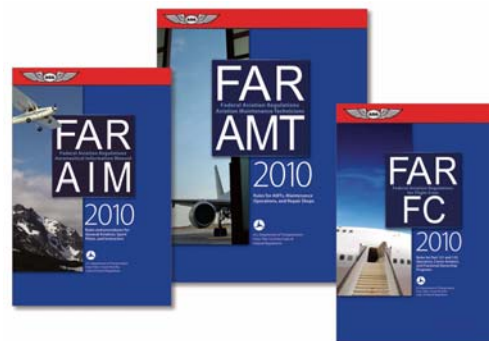


# ASA's FAR-AMT 2010 Update

1/20/10

Changes to the Federal Aviation Regulations can occur daily via the Federal Registers, and the *Aeronautical Information Manual* is updated every 6 months. ASA keeps you current by publishing the FAR/AIM series annually, providing online Updates and an email subscription service so you're notified when a change affecting the information in your book has been made.

ASA's 2010 FAR-AMT book is current through June 24, 2009. With this Update, it is current through **January 20, 2010**.



**All rule changes are listed by RELEASE DATE.**

## JANUARY 20, 2010

*Effective date: January 20, 2010*

### **Part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons On Board Such Aircraft**

Revise paragraph (a)(5) of Section 135.1 to read as follows:

#### **§135.1 Applicability.**

(a) \* \* \*

(5) Nonstop Commercial Air Tour flights conducted for compensation or hire in accordance with §119.1(e)(2) of this chapter that begin and end at the same airport and are conducted within a 25-statute-mile radius of that airport; provided further that these operations must comply only with the drug and alcohol testing requirements in §§120.31, 120.33, 120.35, 120.37, and 120.39 of this chapter; and with the provisions of part 136, subpart A, and §91.147 of this chapter by September 11, 2007.

\* \* \* \* \*

[As amended by Amdt. 135-117A, 75 FR 3154, Jan. 20, 2010]

## DECEMBER 1, 2009

*Effective date: February 1, 2010*

### **Part 91—General Operating and Flight Rules**

Amend Section 91.527 by revising paragraphs (a) and (b) to read as follows:

#### **§91.527 Operating in icing conditions.**

(a) No pilot may take off an airplane that has frost, ice, or snow adhering to any propeller, windshield, stabilizing or control surface; to a powerplant installation; or to an airspeed, altimeter, rate of climb, or flight attitude instrument system or wing, except that takeoffs may be made with frost under the wing in the area of the fuel tanks if authorized by the FAA.

(b) No pilot may fly under IFR into known or forecast light or moderate icing conditions, or under VFR into known light or moderate icing conditions, unless—

(1) The aircraft has functioning deicing or anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) The airplane has ice protection provisions that meet section 34 of Special Federal Aviation Regulation No. 23; or

(3) The airplane meets transport category airplane type certification provisions, including the requirements for certification for flight in icing conditions.

\* \* \* \* \*

[As amended by Amdt. 91-310, 74 FR 62696, Dec. 1, 2009]

### **Part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons On Board Such Aircraft**

Amend Section 125.221 by revising paragraphs (a) and (c) to read as follows:

#### **§125.221 Icing conditions: Operating limitations.**

(a) No pilot may take off an airplane that has frost, ice, or snow adhering to any propeller, windshield, stabilizing or control surface; to a powerplant installation; or to an airspeed, altimeter, rate of climb, flight attitude instrument system, or wing, except that takeoffs may be made with frost under the wing in the area of the fuel tanks if authorized by the FAA.

\* \* \* \* \*

(c) No pilot may fly under IFR into known or forecast light or moderate icing conditions, or under VFR into known light or moderate icing conditions, unless—

(1) The aircraft has functioning deicing or anti-icing equipment protecting each propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) The airplane has ice protection provisions that meet appendix C of this part; or

(3) The airplane meets transport category airplane type certification provisions, including the requirements for certification for flight in icing conditions.

\* \* \* \* \*

[As amended by Amdt. 125–58, 74 FR 62696, Dec. 1, 2009]

### Part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons On Board Such Aircraft

Amend Section 135.227 by revising paragraphs (a) and (c) to read as follows:

#### §135.227 Icing conditions: Operating limitations.

(a) No pilot may take off an aircraft that has frost, ice, or snow adhering to any rotor blade, propeller, windshield, stabilizing or control surface; to a powerplant installation; or to an airspeed, altimeter, rate of climb, flight attitude instrument system, or wing, except that takeoffs may be made with frost under the wing in the area of the fuel tanks if authorized by the FAA.

\* \* \* \* \*

(c) No pilot may fly under IFR into known or forecast light or moderate icing conditions or under VFR into known light or moderate icing conditions, unless—

(1) The aircraft has functioning deicing or anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) The airplane has ice protection provisions that meet section 34 of appendix A of this part; or

(3) The airplane meets transport category airplane type certification provisions, including the requirements for certification for flight in icing conditions.

\* \* \* \* \*

[As amended by Amdt. 135–119, 74 FR 62696, Dec. 1, 2009]

## OCTOBER 16, 2009

**Effective date: April 14, 2010**

### Part 1—Definitions and Abbreviations

Amend Section 1.1 by revising the definition of “Approved” to read as follows:

#### §1.1 General definitions.

\* \* \* \* \*

**Approved**, unless used with reference to another person, means approved by the FAA or any person to whom the FAA has delegated its authority in the matter concerned, or approved under the provisions of a bilateral agreement between the United States and a foreign country or jurisdiction.

\* \* \* \* \*

[As amended by Amdt. 1–64, 74 FR 53384, Oct. 16, 2009]

Amend Section 1.2 by adding the abbreviations *PMA* and *TSO* in alphabetical order to read as follows:

#### §1.2 Abbreviations and symbols.

\* \* \* \* \*

**PMA** means parts manufacturer approval.

\* \* \* \* \*

**TSO** means technical standard order.

\* \* \* \* \*

[As amended by Amdt. 1–64, 74 FR 53384, Oct. 16, 2009]

### Part 21—Certification Procedures for Products, Articles, and Parts

Amend Part 21 by:

- a. Removing the word “Administrator” and adding in its place the word “FAA” wherever it appears;
- b. Removing the word “shall” and adding in its place the word “must” wherever it appears; and
- c. Removing the phrase “type certificate only” and adding in its place the phrase “type certificate” wherever it appears.

[As amended by Amdt. 21–92, 74 FR 53384, Oct. 16, 2009]

Revise Section 21.1 to read as follows:

#### §21.1 Applicability and definitions.

(a) This part prescribes—

(1) Procedural requirements for issuing and changing—

- (i) Design approvals;
- (ii) Production approvals;
- (iii) Airworthiness certificates; and
- (iv) Airworthiness approvals;

(2) Rules governing applicants for, and holders of, any approval or certificate specified in paragraph (a)(1) of this section; and

(3) Procedural requirements for the approval of articles.

(b) For the purposes of this part—

(1) **Airworthiness approval** means a document issued by the FAA for an aircraft, aircraft engine, propeller, or article which certifies that the aircraft, aircraft engine, propeller, or article conforms to its approved design and is in a condition for safe operation;

(2) **Article** means a material, part, component, process, or appliance;

(3) **Commercial part** means an article that is listed on an FAA-approved Commercial Parts List included in a design approval holder’s Instructions for Continued Airworthiness required by §21.50;

(4) **Design approval** means a type certificate (including amended and supplemental type certificates) or the approved design under a PMA, TSO authorization, letter of TSO design approval, or other approved design;

(5) **Product** means an aircraft, aircraft engine, or propeller;

(6) **Production approval** means a document issued by the FAA to a person that allows the production of a product or article in accordance with its approved design and approved quality system, and can take the form of a production certificate, a PMA, or a TSO authorization;

(7) **State of Design** means the country or jurisdiction having regulatory authority over the organization responsible for the design and continued airworthiness of a civil aeronautical product or article;

(8) **State of Manufacture** means the country or jurisdiction having regulatory authority over the organization responsible for the production and airworthiness of a civil aeronautical product or article.

[Docket No. FAA–2006–25877, 74 FR 53384, Oct. 16, 2009]

Amend Section 21.2 by revising paragraphs (a) introductory text, (a)(1), (a)(2), and (b) to read as follows:

#### §21.2 Falsification of applications, reports, or records.

(a) A person may not make or cause to be made—

(1) Any fraudulent, intentionally false, or misleading statement on any application for a certificate or approval under this part;

(2) Any fraudulent, intentionally false, or misleading statement in any record or report that is kept, made, or used to show compliance with any requirement of this part;

\* \* \* \* \*

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for—

(1) Denying issuance of any certificate or approval under this part; and

(2) Suspending or revoking any certificate or approval issued under this part and held by that person.

[As amended by Amdt. 21–92, 74 FR 53385, Oct. 16, 2009]

Amend Section 21.3 by revising paragraphs (a), (b), (d)(1), (d)(2), (e)(3), and (f) to read as follows:

### §21.3 Reporting of failures, malfunctions, and defects.

(a) The holder of a type certificate (including amended or supplemental type certificates), a PMA, or a TSO authorization, or the licensee of a type certificate must report any failure, malfunction, or defect in any product or article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) The holder of a type certificate (including amended or supplemental type certificates), a PMA, or a TSO authorization, or the licensee of a type certificate must report any defect in any product or article manufactured by it that has left its quality system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

\* \* \* \* \*

(d) \* \* \*

(1) Failures, malfunctions, or defects that the holder of a type certificate (including amended or supplemental type certificates), PMA, TSO authorization, or the licensee of a type certificate determines—

(i) Were caused by improper maintenance or use;

(ii) Were reported to the FAA by another person under this chapter; or

(iii) Were reported under the accident reporting provisions of 49 CFR part 830 of the regulations of the National Transportation Safety Board.

