Compliance Team will —

(1) Review the final DAH data and documents within 4 weeks of receipt to determine if:

Note: The Compliance Team is strongly encouraged to conduct a preliminary review within one week of receipt of the DAH final data and documents. If the preliminary review determines there are any major deficiencies, the Compliance Team should immediately notify the DAH of their findings. The Compliance Team should document the discussions in a record of meeting, record of teleconference, or email, and send a copy to the DAH to ensure they agree with the FAA characterization of the discussion.

(a) Compliance with the technical requirements of the part 26 regulations is demonstrated; and

(b) The format and content of the data and documents is acceptable for operator compliance (in accordance with paragraph 3f, of this chapter).

b. If acceptable, the Compliance Team will —

(1) Notify the DAH by letter of FAA approval within 6 weeks of receipt; and

(2) Notify the affected PIs/Flight Standard District Offices (FSDO), 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.

c. If unacceptable, the Compliance Team will —

(1) Follow the steps identified in paragraphs 7b(2) and 7(c), of this chapter, 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.

(2) Review the revised data and documents submitted by the DAH to determine their acceptability and:

(a) Follow the steps in paragraph 8a, of this chapter. However, the review and approval time should be expedited (see paragraph 8c(2)(b), of this chapter). If the revised data and documents are not acceptable or not submitted prior to the compliance date, then the Compliance Team, in coordination with the Standardization Team, will recommend actions to mitigate impact to the affected operators' compliance schedule, in addition to any appropriate enforcement actions for non-compliant DAHs. Such recommendations could include the collaboration of affected operators to obtain acceptable data and documents from other sources, and compliance time extensions to an operator's program changes, considering the schedule for incorporation of design changes or accomplishment of required maintenance or inspections.

> *Note*: Some of these mitigations may support partial exemptions. The operator must have an approved program change by the compliance date identified in the operational rule. However, the actions described in the ICA in the approved program may not need to be accomplished at the time the program change is adopted. This may provide the basis for an exemption for the operational rules that allows delayed maintenance program changes as long as the required maintenance or inspection actions are accomplished when originally anticipated. Any such petition for an exemption should be coordinated with the affected Standardization and Compliance Teams.

(b) If acceptable, follow the steps in paragraph 8b, of this chapter. The approval letter for acceptable data/documents should be sent to the DAH within 3 weeks of receipt of the revised submission. Any mitigation identified above should also be communicated to the operators and PIs/FSDOs.

d. The Compliance Team must verify that the DAH makes available the appropriate data/documents to support the operators' compliance with the operational rules. The DAH should make this information available in accordance with the schedule outlined in the approved compliance plan. The data and documents the FAA finds acceptable may be in the form of

temporary or supplemental revisions, which the DAH will incorporate into their service-ready documents at a future date. The Compliance Team must confirm that the DAH has revised these service-ready documents and that they incorporate these temporary or supplemental revisions consistent with data and documents approved by the Compliance Team.

> ***Note***: Appendix E provides a summary of the schedule requirements of this order as they relate to Compliance or Standardization Team actions and the required compliance deliverables identified in the DAH regulations.