(2) Failures, malfunctions, or defects in products or articles—

(i) Manufactured by a foreign manufacturer under a U.S. type certificate issued under §21.29 or under an approval issued under §21.621; or

(ii) Exported to the United States under §21.502.

(e) \* \* \*

(3) Must include as much of the following information as is available and applicable:

(i) The applicable product and article identification information required by part 45 of this chapter;

(ii) Identification of the system involved; and

(iii) Nature of the failure, malfunction, or defect.

(f) If an accident investigation or service difficulty report shows that a product or article manufactured under this part is unsafe because of a manufacturing or design data defect, the holder of the production approval for that product or article must, upon request of the FAA, report to the FAA the results of its investigation and any action taken or proposed by the holder of that production approval to correct that defect. If action is required to correct the defect in an existing product or article, the holder of that production approval must send the data necessary for issuing an

appropriate airworthiness directive to the appropriate aircraft certification office.

[As amended by Amdt. 21–92, 74 FR 53385, Oct. 16, 2009]

Amend Section 21.5 by revising paragraph (a) to read as follows:

### §21.5 Airplane or Rotorcraft Flight Manual.

(a) With each airplane or rotorcraft not type certificated with an Airplane or Rotorcraft Flight Manual and having no flight time before March 1, 1979, the holder of a type certificate (including amended or supplemental type certificates) or the licensee of a type certificate must make available to the owner at the time of delivery of the aircraft a current approved Airplane or Rotorcraft Flight Manual.

\* \* \* \* \*

[As amended by Amdt. 21–92, 74 FR 53385, Oct. 16, 2009]

Amend Subpart A by adding Section 21.8 to read as follows:

### §21.8 Approval of articles.

If an article is required to be approved under this chapter, it may be approved—

(a) Under a PMA;

(b) Under a TSO;

(c) In conjunction with type certification procedures for a product; or

(d) In any other manner approved by the FAA.

[Docket No. FAA–2006–25877, 74 FR 53385, Oct. 16, 2009]

Amend Subpart A by adding Section 21.9 to read as follows:

### §21.9 Replacement and modification articles.

(a) If a person knows, or should know, that a replacement or modification article is reasonably likely to be installed on a type-certificated product, the person may not produce that article unless it is—

(1) Produced under a type certificate;

(2) Produced under an FAA production approval;

(3) A standard part (such as a nut or bolt) manufactured in compliance with a government or established industry specification;

(4) A commercial part as defined in §21.1 of this part;

(5) Produced by an owner or operator for maintaining or altering that owner or operator's product; or

(6) Fabricated by an appropriately rated certificate holder with a quality system, and consumed in the repair or alteration of a product or article in accordance with part 43 of this chapter.

(b) Except as provided in paragraphs (a)(1) through (a)(4) of this section, a person who produces a replacement or modification article for sale may not represent that part as suitable for installation on a type-certificated product.

(c) Except as provided in paragraphs (a)(1) through (a)(4) of this section, a person may not sell or represent an article as suitable for installation on an aircraft type-certificated under §§21.25(a)(2) or 21.27 unless that article—

(1) Was declared surplus by the U.S. Armed Forces, and

(2) Was intended for use on that aircraft model by the U.S. Armed Forces.

[Docket No. FAA–2006–25877, 74 FR 53385, Oct. 16, 2009]

### §21.15 [Amended]

Amend Section 21.15 by removing the words "Aircraft Certification Office" in paragraph (a) and adding, in their place, the words "aircraft certification office".

[As amended by Amdt. 21–92, 74 FR 53385, Oct. 16, 2009]

Amend Subpart B by adding Section 21.20 to read as follows:

**§21.20 Compliance with applicable requirements.**

The applicant for a type certificate, including an amended or supplemental type certificate, must—

(a) Show compliance with all applicable requirements and must provide the FAA the means by which such compliance has been shown; and

(b) Provide a statement certifying that the applicant has complied with the applicable requirements.

[Docket No. FAA–2006–25877, 74 FR 53385, Oct. 16, 2009]

**§21.21 [Amended]**

Amend Section 21.21 by removing the words “the Federal Aviation Regulations” and add in their place the words “this subchapter” wherever they appear.

[As amended by Amdt. 21–92, 74 FR 53385, Oct. 16, 2009]

**§21.27 [Amended]**

Amend Section 21.27 as follows:

a. Remove the words “the Federal Aviation Regulations” in paragraph (c) and add, in their place, the words “this subchapter”; and

b. Remove the word “FAR” from each place it appears in the table in paragraph (f) and add in its place the words “14 CFR”.

[As amended by Amdt. 21–92, 74 FR 53386, Oct. 16, 2009]

Revise Section 21.29 to read as follows:

**§21.29 Issue of type certificate: import products.**

(a) The FAA may issue a type certificate for a product that is manufactured in a foreign country or jurisdiction with which the United States has an agreement for the acceptance of these products for export and import and that is to be imported into the United States if—

(1) The applicable State of Design certifies that the product has been examined, tested, and found to meet—

(i) The applicable aircraft noise, fuel venting, and exhaust emissions requirements of this subchapter as designated in §21.17, or the applicable aircraft noise, fuel venting, and exhaust emissions requirements of the State of Design, and any other requirements the FAA may prescribe to provide noise, fuel venting, and exhaust emission levels no greater than those provided by the applicable aircraft noise, fuel venting, and exhaust emission requirements of this subchapter as designated in §21.17; and

(ii) The applicable airworthiness requirements of this subchapter as designated in §21.17, or the applicable airworthiness requirements of the State of Design and any other requirements the FAA may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in §21.17;

(2) The applicant has provided technical data to show the product meets the requirements of paragraph (a)(1) of this section; and

(3) The manuals, placards, listings, and instrument markings required by the applicable airworthiness (and noise, where applicable) requirements are presented in the English language.

(b) A product type certificated under this section is considered to be type certificated under the noise standards of part 36 of this subchapter and the fuel venting and exhaust emission standards of part 34 of this subchapter. Compliance with parts 36 and 34 of this subchapter is certified under paragraph (a)(1)(i) of this section, and the applicable airworthiness standards of this subchap-

ter, or an equivalent level of safety, with which compliance is certified under paragraph (a)(1)(ii) of this section.

[Docket No. FAA–2006–25877, 74 FR 53386, Oct. 16, 2009]

**§21.33 [Amended]**

Amend Section 21.33(a) introductory text by removing the words “the Federal Aviation Regulations” and adding, in their place, the words “this subchapter”.

[As amended by Amdt. 21–92, 74 FR 53386, Oct. 16, 2009]

**§21.45 [Amended]**

Amend Section 21.45 as follows:

a. Remove the words “or certified” from paragraph (b) and add in their place the words “on certificated”; and

b. Remove the reference “§§21.133 through 21.163” from paragraph (c) and add in its place the words “Subpart G of this part”.

[As amended by Amdt. 21–92, 74 FR 53386, Oct. 16, 2009]

Revise Section 21.47 to read as follows:

**§21.47 Transferability.**

(a) A holder of a type certificate may transfer it or make it available to other persons by licensing agreements.

(b) For a type certificate transfer in which the State of Design will remain the same, each transferor must, before such a transfer, notify in writing the appropriate aircraft certification office. This notification must include the applicable type certificate number, the name and address of the transferee, and the anticipated date of the transfer.

(c) For a type certificate transfer in which the State of Design is changing, a type certificate may only be transferred to or from a person subject to the authority of another State of Design if the United States has an agreement with that State of Design for the acceptance of the affected product for export and import. Each transferor must notify the appropriate aircraft certification office before such a transfer in a form and manner acceptable to the FAA. This notification must include the applicable type certificate number; the name, address, and country of residence of the transferee; and the anticipated date of the transfer.

(d) Before executing or terminating a licensing agreement that makes a type certificate available to another person, the type certificate holder must notify in writing the appropriate aircraft certification office. This notification must include the type certificate number addressed by the licensing agreement, the name and address of the licensee, the extent of authority granted the licensee, and the anticipated date of the agreement.

[Docket No. FAA–2006–25877, 74 FR 53386, Oct. 16, 2009]

Amend Section 21.50 by revising paragraph (b) and adding paragraph (c) to read as follows:

**§21.50 Instructions for continued airworthiness and manufacturer’s maintenance manuals having airworthiness limitations sections.**

\* \* \* \* \*

(b) 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, must furnish at least one set of complete Instructions for Continued Airworthiness to the owner of each type aircraft, aircraft engine, or propeller upon its delivery, or upon issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later. The Instructions must be prepared in

accordance with §§23.1529, 25.1529, 25.1729, 27.1529, 29.1529, 31.82, 33.4, 35.4, or part 26 of this subchapter, or as specified in the applicable airworthiness criteria for special classes of aircraft defined in §21.17(b), as applicable. If the holder of a design approval chooses to designate parts as commercial, it must include in the Instructions for Continued Airworthiness a list of commercial parts submitted in accordance with the provisions of paragraph (c) of this section. Thereafter, the holder of a design approval must make those instructions available to any other person required by this chapter to comply with any of the terms of those instructions. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person required by this chapter to comply with any of those instructions.

(c) To designate commercial parts, the holder of a design approval, in a manner acceptable to the FAA, must submit:

(1) A Commercial Parts List;

(2) Data for each part on the List showing that:

(i) The failure of the commercial part, as installed in the product, would not degrade the level of safety of the product; and

(ii) The part is produced only under the commercial part manufacturer's specification and marked only with the commercial part manufacturer's markings; and

(3) Any other data necessary for the FAA to approve the List.

[As amended by Amdt. 21–92, 74 FR 53386, Oct. 16, 2009]

Revise Section 21.53(a) to read as follows:

#### **§21.53 Statement of conformity.**

(a) Each applicant must provide, in a form and manner acceptable to the FAA, a statement that each aircraft engine or propeller presented for type certification conforms to its type design.

\* \* \* \* \*

[As amended by Amdt. 21–92, 74 FR 53386, Oct. 16, 2009]

#### **§21.73 [Amended]**

Amend Section 21.73(b) by removing the words "Any manufacturer of aircraft manufactured in a foreign country with which the United States has an agreement" and adding in their place the words "Any manufacturer of aircraft in a State of Manufacture subject to the provisions of an agreement with the United States".

[As amended by Amdt. 21–92, 74 FR 53387, Oct. 16, 2009]

Revise Section 21.75 to read as follows:

#### **§21.75 Application.**

Each applicant for a provisional type certificate, for an amendment thereto, or for a provisional amendment to a type certificate must apply to the appropriate aircraft certification office and provide the information required by this subpart.

[Docket No. FAA–2006–25877, 74 FR 53387, Oct. 16, 2009]

Revise Section 21.97(a) to read as follows:

#### **§21.97 Approval of major changes in type design.**

(a) An applicant for approval of a major change in type design must—

(1) Provide substantiating data and necessary descriptive data for inclusion in the type design;

(2) Show that the changed product complies with the applicable requirements of this subchapter, and provide the FAA the means by which such compliance has been shown; and

(3) Provide a statement certifying that the applicant has complied with the applicable requirements.

\* \* \* \* \*

[As amended by Amdt. 21–92, 74 FR 53387, Oct. 16, 2009]

Revise Section 21.113 to read as follows:

#### **§21.113 Requirement for supplemental type certificate.**

(a) If a person holds the TC for a product and alters that product by introducing a major change in type design that does not require an application for a new TC under §21.19, that person must either apply to the appropriate aircraft certification office for an STC or apply to amend the original type certificate under Subpart D of this part.

(b) If a person does not hold the TC for a product and alters that product by introducing a major change in type design that does not require an application for a new TC under §21.19, that person must apply to the appropriate aircraft certification office for an STC.

(c) The application for an STC must be made in the form and manner prescribed by the FAA.

[Docket No. FAA–2006–25877, 74 FR 53387, Oct. 16, 2009]

#### **§21.117 [Amended]**

Amend Section 21.117 by removing the words "if he" from paragraph (a) and adding in their place the words "if the FAA finds that the applicant".

[As amended by Amdt. 21–92, 74 FR 53387, Oct. 16, 2009]

Revise Section 21.119(c) to read as follows:

#### **§21.119 Privileges.**

\* \* \* \* \*

(c) Obtain a production certificate in accordance with the requirements of Subpart G of this part for the change in the type design approved by the supplemental type certificate.

[As amended by Amdt. 21–92, 74 FR 53387, Oct. 16, 2009]

Amend Subpart F by adding Section 21.122 to read as follows:

#### **§21.122 Location of or change to manufacturing facilities.**

(a) An applicant may obtain a production certificate for manufacturing facilities located outside of the United States if the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter.

(b) The type certificate holder must obtain FAA approval before making any changes to the location of any of its manufacturing facilities.

(c) The type certificate holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.

[Docket No. FAA–2006–25877, 74 FR 53387, Oct. 16, 2009]

Revise Section 21.123 to read as follows:

#### **§21.123 Production under type certificate.**

Each manufacturer of a product being manufactured under a type certificate must—

(a) Maintain at the place of manufacture all information and data specified in §§21.31 and 21.41;

(b) Make each product and article thereof available for inspection by the FAA;

(c) Maintain records of the completion of all inspections and tests required by §§21.127, 21.128, and 21.129 for at least 5 years for the products and articles thereof manufactured under the approval and at least 10 years for critical components identified under §45.15(c) of this chapter;

(d) Allow the FAA to make any inspection or test, including any inspection or test at a supplier facility, necessary to determine compliance with this subchapter;

(e) Mark the product in accordance with part 45 of this chapter, including any critical parts;

(f) Identify any portion of that product (e.g., sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as FAA approved with the manufacturer's part number and name, trademark, symbol, or other FAA-approved manufacturer's identification; and

(g) Except as otherwise authorized by the FAA, obtain a production certificate for that product in accordance with Subpart G of this part within 6 months after the date of issuance of the type certificate.

[Docket No. FAA-2006-25877, 74 FR 53387, Oct. 16, 2009]

#### §21.125 [Removed and Reserved]

Remove and reserve Section 21.125.

[As amended by Amdt. 21-92, 74 FR 53387, Oct. 16, 2009]

Revise Section 21.130 to read as follows:

#### §21.130 Statement of Conformity.

Each holder or licensee of a type certificate who manufactures a product under this subpart must provide, in a form and manner acceptable to the FAA, a statement that the product for which the type certificate has been issued conforms to its type certificate and is in a condition for safe operation.

[Docket No. FAA-2006-25877, 74 FR 53387, Oct. 16, 2009]

Revise Subpart G to read as follows:

### Subpart G—Production Certificates

Sec.

- 21.131 Applicability.
- 21.132 Eligibility.
- 21.133 Application.
- 21.135 Organization.
- 21.137 Quality system.
- 21.138 Quality manual.
- 21.139 Location of or change to manufacturing facilities.
- 21.140 Inspections and tests.
- 21.141 Issuance.
- 21.142 Production limitation record.
- 21.143 Duration.
- 21.144 Transferability.
- 21.145 Privileges.
- 21.146 Responsibility of holder.
- 21.147 Amendment of production certificates.
- 21.150 Changes in quality system.

### Subpart G—Production Certificates

**Source:** Docket No. FAA-2006-25877, 74 FR 53387, Oct. 16, 2009, unless otherwise noted.

#### §21.131 Applicability.

This subpart prescribes—

- (a) Procedural requirements for issuing production certificates; and
- (b) Rules governing holders of those certificates.

#### §21.132 Eligibility.

Any person may apply for a production certificate if that person holds, for the product concerned—

(a) A current type certificate,

(b) A supplemental type certificate, or

(c) Rights to the benefits of that type certificate or supplemental type certificate under a licensing agreement.

#### §21.133 Application.

Each applicant must apply for a production certificate in a form and manner prescribed by the FAA.

#### §21.135 Organization.

Each applicant for or holder of a production certificate must provide the FAA with a document describing how its organization will ensure compliance with the provisions of this subpart. At a minimum, the document must describe assigned responsibilities and delegated authority, and the functional relationship of those responsible for quality to management and other organizational components.

#### §21.137 Quality system.

Each applicant for or holder of a production certificate must establish and describe in writing a quality system that ensures that each product and article conforms to its approved design and is in a condition for safe operation. This quality system must include:

(a) **Design data control.** Procedures for controlling design data and subsequent changes to ensure that only current, correct, and approved data is used.

(b) **Document control.** Procedures for controlling quality system documents and data and subsequent changes to ensure that only current, correct, and approved documents and data are used.

(c) **Supplier control.** Procedures that—

(1) Ensure that each supplier-furnished product or article conforms to its approved design; and

(2) Require each supplier to report to the production approval holder if a product or article has been released from that supplier and subsequently found not to conform to the applicable design data.

(d) **Manufacturing process control.** Procedures for controlling manufacturing processes to ensure that each product and article conforms to its approved design.

(e) **Inspecting and testing.** Procedures for inspections and tests used to ensure that each product and article conforms to its approved design. These procedures must include the following, as applicable:

(1) A flight test of each aircraft produced unless that aircraft will be exported as an unassembled aircraft.

(2) A functional test of each aircraft engine and each propeller produced.

(f) **Inspection, measuring, and test equipment control.** Procedures to ensure calibration and control of all inspection, measuring, and test equipment used in determining conformity of each product and article to its approved design. Each calibration standard must be traceable to a standard acceptable to the FAA.

(g) **Inspection and test status.** Procedures for documenting the inspection and test status of products and articles supplied or manufactured to the approved design.

(h) **Nonconforming product and article control.**

(1) Procedures to ensure that only products or articles that conform to their approved design are installed on a type-certificated product. These procedures must provide for the identification, documentation, evaluation, segregation, and disposition of non-

conforming products and articles. Only authorized individuals may make disposition determinations.

(2) Procedures to ensure that discarded articles are rendered unusable.

(i) **Corrective and preventive actions.** Procedures for implementing corrective and preventive actions to eliminate the causes of an actual or potential nonconformity to the approved design or noncompliance with the approved quality system.

(j) **Handling and storage.** Procedures to prevent damage and deterioration of each product and article during handling, storage, preservation, and packaging.

(k) **Control of quality records.** Procedures for identifying, storing, protecting, retrieving, and retaining quality records. A production approval holder must retain these records for at least 5 years for the products and articles manufactured under the approval and at least 10 years for critical components identified under §45.15(c) of this chapter.

(l) **Internal audits.** Procedures for planning, conducting, and documenting internal audits to ensure compliance with the approved quality system. The procedures must include reporting results of internal audits to the manager responsible for implementing corrective and preventive actions.

(m) **In-service feedback.** Procedures for receiving and processing feedback on in-service failures, malfunctions, and defects. These procedures must include a process for assisting the design approval holder to—

(1) Address any in-service problem involving design changes; and

(2) Determine if any changes to the Instructions for Continued Airworthiness are necessary.

(n) **Quality escapes.** Procedures for identifying, analyzing, and initiating appropriate corrective action for products or articles that have been released from the quality system and that do not conform to the applicable design data or quality system requirements.

#### §21.138 Quality manual.

Each applicant for or holder of a production certificate must provide a manual describing its quality system to the FAA for approval. The manual must be in the English language and retrievable in a form acceptable to the FAA.

#### §21.139 Location of or change to manufacturing facilities.

(a) An applicant may obtain a production certificate for manufacturing facilities located outside of the United States if the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter.