Figure 5-1. Compliance Processes

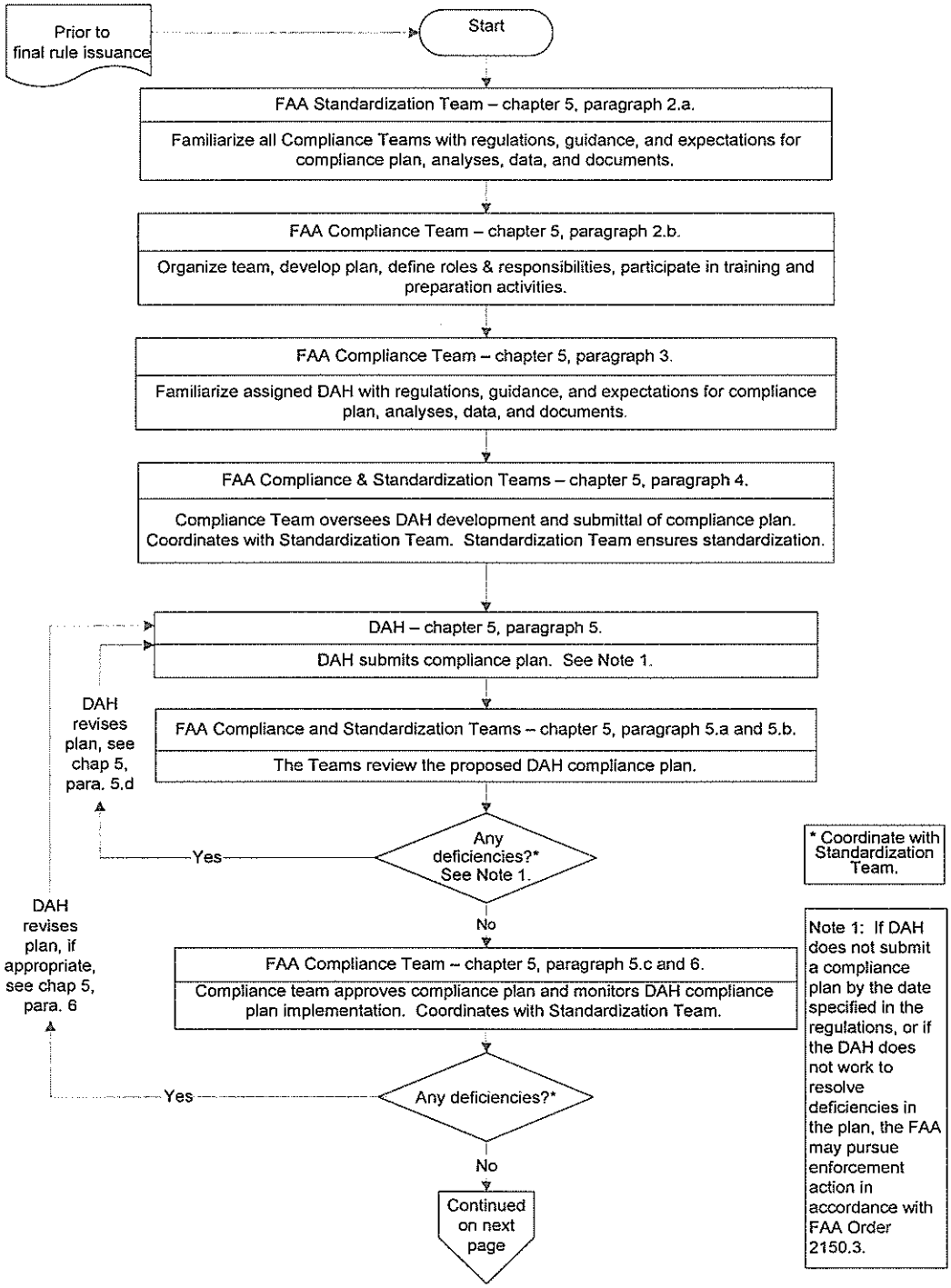


Figure 5-1. Compliance Processes

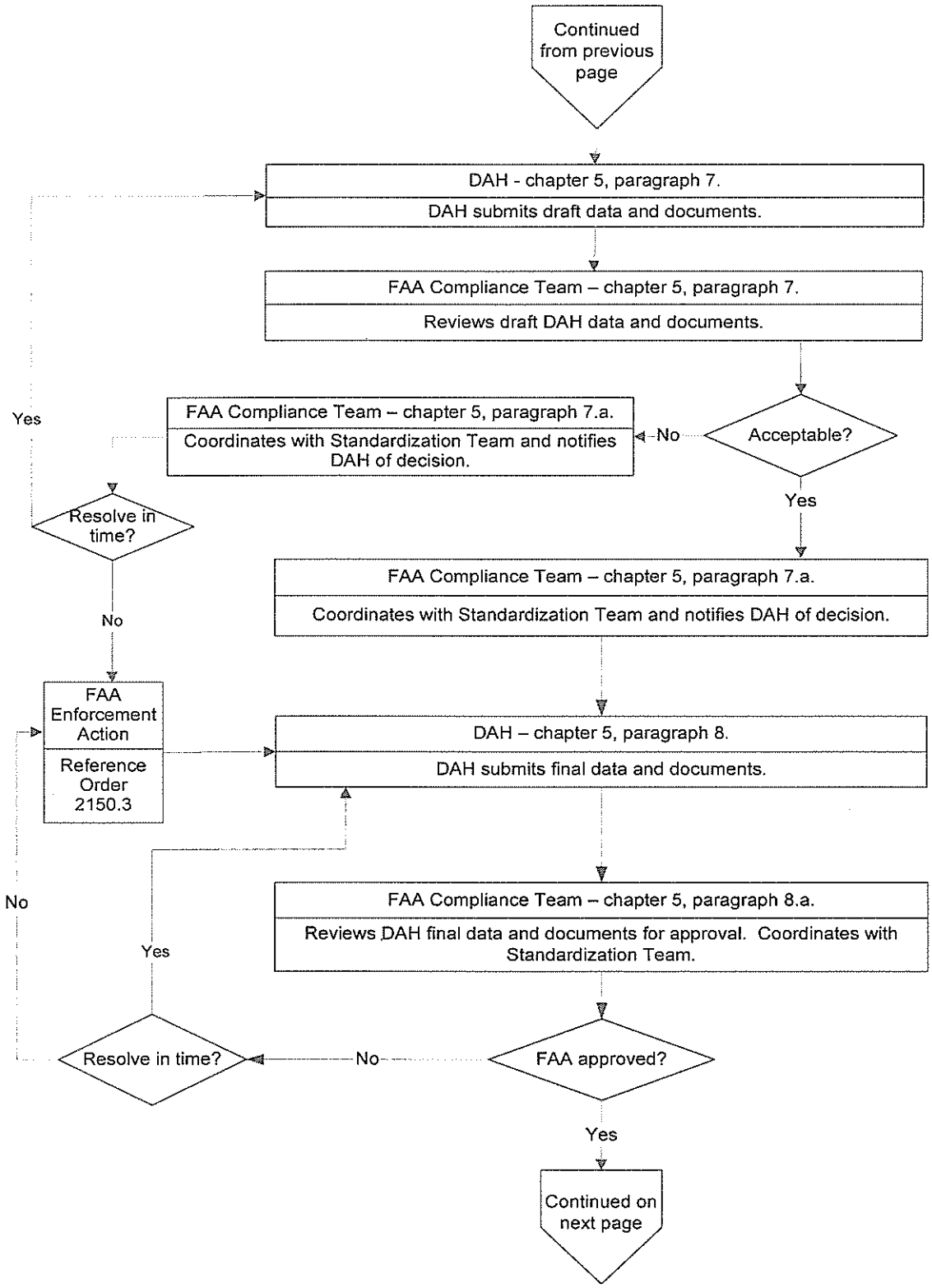
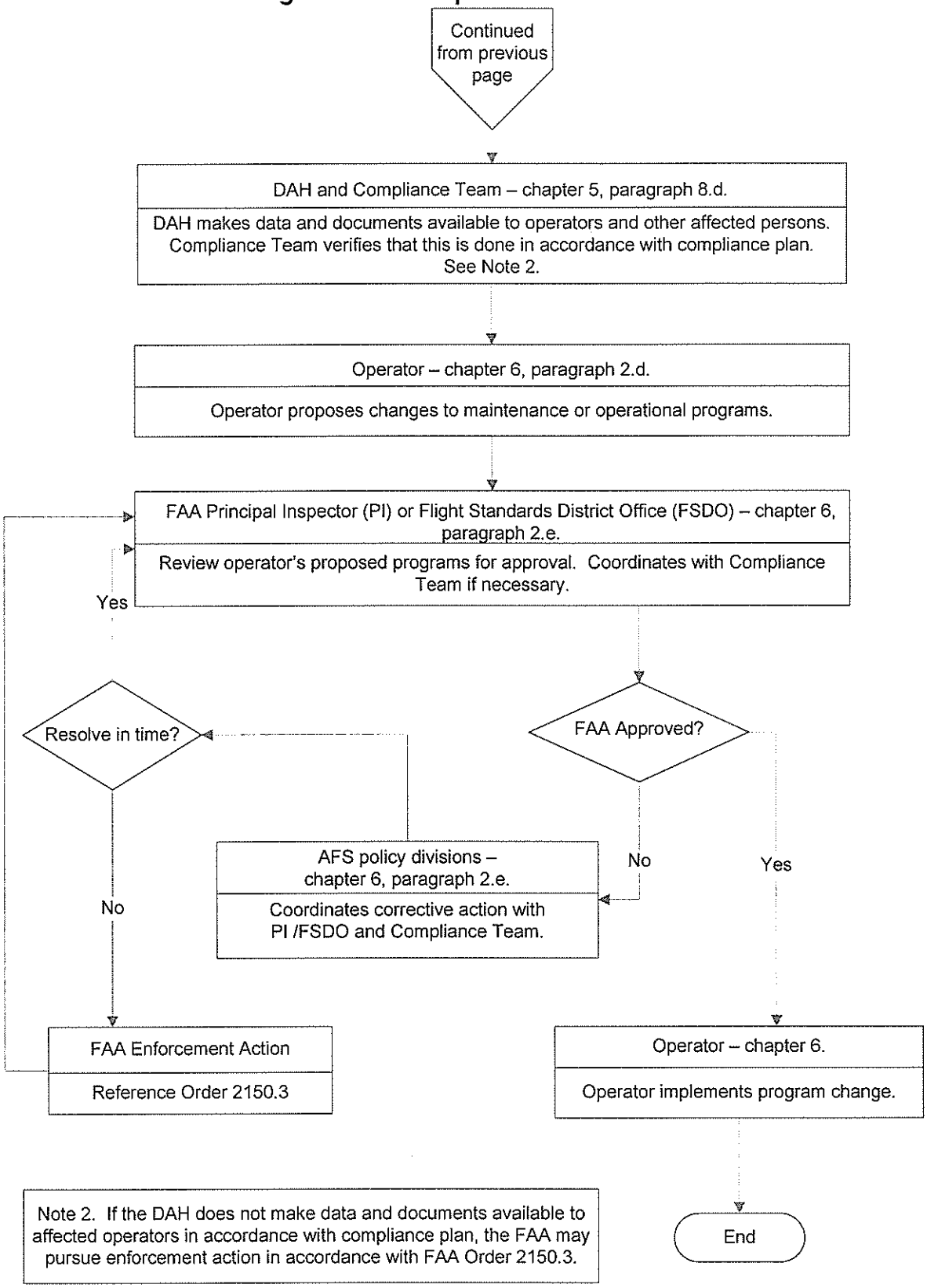