(b) The production certificate holder must obtain FAA approval before making any changes to the location of any of its manufacturing facilities.

(c) The production certificate holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.

#### §21.140 Inspections and tests.

Each applicant for or holder of a production certificate must allow the FAA to inspect its quality system, facilities, technical data, and any manufactured products or articles and witness any tests, including any inspections or tests at a supplier facility, necessary to determine compliance with this subchapter.

#### §21.141 Issuance.

The FAA issues a production certificate after finding that the applicant complies with the requirements of this subpart.

#### §21.142 Production limitation record.

The FAA issues a production limitation record as part of a production certificate. The record lists the type certificate number and the model of every product that the production certificate holder is authorized to manufacture.

#### §21.143 Duration.

A production certificate is effective until surrendered, suspended, revoked, or the FAA otherwise establishes a termination date.

#### §21.144 Transferability.

The holder of a production certificate may not transfer the production certificate.

#### §21.145 Privileges.

(a) The holder of a production certificate may—

(1) Obtain an aircraft airworthiness certificate without further showing, except that the FAA may inspect the aircraft for conformity with the type design; or

(2) In the case of other products, obtain approval from the FAA for installation on type-certificated aircraft.

(b) Notwithstanding the provisions of §147.3 of this chapter, the holder of a production certificate for a primary category aircraft, or for a normal, utility, or acrobatic category aircraft of a type design that is eligible for a special airworthiness certificate in the primary category under §21.184(c), may—

(1) Conduct training for persons in the performance of a special inspection and preventive maintenance program approved as a part of the aircraft's type design under §21.24(b), provided a person holding a mechanic certificate with appropriate airframe and powerplant ratings issued under part 65 of this chapter gives the training; and

(2) Issue a certificate of competency to persons successfully completing the approved training program, provided the certificate specifies the aircraft make and model to which the certificate applies.

#### §21.146 Responsibility of holder.

The holder of a production certificate must—

(a) Amend the document required by §21.135 as necessary to reflect changes in the organization and provide these amendments to the FAA.

(b) Maintain the quality system in compliance with the data and procedures approved for the production certificate;

(c) Ensure that each completed product or article for which a production certificate has been issued, including primary category aircraft assembled under a production certificate by another person from a kit provided by the holder of the production certificate, presented for airworthiness certification or approval conforms to its approved design and is in a condition for safe operation;

(d) Mark the product or article for which a certificate or approval has been issued. Marking must be in accordance with part 45 of this chapter, including any critical parts;

(e) Identify any portion of the product or article (e.g., sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as FAA approved with the manufac-

urer's part number and name, trademark, symbol, or other FAA approved manufacturer's identification;

(f) Have access to type design data necessary to determine conformity and airworthiness for each product and article produced under the production certificate;

(g) Retain its production certificate and make it available to the FAA upon request; and

(h) Make available to the FAA information regarding all delegation of authority to suppliers.

#### §21.147 Amendment of production certificates.

The holder of a production certificate must apply for an amendment to a production certificate in a form and manner prescribed by the FAA. The applicant for an amendment to a production certificate to add a type certificate or model, or both, must comply with the applicable requirements of §§21.137, 21.138, and 21.150.

#### §21.150 Changes in quality system.

After the issuance of a production certificate—

(a) Each change to the quality system is subject to review by the FAA; and

(b) The holder of a production certificate must immediately notify the FAA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its product or article.

Amend Section 21.183 by revising paragraphs (c), (d)(1), (d)(2) introductory text, and (d)(3) to read as follows:

#### §21.183 Issue of standard airworthiness certificates for normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; and special classes of aircraft.

\* \* \* \* \*

(c) **Import aircraft.** An applicant for a standard airworthiness certificate for an import aircraft is entitled to that certificate if—

(1) The aircraft is type certificated in accordance with §21.21 or §21.29 and produced under the authority of another State of Manufacture;

(2) The State of Manufacture certifies, in accordance with the export provisions of an agreement with the United States for import of that aircraft, that the aircraft conforms to the type design and is in condition for safe operation; and

(3) The FAA finds that the aircraft conforms to the type design and is in condition for safe operation.

(d) \* \* \*

(1) The applicant presents evidence to the FAA that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to applicable Airworthiness Directives;

(2) The aircraft (except an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under this section) has been inspected in accordance with the performance rules for 100-hour inspections set forth in §43.15 of this chapter, or an equivalent performance standard acceptable to the FAA, and found airworthy by—

\* \* \* \* \*

(3) The FAA finds after inspection, that the aircraft conforms to the type design, and is in condition for safe operation.

\* \* \* \* \*

[As amended by Amdt. 21–92, 74 FR 53389, Oct. 16, 2009]

Revise Section 21.185(c) to read as follows:

#### §21.185 Issue of airworthiness certificates for restricted category aircraft.

\* \* \* \* \*

(c) **Import aircraft.** An applicant for the original issue of a special airworthiness certificate for a restricted category import aircraft is entitled to that certificate if—

(1) The aircraft is type-certificated in accordance with §21.25 or §21.29 and produced under the authority of another State of Manufacture;

(2) The State of Manufacture certifies, in accordance with the export provisions of an agreement with the United States for import of that aircraft that the aircraft conforms to the type design and is in condition for safe operation; and

(3) The FAA finds that the aircraft conforms to the type design and is in condition for safe operation.

\* \* \* \* \*

[As amended by Amdt. 21–92, 74 FR 53389, Oct. 16, 2009]

Revise Section 21.195(d)(2) to read as follows:

#### §21.195 Experimental certificates: Aircraft to be used for market surveys, sales demonstrations, and customer crew training.

\* \* \* \* \*

(d) \* \* \*

(2) The applicant shows that the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type certificated aircraft which has been modified. The FAA may reduce these operational requirements if the applicant provides adequate justification.

[As amended by Amdt. 21–92, 74 FR 53389, Oct. 16, 2009]

Revise Section 21.197(c) to read as follows:

#### §21.197 Special flight permits.

\* \* \* \* \*

(c) Upon application, as prescribed in §§91.1017 or 119.51 of this chapter, a special flight permit with a continuing authorization may be issued for aircraft that may not meet applicable airworthiness requirements, but are capable of safe flight for the purpose of flying aircraft to a base where maintenance or alterations are to be performed. The permit issued under this paragraph is an authorization, including conditions and limitations for flight, which is set forth in the certificate holder's operations specifications. The permit issued under this paragraph may be issued to—

(1) Certificate holders authorized to conduct operations under part 119 of this chapter, that have an approved program for continuing flight authorization; or

(2) Management specification holders authorized to conduct operations under part 91, Subpart K of this chapter for those aircraft they operate and maintain under a continuous airworthiness maintenance program prescribed by §91.1411 of this chapter.

[As amended by Amdt. 21–92, 74 FR 53389, Oct. 16, 2009]

#### §21.223 [Amended]

Amend Section 21.223 by removing the word “control” from paragraph (c).

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

**§21.225 [Amended]**

Amend Section 21.225 by removing the word “control” from paragraph (b).

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

**§21.231 [Amended]**

Amend Section 21.231(a)(6) by removing the words “paragraph (a)(4)” and adding in their place the words “paragraph (a)(5)”.

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

**§21.251 [Amended]**

Amend Section 21.251(b)(4)(iii) and (b)(4)(iv) as follows:

- a. Remove the words “(FAA Form 8130-3)” in both paragraphs; and
- b. Remove the words “Airworthiness approval tags” and add in their place the words “Airworthiness approvals” in both paragraphs.

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

**§21.253 [Amended]**

Amend Section 21.253 by removing the words “(FAA Form 312)” from paragraph (a)(1).

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

Revise Section 21.267(d) to read as follows:

**§21.267 Production certificates.**

\* \* \* \* \*

(d) After placing the manufacturing and quality system data required by §21.137 with the data required by §21.293(a)(1)(ii), a statement certifying that this has been done.

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

**§21.271 [Amended]**

Amend §21.271(a) by removing the words “(FAA Form 8130-3)”.

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

Revise Section 21.293(a)(2) introductory text to read as follows:

**§21.293 Current records.**

- (a) \* \* \*
- (2) For 5 years—

\* \* \* \* \*

[As amended by Amdt. 21–92, 74 FR 53390, Oct. 16, 2009]

Revise Subpart K to read as follows:

**Subpart K—Parts Manufacturer Approvals**

- Sec.
- 21.301 Applicability.
- 21.303 Application.
- 21.305 Organization.
- 21.307 Quality system.
- 21.308 Quality manual.
- 21.309 Location of or change to manufacturing facilities.
- 21.310 Inspections and tests.
- 21.311 Issuance.
- 21.313 Duration.
- 21.314 Transferability.
- 21.316 Responsibility of holder.
- 21.319 Design changes.
- 21.320 Changes in quality system.

**Subpart K—Parts Manufacturer Approvals**

**Source:** Docket No. FAA–2006–25877, 74 FR 53390, Oct. 16, 2009, unless otherwise noted.

**§21.301 Applicability.**

This subpart prescribes—

- (a) Procedural requirements for issuing PMAs; and
- (b) Rules governing holders of PMAs.

**§21.303 Application.**

(a) The applicant for a PMA must apply in a form and manner prescribed by the FAA, and include the following:

- (1) The identity of the product on which the article is to be installed.
- (2) The name and address of the manufacturing facilities at which these articles are to be manufactured.
- (3) The design of the article, which consists of—
  - (i) Drawings and specifications necessary to show the configuration of the article; and
  - (ii) Information on dimensions, materials, and processes necessary to define the structural strength of the article.
- (4) Test reports and computations necessary to show that the design of the article meets the airworthiness requirements of this subchapter. The test reports and computations must be applicable to the product on which the article is to be installed, unless the applicant shows that the design of the article is identical to the design of a article that is covered under a type certificate. If the design of the article was obtained by a licensing agreement, the applicant must provide evidence of that agreement.

(5) An applicant for a PMA based on test reports and computations must provide a statement certifying that the applicant has complied with the airworthiness requirements of this subchapter.

(b) Each applicant for a PMA must make all inspections and tests necessary to determine—

- (1) Compliance with the applicable airworthiness requirements;
- (2) That materials conform to the specifications in the design;
- (3) That the article conforms to its approved design; and
- (4) That the manufacturing processes, construction, and assembly conform to those specified in the design.

**§21.305 Organization.**

Each applicant for or holder of a PMA must provide the FAA with a document describing how its organization will ensure compliance with the provisions of this subpart. At a minimum, the document must describe assigned responsibilities and delegated authority, and the functional relationship of those responsible for quality to management and other organizational components.

**§21.307 Quality system.**

Each applicant for or holder of a PMA must establish a quality system that meets the requirements of §21.137.

**§21.308 Quality manual.**

Each applicant for or holder of a PMA must provide a manual describing its quality system to the FAA for approval. The manual must be in the English language and retrievable in a form acceptable to the FAA.

**§21.309 Location of or change to manufacturing facilities.**

(a) An applicant may obtain a PMA for manufacturing facilities located outside of the United States if the FAA finds no undue bur-

den in administering the applicable requirements of Title 49 U.S.C. and this subchapter.

(b) The PMA holder must obtain FAA approval before making any changes to the location of any of its manufacturing facilities.

(c) The PMA holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its PMA article.

#### §21.310 Inspections and tests.

(a) Each applicant for or holder of a PMA must allow the FAA to inspect its quality system, facilities, technical data, and any manufactured articles and witness any tests, including any inspections or tests at a supplier facility, necessary to determine compliance with this subchapter.

(b) Unless otherwise authorized by the FAA, the applicant or holder—

(1) May not present any article to the FAA for an inspection or test unless compliance with §21.303(b)(2) through (4) has been shown for that article; and

(2) May not make any change to an article between the time that compliance with §21.303(b)(2) through (4) is shown for that article and the time that the article is presented to the FAA for the inspection or test.

#### §21.311 Issuance.

The FAA issues a PMA after finding that the applicant complies with the requirements of this subpart and the design complies with the requirements of this chapter applicable to the product on which the article is to be installed.

#### §21.313 Duration.

A PMA is effective until surrendered, withdrawn, or the FAA otherwise terminates it.

#### §21.314 Transferability.

The holder of a PMA may not transfer the PMA.

#### §21.316 Responsibility of holder.

Each holder of a PMA must—

(a) Amend the document required by §21.305 as necessary to reflect changes in the organization and provide these amendments to the FAA;

(b) Maintain the quality system in compliance with the data and procedures approved for the PMA;

(c) Ensure that each PMA article conforms to its approved design and is in a condition for safe operation;

(d) Mark the PMA article for which an approval has been issued. Marking must be in accordance with part 45 of this chapter, including any critical parts;

(e) Identify any portion of the PMA article (e.g., sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as FAA approved with the manufacturer's part number and name, trademark, symbol, or other FAA approved manufacturer's identification;

(f) Have access to design data necessary to determine conformity and airworthiness for each article produced under the PMA;

(g) Retain each document granting PMA and make it available to the FAA upon request; and

(h) Make available to the FAA information regarding all delegation of authority to suppliers.

#### §21.319 Design changes.

##### (a) Classification of design changes.

(1) A "minor change" to the design of an article produced under a PMA is one that has no appreciable effect on the approval basis.

(2) A "major change" to the design of an article produced under a PMA is any change that is not minor.

##### (b) Approval of design changes.

(1) Minor changes to the basic design of a PMA may be approved using a method acceptable to the FAA.

(2) The PMA holder must obtain FAA approval of any major change before including it in the design of an article produced under a PMA.

#### §21.320 Changes in quality system.

After the issuance of a PMA—

(a) Each change to the quality system is subject to review by the FAA; and

(b) The holder of the PMA must immediately notify the FAA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its article.

Revise Subpart L to read as follows:

#### Subpart L—Export Airworthiness Approvals

Sec.

21.321 Applicability.

21.325 Export airworthiness approvals.

21.327 Application.

21.329 Issuance of export certificates of airworthiness.

21.331 Issuance of export airworthiness approvals for aircraft engines, propellers, and articles.

21.335 Responsibilities of exporters.

#### Subpart L—Export Airworthiness Approvals

**Source:** Docket No. FAA-2006-25877, 74 FR 53391, Oct. 16, 2009, unless otherwise noted.

#### §21.321 Applicability.

This subpart prescribes—

(a) Procedural requirements for issuing export airworthiness approvals; and

(b) Rules governing the holders of those approvals.

#### §21.325 Export airworthiness approvals.

(a) An export airworthiness approval for an aircraft is issued in the form of an export certificate of airworthiness. This certificate does not authorize operation of that aircraft.

(b) The FAA prescribes the form and manner in which an export airworthiness approval for an aircraft engine, propeller, or article is issued.

(c) If the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter, an export airworthiness approval may be issued for a product or article located outside of the United States.

#### §21.327 Application.

Any person may apply for an export airworthiness approval. Each applicant must apply in a form and manner prescribed by the FAA.

### §21.329 Issuance of export certificates of airworthiness.

(a) A person may obtain from the FAA an export certificate of airworthiness for an aircraft if—

(1) A new or used aircraft manufactured under Subpart F or G of this part meets the airworthiness requirements under Subpart H of this part for a—

(i) Standard airworthiness certificate; or

(ii) Special airworthiness certificate in either the “primary” or the “restricted” category; or

(2) A new or used aircraft not manufactured under Subpart F or G of this part has a valid—

(i) Standard airworthiness certificate; or

(ii) Special airworthiness certificate in either the “primary” or the “restricted” category.

(b) An aircraft need not meet a requirement specified in paragraph (a) of this section, as applicable, if—

(1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, a deviation from that requirement; and

(2) The export certificate of airworthiness lists as an exception any difference between the aircraft to be exported and its type design.

### §21.331 Issuance of export airworthiness approvals for aircraft engines, propellers, and articles.

(a) A person may obtain from the FAA an export airworthiness approval to export a new aircraft engine, propeller, or article that is manufactured under this part if it conforms to its approved design and is in a condition for safe operation.

(b) A new aircraft engine, propeller, or article need not meet a requirement of paragraph (a) of this section if—

(1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, a deviation from that requirement; and

(2) The export airworthiness approval lists as an exception any difference between the aircraft engine, propeller, or article to be exported and its approved design.

(c) A person may obtain from the FAA an export airworthiness approval to export a used aircraft engine, propeller, or article if it conforms to its approved design and is in a condition for safe operation.

(d) A used aircraft engine or propeller need not meet a requirement of paragraph (c) of this section if—

(1) The importing country or jurisdiction accepts, in a form and manner acceptable to the FAA, a deviation from that requirement; and

(2) The export airworthiness approval lists as an exception any difference between the used aircraft engine or propeller to be exported and its approved design.

### §21.335 Responsibilities of exporters.

Unless otherwise agreed to by the importing country or jurisdiction, each exporter must—

(a) Forward to the importing country or jurisdiction all documents specified by that country or jurisdiction;

(b) Preserve and package products and articles as necessary to protect them against corrosion and damage during transit or storage and state the duration of effectiveness of such preservation and packaging;

(c) Remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery and

restore the aircraft to the approved configuration upon completion of the delivery flight;

(d) Secure all proper foreign entry clearances from all the countries or jurisdictions involved when conducting sales demonstrations or delivery flights; and

(e) When title to an aircraft passes or has passed to a foreign purchaser—

(1) Request cancellation of the U.S. registration and airworthiness certificates from the FAA, giving the date of transfer of title, and the name and address of the foreign owner;

(2) Return the Registration and Airworthiness Certificates to the FAA; and

(3) Provide a statement to the FAA certifying that the U.S. identification and registration numbers have been removed from the aircraft in compliance with §45.33.

Revise Subpart N to read as follows:

### Subpart N—Acceptance of Aircraft Engines, Propellers, and Articles for Import

Sec.

21.500 Acceptance of aircraft engines and propellers.

21.502 Acceptance of articles.

### Subpart N—Acceptance of Aircraft Engines, Propellers, and Articles for Import

**Source:** Docket No. FAA–2006–25877, 74 FR 53392, Oct. 16, 2009, unless otherwise noted.

#### §21.500 Acceptance of aircraft engines and propellers.

An aircraft engine or propeller manufactured in a foreign country or jurisdiction meets the requirements for acceptance under this subchapter if—

(a) That country or jurisdiction is subject to the provisions of an agreement with the United States for the acceptance of that product;

(b) That product is marked in accordance with part 45 of this chapter; and

(c) The holder or licensee of a U.S. type certificate for that product furnishes with each such aircraft engine or propeller imported into the United States, an export airworthiness approval issued in accordance with the provisions of that agreement certifying that the individual aircraft engine or propeller—

(1) Conforms to its U.S. type certificate and is in condition for safe operation; and

(2) Has been subjected by the manufacturer to a final operational check.

#### §21.502 Acceptance of articles.

An article (including an article produced under a letter of TSO design approval) manufactured in a foreign country or jurisdiction meets the requirements for acceptance under this subchapter if—

(a) That country or jurisdiction is subject to the provisions of an agreement with the United States for the acceptance of that article;

(b) That article is marked in accordance with part 45 of this chapter; and

(c) An export airworthiness approval has been issued in accordance with the provisions of that agreement for that article for import into the United States.

Revise Subpart O to read as follows:

## **Subpart O — Technical Standard Order Approvals**

Sec.