Figure 5-1. Compliance Processes



Chapter 6. Compliance Process – Operational Rules

1. Normal Process for Program Change. The normal bases for changes to an operator's Continuous Airworthiness Maintenance Program (CAMP) or the approved type design, as applicable, may be:

a. Recommendations from the DAHs.

b. Compliance with regulatory requirements such as airworthiness directives (AD), including alternative methods of compliance.

c. Changes that result from processes identified in the operator's program, such as the reliability program or Continuing Analysis and Surveillance System (CASS). (See the latest version of AC 120-79, Developing and Implementing a Continuing Analysis and Surveillance System, for more information on CASS).

2. Associated Program Change Process. For the referenced safety initiatives, the bases for the operator's proposed changes to their approved program or approved type design in compliance with the operational rules are the data and documents approved by the Compliance Team. Normally, the DAHs develop these data and documents in accordance with those regulations that support compliance with the related operational rules. Third parties (including the operators themselves) may also develop data and documents for approval by the Compliance Teams.

a. Operational Rules. The operational rules associated with these safety initiatives may require the following:

(1) Airplane repairs and alterations, including modifications approved under STCs;

(2) Incorporation of instructions of continued airworthiness (ICA), which may include airworthiness limitation items (ALI) in the CAMP or the inspection program;

(3) Revision of other documents to be consistent with the ICA, such as work cards.

b. DAH Data and Documents. The DAH's data and documents approved by the FAA Oversight Office (Compliance Team) are likely to be specific to a certain model or series airplanes or STC(s).

c. DAH Analysis. The DAH's data and documents to support operator compliance are 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's data and documents may not be the same for different operators of the same model. The operator's airplane configurations may include:

(1) Optional changes developed by the TC holder that are affected, but not included, in the analysis,