- 21.601 Applicability and definitions.
- 21.603 Application.
- 21.605 Organization.
- 21.607 Quality system.
- 21.608 Quality manual.
- 21.609 Location of or change to manufacturing facilities.
- 21.610 Inspections and tests.
- 21.611 Issuance.
- 21.613 Duration.
- 21.614 Transferability.
- 21.616 Responsibility of holder.
- 21.618 Approval for deviation.
- 21.619 Design changes.
- 21.620 Changes in quality system.
- 21.621 Issue of letters of TSO design approval: import articles.

## **Subpart O — Technical Standard Order Approvals**

**Source:** Docket No. FAA–2006–25877, 74 FR 53392, Oct. 16, 2009, unless otherwise noted.

### **§21.601 Applicability and definitions.**

(a) This subpart prescribes—

- (1) Procedural requirements for issuing TSO authorizations;
- (2) Rules governing the holders of TSO authorizations; and
- (3) Procedural requirements for issuing letters of TSO design approval.

(b) For the purposes of this subpart—

- (1) A TSO issued by the FAA is a minimum performance standard for specified articles used on civil aircraft;
- (2) A TSO authorization is an FAA design and production approval issued to the manufacturer of an article that has been found to meet a specific TSO;
- (3) A letter of TSO design approval is an FAA design approval for an article that has been found to meet a specific TSO in accordance with the procedures of §21.621;
- (4) An article manufactured under a TSO authorization, an FAA letter of acceptance as described in §21.613(b), or an article manufactured under a letter of TSO design approval described in §21.621 is an approved article for the purpose of meeting the regulations of this chapter that require the article to be approved; and
- (5) An article manufacturer is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including any related parts, processes, or services procured from an outside source.

### **§21.603 Application.**

(a) An applicant for a TSO authorization must apply to the appropriate aircraft certification office in the form and manner prescribed by the FAA. The applicant must include the following documents in the application:

- (1) A statement of conformance certifying that the applicant has met the requirements of this subpart and that the article concerned meets the applicable TSO that is effective on the date of application for that article.
- (2) One copy of the technical data required in the applicable TSO.
- (b) If the applicant anticipates a series of minor changes in accordance with §21.619, the applicant may set forth in its application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix

change letters or numbers (or combinations of them) will be added from time to time.

(c) If the application is deficient, the applicant must, when requested by the FAA, provide any additional information necessary to show compliance with this part. If the applicant fails to provide the additional information within 30 days after the FAA's request, the FAA denies the application and notifies the applicant.

### **§21.605 Organization.**

Each applicant for or holder of a TSO authorization must provide the FAA with a document describing how the applicant's organization will ensure compliance with the provisions of this subpart. At a minimum, the document must describe assigned responsibilities and delegated authority, and the functional relationship of those responsible for quality to management and other organizational components.

### **§21.607 Quality system.**

Each applicant for or holder of a TSO authorization must establish a quality system that meets the requirements of §21.137.

### **§21.608 Quality manual.**

Each applicant for or holder of a TSO authorization must provide a manual describing its quality system to the FAA for approval. The manual must be in the English language and retrievable in a form acceptable to the FAA.

### **§21.609 Location of or change to manufacturing facilities.**

(a) An applicant may obtain a TSO authorization for manufacturing facilities located outside of the United States if the FAA finds no undue burden in administering the applicable requirements of Title 49 U.S.C. and this subchapter.

(b) The TSO authorization holder must obtain FAA approval before making any changes to the location of any of its manufacturing facilities.

(c) The TSO authorization holder must immediately notify the FAA, in writing, of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article.

### **§21.610 Inspections and tests.**

Each applicant for or holder of a TSO authorization must allow the FAA to inspect its quality system, facilities, technical data, and any manufactured articles and witness any tests, including any inspections or tests at a supplier facility, necessary to determine compliance with this subchapter.

### **§21.611 Issuance.**

If the FAA finds that the applicant complies with the requirements of this subchapter, the FAA issues a TSO authorization to the applicant (including all TSO deviations granted to the applicant).

### **§21.613 Duration.**

(a) A TSO authorization or letter of TSO design approval is effective until surrendered, withdrawn, or otherwise terminated by the FAA.

(b) If a TSO is revised or canceled, the holder of an affected FAA letter of acceptance of a statement of conformance, TSO authorization, or letter of TSO design approval may continue to manufacture articles that meet the original TSO without obtaining

a new acceptance, authorization, or approval but must comply with the requirements of this chapter.

#### §21.614 Transferability.

The holder of a TSO authorization or letter of TSO design approval may not transfer the TSO authorization or letter of TSO design approval.

#### §21.616 Responsibility of holder.

Each holder of a TSO authorization must—

(a) Amend the document required by §21.605 as necessary to reflect changes in the organization and provide these amendments to the FAA.

(b) Maintain a quality system in compliance with the data and procedures approved for the TSO authorization;

(c) Ensure that each manufactured article conforms to its approved design, is in a condition for safe operation, and meets the applicable TSO;

(d) Mark the TSO article for which an approval has been issued. Marking must be in accordance with part 45 of this chapter, including any critical parts;

(e) Identify any portion of the TSO article (e.g., sub-assemblies, component parts, or replacement articles) that leave the manufacturer's facility as FAA approved with the manufacturer's part number and name, trademark, symbol, or other FAA approved manufacturer's identification;

(f) Have access to design data necessary to determine conformity and airworthiness for each article produced under the TSO authorization. The manufacturer must retain this data until it no longer manufactures the article. At that time, copies of the data must be sent to the FAA;

(g) Retain its TSO authorization and make it available to the FAA upon request; and

(h) Make available to the FAA information regarding all delegation of authority to suppliers.

#### §21.618 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of a TSO must show that factors or design features providing an equivalent level of safety compensate for the standards from which a deviation is requested.

(b) The manufacturer must send requests for approval to deviate, together with all pertinent data, to the appropriate aircraft certification office. If the article is manufactured under the authority of a foreign country or jurisdiction, the manufacturer must send requests for approval to deviate, together with all pertinent data, through the civil aviation authority of that country or jurisdiction to the FAA.

#### §21.619 Design changes.

(a) **Minor changes by the manufacturer holding a TSO authorization.** The manufacturer of an article under an authorization issued under this part may make minor design changes (any change other than a major change) without further approval by the FAA. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes) and the manufacturer must forward to the appropriate aircraft certification office, any revised data that are necessary for compliance with §21.603(b).

(b) **Major changes by the manufacturer holding a TSO authorization.** Any design change by the manufacturer extensive enough to require a substantially complete investigation to deter-

mine compliance with a TSO is a major change. Before making a major change, the manufacturer must assign a new type or model designation to the article and apply for an authorization under §21.603.

(c) **Changes by persons other than the manufacturer.** No design change by any person (other than the manufacturer who provided the statement of conformance for the article) is eligible for approval under this part unless the person seeking the approval is a manufacturer and applies under §21.603(a) for a separate TSO authorization. Persons other than a manufacturer may obtain approval for design changes under part 43 or under the applicable airworthiness regulations of this chapter.

#### §21.620 Changes in quality system.

After the issuance of a TSO authorization—

(a) Each change to the quality system is subject to review by the FAA; and

(b) The holder of the TSO authorization must immediately notify the FAA, in writing, of any change that may affect the inspection, conformity, or airworthiness of its article.

#### §21.621 Issuance of letters of TSO design approval: import articles.

(a) The FAA may issue a letter of TSO design approval for an article—

(1) Designed and manufactured in a foreign country or jurisdiction subject to the export provisions of an agreement with the United States for the acceptance of these articles for import; and

(2) For import into the United States if—

(i) The State of Design certifies that the article has been examined, tested, and found to meet the applicable TSO or the applicable performance standards of the State of Design and any other performance standards the FAA may prescribe to provide a level of safety equivalent to that provided by the TSO; and

(ii) The manufacturer has provided to the FAA one copy of the technical data required in the applicable performance standard through its State of Design.

(b) The FAA issues the letter of TSO design approval that lists any deviation granted under §21.618.

### Part 43 — Maintenance, Preventive Maintenance, Rebuilding, and Alteration

#### §43.2 [Amended]

Amend Section 43.2(a)(2) by removing the reference to “§21.305 of this chapter” and adding in its place “part 21 of this chapter”.

[As amended by Amdt. 43–43, 74 FR 53394, Oct. 16, 2009]

Revise Section 43.3(j)(3) to read as follows:

#### §43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

\* \* \* \* \*

(j) \*\*\*

(3) Perform any inspection required by Part 91 or Part 125 of this chapter on aircraft it manufactured under a type certificate, or currently manufactures under a production certificate.

[As amended by Amdt. 43–43, 74 FR 53394, Oct. 16, 2009]

## Part 45—Identification and Registration Marking

Revise the authority citation for Part 45 to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113-40114, 44101-44105, 44107-44111, 44504, 44701, 44708-44709, 44711-44713, 44725, 45302-45303, 46104, 46304, 46306, 47122.

Amend Part 45 by:

- a. Removing the word “Administrator” and the words “Administrator of the FAA” and adding in their place the word “FAA” wherever they appear; and
- b. Removing the word “shall” and adding in its place the word “must” wherever it appears.

[As amended by Amdt. 45–26, 74 FR 53394, Oct. 16, 2009]

Amend Section 45.1 by revising paragraphs (a) and (b) and removing paragraph (c) to read as follows:

### §45.1 Applicability.

\* \* \* \* \*

(a) Marking products and articles manufactured under—

- (1) A type certificate;
- (2) A production approval as defined under part 21 of this chapter; and
- (3) The provisions of an agreement between the United States and another country or jurisdiction for the acceptance of products and articles; and

(b) Nationality and registration marking of U.S. registered aircraft.

[As amended by Amdt. 45–26, 74 FR 53394, Oct. 16, 2009]

### Subpart B—Marking of Products and Articles

Revise the heading of Subpart B to read as set forth above.

[As amended by Amdt. 45–26, 74 FR 53394, Oct. 16, 2009]

Amend Subpart B by adding Section 45.10 to read as follows:

### §45.10 Marking.

No person may mark a product or article in accordance with this subpart unless—

- (a) That person produced the product or article—
  - (1) Under part 21, Subpart F, G, K, or O of this chapter; or
  - (2) For export to the United States under the provisions of an agreement between the United States and another country or jurisdiction for the acceptance of products and articles; and
- (b) That product or article conforms to its approved design, and is in a condition for safe operation; and, for a TSO article; that TSO article meets the applicable performance standards.

[Docket No. FAA–2006–25877, 74 FR 53394, Oct. 16, 2009]

Revise Section 45.11 to read as follows:

### §45.11 Marking of products.

(a) **Aircraft.** A manufacturer of aircraft covered under §21.182 of this chapter must mark each aircraft by attaching a fireproof identification plate that—

- (1) Includes the information specified in §45.13 using an approved method of fireproof marking;
- (2) Must be secured in such a manner that it will not likely be defaced or removed during normal service, or lost or destroyed in an accident; and
- (3) Except as provided in paragraphs (d) through (h) of this section, must be secured to the aircraft fuselage exterior so that it is legible to a person on the ground, and must be either adjacent to

and aft of the rear-most entrance door or on the fuselage surface near the tail surfaces.

(b) **Aircraft engines.** A manufacturer of an aircraft engine produced under a type certificate or production certificate must mark each engine by attaching a fireproof identification plate. Such plate—

- (1) Must include the information specified in §45.13 using an approved method of fireproof marking;
- (2) Must be affixed to the engine at an accessible location; and
- (3) Must be secured in such a manner that it will not likely be defaced or removed during normal service, or lost or destroyed in an accident.

(c) **Propellers and propeller blades and hubs.** Each person who produces a propeller, propeller blade, or propeller hub under a type certificate or production certificate must mark each product or part using an approved fireproof method. The marking must—

- (1) Be placed on a non-critical surface;
- (2) Contain the information specified in §45.13;
- (3) Not likely be defaced or removed during normal service; and
- (4) Not likely be lost or destroyed in an accident.

(d) **Manned free balloons.** A manufacturer of manned free balloons must mark each balloon by attaching the identification plate described in paragraph (a) of this section. The plate must be secured to the balloon envelope and must be located, if practicable, where it is legible to the operator when the balloon is inflated. In addition, the basket and heater assembly must be permanently and legibly marked with the manufacturer's name, part number (or equivalent), and serial number (or equivalent).

(e) **Aircraft manufactured before March 7, 1988.** The owner or operator of an aircraft manufactured before March 7, 1988 must mark the aircraft by attaching the identification plate required by paragraph (a) of this section. The plate must be secured at an accessible exterior or interior location near an entrance, if the model designation and builder's serial number are also displayed on the exterior of the aircraft fuselage. The model designation and builder's serial number must be—

- (1) Legible to a person on the ground,
- (2) Located either adjacent to and aft of the rear-most entrance door or on the fuselage near the tail surfaces, and
- (3) Displayed in such a manner that they are not likely to be defaced or removed during normal service.

(f) For powered parachutes and weight-shift-control aircraft, the identification plate required by paragraph (a) of this section must be secured to the exterior of the aircraft fuselage so that it is legible to a person on the ground.

(g) The identification plate described in paragraph (a) of this section may be secured to the aircraft at an accessible location near an entrance for—

- (1) Aircraft produced for—
  - (i) Operations under part 121 of this chapter,
  - (ii) Commuter operations (as defined in §119.3 of this chapter),or
- (iii) Export.
- (2) Aircraft operating under part 121 of this chapter and under an FAA-approved continuous airworthiness maintenance program; or
- (3) Aircraft operating in commuter air carrier operations (as defined in §119.3 of this chapter) under an FAA-approved continuous airworthiness maintenance program.

(h) **Gliders.** Paragraphs (a)(3) and (e) of this section do not apply to gliders.

[Docket No. FAA–2006–25877, 74 FR 53394, Oct. 16, 2009]

**§45.13 [Amended]**

Amend Section 45.13 by removing the text “and (b)” from paragraph (a) introductory text and adding in their place the text “through (c)” and by removing the words “of this part” from paragraph (c).

[As amended by Amdt. 45–26, 74 FR 53395, Oct. 16, 2009]

**§45.14 [Removed]**

Remove §45.14.

[As amended by Amdt. 45–26, 74 FR 53395, Oct. 16, 2009]

Revise Section 45.15 to read as follows:

**§45.15 Marking requirements for PMA articles, TSO articles, and Critical parts.**

**(a) PMA articles.** The manufacturer of a PMA article must permanently and legibly mark—

(1) Each PMA article, with the PMA holder's name, trademark, symbol, or other FAA approved identification and part number; and

(2) The letters “FAA-PMA.”

**(b) TSO articles.** The manufacturer of a TSO article must permanently and legibly mark—

(1) Each TSO article with the TSO holder's name, trademark, symbol, or other FAA approved identification and part number; and

(2) Each TSO article, unless otherwise specified in the applicable TSO, with the TSO number and letter of designation, all markings specifically required by the applicable TSO, and the serial number or the date of manufacture of the article or both.

**(c) Critical parts.** Each person who manufactures a part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness must permanently and legibly mark that part with a serial number (or equivalent) unique to that part in addition to the other applicable requirements of this section.

**(d)** If the FAA finds a part or article is too small or otherwise impractical to mark with any of the information required by this part, the manufacturer must attach that information to the part or its container.

[Docket No. FAA–2006–25877, 74 FR 53395, Oct. 16, 2009]

**§45.16 [Amended]**

Amend Section 45.16 by removing the last sentence of the section.

[As amended by Amdt. 45–26, 74 FR 53395, Oct. 16, 2009]

**SEPTEMBER 2, 2009**

*Effective Date: November 2, 2009*

**Part 1—Definitions and Abbreviations**

Amend Section 1.1 by adding the definition of “Maximum engine overtorque” in alphabetical order, to read as follows:

**§1.1 General definitions.**

\* \* \* \* \*

**Maximum engine overtorque**, as it applies to turbopropeller and turboshaft engines incorporating free power turbines for all ratings except one engine inoperative (OEI) ratings of two minutes or less, means the maximum torque of the free power turbine rotor assembly, the inadvertent occurrence of which, for periods of up to 20 seconds, will not require rejection of the engine from service, or any maintenance action other than to correct the cause.

\* \* \* \* \*

[As amended by Amdt. 1–65, 74 FR 45310, Sept. 2, 2009]

**Part 33—Airworthiness Standards: Aircraft Engines**

Amend Section 33.7 by redesignating paragraph (c)(16) as (c)(18) and adding new paragraphs (c)(16) and (c)(17) to read as follows:

**§33.7 Engine ratings and operating limitations.**

\* \* \* \* \*

**(c) \*\*\***

(16) Transient engine overtorque, and number of overtorque occurrences.

(17) Maximum engine overtorque for turbopropeller and turboshaft engines incorporating free power turbines.

\* \* \* \* \*

[As amended by Amdt. 33–30, 74 FR 45310, Sept. 2, 2009]

Section 33.84 is added to read as follows:

**§33.84 Engine overtorque test.**

**(a)** If approval of a maximum engine overtorque is sought for an engine incorporating a free power turbine, compliance with this section must be demonstrated by testing.

(1) The test may be run as part of the endurance test requirement of §33.87. Alternatively, tests may be performed on a complete engine or equivalent testing on individual groups of components.

(2) Upon conclusion of tests conducted to show compliance with this section, each engine part or individual groups of components must meet the requirements of §33.93(a)(1) and (a)(2).

**(b)** The test conditions must be as follows:

(1) A total of 15 minutes run at the maximum engine overtorque to be approved. This may be done in separate runs, each being of at least 2-1/2 minutes duration.

(2) A power turbine rotational speed equal to the highest speed at which the maximum overtorque can occur in service. The test speed may not be more than the limit speed of take-off or OEI ratings longer than 2 minutes.

(3) For engines incorporating a reduction gearbox, a gearbox oil temperature equal to the maximum temperature when the maximum engine overtorque could occur in service; and for all other engines, an oil temperature within the normal operating range.

(4) A turbine entry gas temperature equal to the maximum steady state temperature approved for use during periods longer than 20 seconds when operating at conditions not associated with 30-second or 2 minutes OEI ratings. The requirement to run the test at the maximum approved steady state temperature may be waived by the FAA if the applicant can demonstrate that other testing provides substantiation of the temperature effects when considered in combination with the other parameters identified in paragraphs (b)(1), (b)(2) and (b)(3) of this section.

[Docket No. 2007–28502, 74 FR 45310, Sept. 2, 2009]

Amend §33.87 by revising paragraph (a)(8) to read as follows:

**§33.87 Endurance test.**

**(a) \*\*\***

(8) If the number of occurrences of either transient rotor shaft overspeed, transient gas overtemperature or transient engine overtorque is limited, that number of the accelerations required by paragraphs (b) through (g) of this section must be made at the limiting overspeed, overtemperature or overtorque. If the number of occurrences is not limited, half the required accelerations must

be made at the limiting overspeed, overtemperature or over-torque.