(2) Various repairs, alterations, and modifications (RAM) incorporated by STCs or field approvals. Each set of DAH data and documents will identify the particular types of RAM, 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 exist, they are not recommended for 14 CFR 121 air carriers per FAA Order 8300.10 (latest version) Change 21, Volume 2, Chapter 1, Perform Field Approval of Major Repairs and Major Alterations.

d. Operator's Plan. The operator should provide a plan for incorporation of program or type design changes based on data and documents approved by the FAA oversight office. The plan should address the following, as appropriate:

(1) Potential airplane configuration differences that are not addressed by the FAA-approved ICA, e.g., changes in airframe structure to add winglets or conversion from a passenger to freighter configuration, etc.;

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

(3) Including any compliance schedule(s) for the operational rules that require 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 required changes within a specified time prior to the compliance date for 100 percent of the affected fleet;

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

(5) Submitting the proposed changes to its 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.

e. If the operator submits a plan, as recommended, the PI or the cognizant FSDO will do the following —

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

(2) Coordinate with AFS offices and the Compliance Team on the acceptability of the proposed changes or means for resolution, if there are substantive differences between the approved information and the operator's proposed changes, in accordance with FAA Order 8300.10 (latest version), Airworthiness Inspector's Handbook.

(3) Accept the operator's plan for showing compliance with the operational rules if it will achieve compliance.

Note: If there are non-compliances with the operational rules, those will be handled in accordance with the existing relevant policies.

(4) 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, as applicable. The Operations Specification will reference each safety initiative and the date of approval. Changes to the program that affect the safety initiative implementation will require FAA approval and a revision to the Operations Specification, if applicable.

f. 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.

Appendix A. Related Publications

Refer to the latest version of these publications.

1. Title 14, Code of Federal Regulations (14 CFR). You can download an electronic copy of 14 CFR, part 26 from the Internet at http://www.gpoaccess.gov/cfr/.

2. FAA Orders, Advisory Circulars (AC), and Technical Standard Orders (TSO). You can download an electronic copy of the latest version of the following ACs, Orders, and TSOs from the MYFAA Employee website: https://employees.faa.gov/tools_resources/ and on the Regulatory Guidance Library (RGL) website: http://rgl.faa.gov.

a. FAA Order 2150.3, Compliance and Enforcement Program

b. FAA Order 8110.4, Type Certification

c. FAA Order 8110.42, Parts Manufacturer Approval Procedures

d. FAA Order 8110.54, Instructions for Continued Airworthiness Responsibilities, Requirements, and Contents

e. FAA Order 8300.10, Airworthiness Inspector's Handbook, Change 21, Volume 2, Certification, Chapter 1, Perform Field Approval of Major Repairs and Major Alterations

f. FAA Order 8430.21, Flight Standards Division, Aircraft Certification Division, and Aircraft Evaluation Group Responsibilities

g. AC 20-114, Manufacturers' Service Documents

h. AC 25-19, Certification Maintenance Requirements

i. AC 26-1, Part 26, Continued Airworthiness and Safety Improvements

j. AC 25.1529-1, Instructions for Continued Airworthiness of Structural Repairs on Transport Airplanes

k. AC 43.13-1, Acceptable Methods, Techniques, and Practices – Aircraft Inspection and Repair

l. AC 120.16, Air Carrier Maintenance Programs

m. AC 120-79, Developing and Implementing a Continuing Analysis and Surveillance System

n. AC 121-22, Maintenance Review Board Procedures

o. TSO-C77b, Gas Turbine Auxiliary Power Units

3. FAA NPRMs Addressing Safety Initiatives for Transport Category Airplanes. You can download an electronic copy of the following NPRMs from the MYFAA Employee website: https://employees.faa.gov/tools_resources/ and on the Regulatory Guidance Library (RGL) website: http://rgl.faa.gov.

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

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

c. Widespread Fatigue Damage (WFD) Docket No. FAA-2006-24281, Notice No. 06-04 (71 FR 19927, dated April 18, 2006), and a notice to extend the comment period (71 FR 38540, July 7, 2006).

d. 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).

4. FAA Policy. You can download an electronic copy of the following policy statement from the MYFAA Employee website: https://employees.faa.gov/tools_resources/ and on the Regulatory Guidance Library (RGL) website: http://rgl.faa.gov.

Policy Statement No. PS-ANM110-7-12-2005, Safety – A Shared Responsibility - New Direction for Addressing Airworthiness Issues for Transport Airplanes, issued July 6, 2005, effective July 12, 2005 (70 FR 40166).

5. FAA Final Rule. You can download an electronic copy of the following rules from the MYFAA Employee website: https://employees.faa.gov/tools_resources/ and on the Regulatory Guidance Library (RGL) website: http://rgl.faa.gov.

a. Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Request for Comments), Docket No. FAA-2004-17681, (69 FR 45936, dated July 30, 2004). 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.

b. 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.

6. FAA Documents.

You can download an electronic copy of "The FAA and Industry Guide to Product Certification" (CPI Guide), dated September 2004, from the FAA website at http://www.faa.gov/aircraft/air_cert/design_approvals/.

You can download an electronic copy of the "FAA Aviation Safety Customer Service Initiative" from the FAA website at: http://www.faa.gov/about/office_org/headquarters_offices/avs/cust_service.

Appendix B. Policy Statement No. PS-ANM110-7-12-2005

FAA Policy Statement: Safety – A Shared Responsibility – New Direction for Addressing Airworthiness Issues for Transport Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Policy Statement

SUMMARY: This document sets forth the Federal Aviation Administration's (FAA) policy concerning the shared responsibility between design approval holders (DAHs) and operators in achieving certain types of safety objectives. It also provides guidance on the use of DAH requirements to support these safety objectives. This policy statement is intended to further clarify when and how the FAA will use DAH requirements in the future to address certain airworthiness issues for transport airplanes.

DATES: This policy is effective July 12, 2005.

FOR FURTHER INFORMATION CONTACT: Dionne Krebs, FAA, Transport Airplane Directorate, Aircraft Certification Service, ANM-110, 1601 Lind Avenue SW, Renton, Washington, 98055-4056; telephone: (425) 227-2250; fax: (425) 227-1320; e-mail: Dionne.Krebs@faa.gov.

SUPPLEMENTARY INFORMATION

BACKGROUND

As the FAA looks toward the future, we see a need for a new regulatory approach to addressing airworthiness issues in the existing fleet of transport airplanes. As the fleet ages and new designs become more technologically advanced, resolving emerging safety issues has become more complex. This complexity is compounded by the large number of airplanes in the existing fleet, with their many variations in configuration, and the varying kinds of operations authorized under the FAA's operational and flight rules. We are also finding that new technologies are now available, in some cases, to address safety issues that in the past could not be practically resolved.

In our effort to be more effective, we have reviewed our regulatory approach, as well as the performance of the affected aviation industry, in achieving national safety objectives. When the FAA determines that the level of safety for the existing fleet is unacceptable, we have two alternative courses of action:

- For those safety concerns related to a specific type of airplane model, the FAA declares an unsafe condition and requires actions through an airworthiness directive (AD) to achieve an acceptable level of safety.

- When establishing a new safety standard of general applicability (e.g., all air carrier operations, large transport airplanes), the FAA issues general rulemaking that applies to future new designs, new production, the existing fleet (retrofit), or a combination of these, as appropriate.

We consider these two alternatives to be complementary tools. The appropriate alternative depends on the nature and extent of the safety issue. In either case, the FAA assesses the impact and solicits public comment on our proposed actions (except in emergency situations) before implementation.

When general rulemaking has been necessary to address fleet-wide safety issues, our practice has been to issue rules requiring action by the airplane operator. That practice relied on voluntary support from the design approval holders (DAH) to provide data and documents needed to support operator compliance. This approach has generally been successful. DAHs and operators have recognized they have a shared responsibility on certain safety issues, as reflected in the numerous rulemaking advisory committee recommendations transmitted to the FAA that affect continued airworthiness. However, this recognition did not necessarily ensure that information required by operators, such as service bulletins or maintenance or inspection procedures, would be provided in a timely manner.

On occasion, adopting airworthiness requirements only through operational rules has imposed an inappropriate burden on operators. In those cases, the expected support from the DAHs was not timely or consistent. Consequently some operators were unable to comply with the operational rule by the compliance deadline, or incurred substantial unexpected costs to comply. For example, in the program to reinforce flight deck doors, most operators had substantially less than the one year, that we originally anticipated as necessary, to modify their fleet. In the class D to class C cargo compartment conversion program, one type certificate holder did not develop the necessary modifications on time for operator compliance. Also, during this program a number of operators experienced frequent failures of modification parts, a lack of parts and a lack of technical support from several holders of supplemental type certificates.

The FAA concludes that, to achieve our safety objectives, DAHs and operators must have a shared responsibility on certain safety issues affecting the existing fleet. We also conclude, from reviews such as the Commercial Airplane Certification Process Study (March 2002), that we need to facilitate more effective communication of safety information between DAHs and operators. As both technology and airworthiness issues become more complex, certain fleet-wide safety issues require that the FAA take a new approach to facilitate their

timely resolution. This new regulatory approach involves implementing complementary requirements for DAHs and operators, when appropriate. This approach was summarized in the Fuel Tank Safety Rule Compliance Extension and Aging Airplane Program Update published in the Federal Register on July 30, 2004 (69 FR 45936). We are publishing a document addressing the comments from that notice in this issue of the Federal Register.

POLICY STATEMENT

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 operators[1]. 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 issue[2]: 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.

- 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.

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[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.

- 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 the 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
Published in the Federal Register July 12, 2005 (70 FR 40166).

Appendix C. Definitions

These definitions only apply to this Order.

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.
Airworthy	When a product conforms to its type design or properly altered condition and is in a condition for safe operation.
Applicant	In the context of this order, a person applying for design approval.
Civil Aviation Authority	The aviation authority responsible for the certification and continued airworthiness of those airplanes having U.S. type certificate 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.
DAHs' Service-Ready Documents	Publications by a TC holder (or appliance or component manufacturer) about safety, product improvement, economics, and operational and maintenance practices. Typical publications include: service bulletins; all-operators' letters; service newsletters; etc. They do not include publications required for FAA type certification or approval, such as flight manuals and certain maintenance manuals.

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 the 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 Policy Divisions	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 AC 26-1 for additional information.)
Maintenance Review Board Report	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.
Operator	Person who uses, or causes or authorizes another to use, aircraft for air navigation, including piloting the aircraft.
Owner	For this order, an owner is a person who owns an aircraft.
Person	An individual, firm, partnership, corporation, company, association, joint-stock company, or governmental entity. Includes a trustee, receiver, assignee, or similar representative or any of them.
Products	Products are aircraft, aircraft engines, or propellers.

Appendix D. 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
CAA	Civil Aviation Authority
CAMP	Continuous Airworthiness Maintenance Program
CASS	Continuing Analysis and Surveillance System
CFR	Code of Federal Regulations
CMM	Component Maintenance Manual
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
MEL	Minimum Equipment List
MRB	Maintenance Review Board
NPRM	Notice of Proposed Rulemaking
PI	Principal Inspector (this may include any or all of the affected Airworthiness or Operations)
PMA	Parts Manufacturer Approval

RAM	Repairs, Alterations, and Modifications
STC	Supplemental Type Certificate
TAD	Transport Airplane Directorate
TC	Type Certificate
TSO	Technical Standard Order
WFD	Widespread Fatigue Damage

Appendix E: Summary of FAA Actions and Responses Related to DAH Documents

Review/Approval of Compliance Plan (Reference Order Chapter 5, Paragraph 5.)				
Item	Schedule	Compliance Team Action	Comment	Documented form of Communication
1	Within 1 week from receipt of plan.	Conduct preliminary review of DAH submitted compliance plan to determine any major deficiencies.	If deficiencies found immediately contact DAH.	Email, telecon or meeting
2	Within 4 weeks from receipt of plan.	Complete review of DAH submitted compliance plan.	If deficiencies found immediately contact DAH.	See Item #3
3	Within 6 weeks from receipt of plan.	Formally inform DAH of approval or disapproval (includes proposed resolution) of plan.	If disapproval of plan continue to work with DAH. If at impasse inform management.	Letter stating approval or disapproval (templates available). Informally document efforts to resolve deficiencies with the DAH.
4	Within 3 weeks from receipt of revised plan.	Complete review of revised plan and formally inform DAH of approval or disapproval.	If disapproval of plan continue to work with DAH. If at impasse inform management.	Letter stating approval or disapproval (templates available). Informally document efforts to resolve deficiencies with the DAH.

Monitor Implementation of Compliance Plan Reference Order Chapter 5, Paragraph 6.)				
Item	Schedule	Compliance Team Action	Comment	Documented form of Communication
5	Within 1 week from identification of deficiencies.	Inform the DAH of deficiencies and monitor DAH efforts to resolve deficiencies.	This action occurs irrespective of the DAH having an approved compliance plan or not.	If significant deficiencies are identified that put timely compliance at risk, inform DAH by letter. If deficiencies are identified and an acceptable recovery plan is developed that does not put compliance at risk, informally document efforts with the DAH.

Review of Draft Data and Documents (Reference Order Chapter 5, Paragraph 7)				
Item	Schedule	Compliance Team Action	Comment	Documented form of Communication
6	Within 1 week from receipt of draft data/documents.	Conduct preliminary review of DAH submittal to determine any major deficiencies.	If deficiencies found immediately contact DAH.	Email, telecon or meeting
7	Within 5 weeks from receipt of draft data/documents.	Complete review of draft data/documents and coordinate with Standardization Team as required. Notify the DAH of acceptability or non-acceptability of draft data/documents.	If draft data/documents are unacceptable, continue to work with DAH. If at impasse inform management.	Email, telecon or meeting

Review/Approval of Final Data and Documents (Reference Order Chapter 5, Paragraph 8)				
Item	Schedule	Compliance Team Action	Comment	Documented form of Communication
8	Within 1 week from receipt of final data/documents.	Conduct preliminary review of final data/documents to determine any major deficiencies.	If deficiencies found immediately contact DAH.	Email, telecon or meeting
9	Within 4 weeks from receipt of final data/documents.	Complete review of final data/documents and coordinate with Standardization Team as required.	This action needs to be expedited if possible to maximize time for operator compliance with the operational rules.	See Item #10
10	Within 5 weeks from receipt of final data/documents.	If significant deficiencies are identified in the final data coordinate action with Standardization team and inform DAH		Letter stating disapproval (template available).
11	Within 6 weeks from receipt of the final data/documents.	If final data/documents are acceptable, inform the DAH of FAA approval and notify affected operators and PIs/Flight Standard District Offices (FSDO) of the availability of the approved data/documents that can be used to show compliance with the operational rules.	This action needs to be expedited if possible to maximize time for operator compliance with the operational rules.	Letter stating approval (template available).
12	Within 3 weeks from resubmittal of final data/documents to correct deficiencies	If revised final data/documents are acceptable inform the DAH of FAA approval and notify affected operators and PIs/Flight Standard District Offices (FSDO) of the availability of the approved data that can be used to show compliance with the operational rules.	This action needs to be expedited if possible to maximize time for operator compliance with the operational rules.	Letter stating approval (template available).

Appendix F. Administrative Information

1. Authority to Change This Order. ANM-100 and AFS-300 can change, revise, or cancel this order after coordinating with each other.

2. Who Should I Contact. If you find any deficiencies, need clarification, or want to suggest improvements on this order, send a copy of Federal Aviation Administration (FAA) Form 1320-19, Directive Feedback Information Form (written or electronically), to the Aircraft Certification Service, Transport Airplane Directorate, Attention: Manager, ANM-100, 1601 Lind Avenue SW, Renton, Washington 98057-3356. Form 1320-19 is on the last page of this order. You can also get the form electronically from the FAA web site at http://feds.faa.gov. Always use Form 1320-19 to follow up each verbal conversation.

3. Distribution. Distribute this order to branch levels of the Aircraft Certification Service (AIR), Certification Directorates, Flight Standards Service (AFS), Regional Flight Standards divisions and field offices, Aircraft Evaluation Groups (AEG), Aircraft Certification Offices (ACO), and the Brussels Aircraft Certification Branch.

4. Records Management. Refer to FAA Orders 0001.0G, FAA Standard Subject Classification System; 1350.14A, Records Management; and 1350.15, Records Organization, Transfer, and Destruction Standards; or see your office Records Management Officer or Directives Management Officer for guidance on keeping or disposing of records.

Appendix G. Directive Feedback Information

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: Order

To: Directive Management Officer, _____

(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: _____

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