\* \* \* \* \*

[As amended by Amdt. 33–30, 74 FR 45311, Sept. 2, 2009]

## AUGUST 21, 2009

*Effective date: October 20, 2009*

### **Part 91 — General Operating and Flight Rules**

Amend §91.205 by redesignating existing paragraph (h) as paragraph (i); and adding a new paragraph (h) to read as follows:

#### **§91.205 Powered civil aircraft with standard category U.S. airworthiness certificates; Instrument and equipment requirements.**

\* \* \* \* \*

(h) **Night vision goggle operations.** For night vision goggle operations, the following instruments and equipment must be installed in the aircraft, functioning in a normal manner, and approved for use by the FAA:

(1) Instruments and equipment specified in paragraph (b) of this section, instruments and equipment specified in paragraph (c) of this section;

(2) Night vision goggles;

(3) Interior and exterior aircraft lighting system required for night vision goggle operations;

(4) Two-way radio communications system;

(5) Gyroscopic pitch and bank indicator (artificial horizon);

(6) Generator or alternator of adequate capacity for the required instruments and equipment; and

(7) Radar altimeter.

\* \* \* \* \*

[As amended by Amdt. 91–309, 74 FR 42563, Aug. 21, 2009]

## AUGUST 4, 2009

*Effective date: August 4, 2009*

### **Part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons On Board Such Aircraft**

Amend Section 135.427 by revising paragraph (a) to read:

#### **§135.427 Manual requirements.**

(a) Each certificate holder shall put in its manual the chart or description of the certificate holder's organization required by §135.423 and a list of persons with whom it has arranged for the performance of any of its required inspections, other maintenance, preventive maintenance, or alterations, including a general description of that work.

\* \* \* \* \*

[As amended by Amdt. 135–118, 74 FR 38522, Aug. 4, 2009]

## AUGUST 3, 2009

*Effective date: September 2, 2009*

### **Part 25 — Airworthiness Standards: Transport Category Airplanes**

Part 25 is available as a free download from  
[www.asa2fly.com](http://www.asa2fly.com)

Amend Section 25.143 by revising paragraph (j). Amend Section 25.207 by revising paragraphs (b) and (h), and adding a new paragraph (i). Amend Section 25.1419 by adding new paragraphs (e), (f), (g), and (h). Amend Appendix C by revising part II (e).

[As amended by Amdt. 25–129, 74 FR 38340, Aug. 3, 2009]

## JULY 30, 2009

*Effective date: September 28, 2009*

### **Part 33—Airworthiness Standards: Aircraft Engines**

Section 33.17 is revised to read as follows:

#### **§33.17 Fire protection.**

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire during normal operation and failure conditions, and must minimize the effect of such a fire. In addition, the design and construction of turbine engines must minimize the probability of the occurrence of an internal fire that could result in structural failure or other hazardous effects.

(b) Except as provided in paragraph (c) of this section, each external line, fitting, and other component, which contains or conveys flammable fluid during normal engine operation, must be fire resistant or fireproof, as determined by the Administrator. Components must be shielded or located to safeguard against the ignition of leaking flammable fluid.

(c) A tank, which contains flammable fluids and any associated shut-off means and supports, which are part of and attached to the engine, must be fireproof either by construction or by protection unless damage by fire will not cause leakage or spillage of a hazardous quantity of flammable fluid. For a reciprocating engine having an integral oil sump of less than 23.7 liters capacity, the oil sump need not be fireproof or enclosed by a fireproof shield.

(d) An engine component designed, constructed, and installed to act as a firewall must be:

(1) Fireproof;

(2) Constructed so that no hazardous quantity of air, fluid or flame can pass around or through the firewall; and,

(3) Protected against corrosion;

(e) In addition to the requirements of paragraphs (a) and (b) of this section, engine control system components that are located in a designated fire zone must be fire resistant or fireproof, as determined by the Administrator.

(f) Unintentional accumulation of hazardous quantities of flammable fluid within the engine must be prevented by draining and venting.

(g) Any components, modules, or equipment, which are susceptible to or are potential sources of static discharges or electrical fault currents must be designed and constructed to be properly grounded to the engine reference, to minimize the risk of ignition in external areas where flammable fluids or vapors could be present.

[Docket No. FAA–2007–28503, 74 FR 37930, July 30, 2009]

**JULY 9, 2009**

**Part 23—Airworthiness Standards:  
Normal, Utility, Acrobatic, and  
Commuter Category Airplanes**

Amend Section 23.1457 by revising paragraph (d)(1) to read:

**§23.1457 Cockpit voice recorders.**

\* \* \* \* \*

**(d) \*\*\***

(1)(i) It receives its electrical power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads.

(ii) It remains powered for as long as possible without jeopardizing emergency operation of the airplane.

\* \* \* \* \*

[As amended by Amdt. 23–58, 74 FR 32799, July 9, 2009]

Amend Section 23.1459 by revising paragraph (a)(3) to read:

**§23.1459 Flight data recorders.**

**(a) \*\*\***

(3)(i) It receives its electrical power from the bus that provides the maximum reliability for operation of the flight data recorder without jeopardizing service to essential or emergency loads.

(ii) It remains powered for as long as possible without jeopardizing emergency operation of the airplane.

\* \* \* \* \*

[As amended by Amdt. 23–58, 74 FR 32800, July 9, 2009]

**Part 25—Airworthiness Standards:  
Transport Category Airplanes**

**Part 25 is available as a free download from  
www.asa2fly.com**

Amend Section 25.1457 by revising paragraph (d)(1). Amend Section 25.1459 by revising paragraph (a)(3).

[As amended by Amdt. 25–124, 74 FR 32800, July 9, 2009]

Amend Section 25.1459 by revising paragraph (a)(3) to read:

**§25.1459 Flight data recorders.**

**(a) \*\*\***

(3)(i) It receives its electrical power from the bus that provides the maximum reliability for operation of the flight data recorder without jeopardizing service to essential or emergency loads.

(ii) It remains powered for as long as possible without jeopardizing emergency operation of the airplane.

\* \* \* \* \*

[As amended by Amdt. 25–124, 74 FR 32800, July 9, 2009]

**Part 27—Airworthiness Standards:  
Normal Category Rotorcraft**

Amend Section 27.1457 by revising paragraph (d)(1) to read:

**§27.1457 Cockpit voice recorders.**

\* \* \* \* \*

**(d) \*\*\***

(1)(i) It receives its electrical power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads.

(ii) It remains powered for as long as possible without jeopardizing emergency operation of the airplane.

\* \* \* \* \*

[As amended by Amdt. 27–43, 74 FR 32800, July 9, 2009]

Amend Section 27.1459 by revising paragraph (a)(3) to read:

**§27.1459 Flight data recorders.**

**(a) \*\*\***

(3)(i) It receives its electrical power from the bus that provides the maximum reliability for operation of the flight data recorder without jeopardizing service to essential or emergency loads.

(ii) It remains powered for as long as possible without jeopardizing emergency operation of the airplane.

\* \* \* \* \*

[As amended by Amdt. 27–43, 74 FR 32800, July 9, 2009]

**Part 91—General Operating and Flight Rules**

Amend Section 91.609 by revising paragraph (e)(1) to read:

**§91.609 Flight data recorders and cockpit voice recorders.**

\* \* \* \* \*

**(e) \*\*\***

(1) Is installed in compliance with §23.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); §25.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); §27.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); or §29.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g) of this chapter, as applicable; and

\* \* \* \* \*

[As amended by Amdt. 91–300, 74 FR 32800, July 9, 2009]

**Part 121—Operating Requirements: Domestic,  
Flag, and Supplemental Operations**

Amend Section 121.344 by revising paragraph (j) introductory text to read as follows:

**§121.344 Digital flight data recorders for transport category  
airplanes.**

\* \* \* \* \*

(j) Each flight data recorder system required by this section must be installed in accordance with the requirements of §25.1459(a) (except paragraphs (a)(3)(ii) and (a)(7)), (b), (d) and (e) of this chapter. A correlation must be established between the values recorded by the flight data recorder and the corresponding values being measured. The correlation must contain a sufficient number of correlation points to accurately establish the conversion from the recorded values to engineering units or discrete state over the full operating range of the parameter. Except for airplanes having separate altitude and airspeed sensors that are an integral part of the flight data recorder system, a single correlation may be established for any group of airplanes—

\* \* \* \* \*

[As amended by Amdt. 121–338, 74 FR 32800, July 9, 2009]

Amend §121.344a by revising paragraph (d) introductory text to read as follows:

**§121.344a Digital flight data recorders for 10–19 seat  
airplanes.**

\* \* \* \* \*

(d) Each flight data recorder system required by this section must be installed in accordance with the requirements of §23.1459(a) (except paragraphs (a)(3)(ii) and (6)), (b), (d) and (e) of this chapter. A correlation must be established between the values recorded by the flight data recorder and the corresponding values being measured. The correlation must contain a sufficient number of correlation points to accurately establish the conversion from the recorded values to engineering units or discrete

state over the full operating range of the parameter. A single correlation may be established for any group of airplanes—

\* \* \* \* \*

[As amended by Amdt. 121–338, 74 FR 32801, July 9, 2009]

Amend Section 121.359 by revising paragraphs (d)(1) and (e)(1) to read as follows:

**§121.359 Cockpit voice recorders.**

\* \* \* \* \*

**(d) \*\*\***

(1) Is installed in compliance with §23.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); or §25.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g) of this chapter, as applicable; and

\* \* \* \* \*

**(e) \*\*\***

(1) Is installed in compliance with §23.1457 (except paragraphs (d)(1)(ii), (4) and (5)) or §25.1457 (except paragraphs (d)(1)(ii), (4) and (5)) of this chapter, as applicable; and

\* \* \* \* \*

[As amended by Amdt. 121–338, 74 FR 32801, July 9, 2009]

**Part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons On Board Such Aircraft**

Amend Section 125.226 by revising paragraph (j) introductory text to read:

**§125.226 Digital flight data recorders.**

\* \* \* \* \*

(j) Each flight data recorder system required by this section must be installed in accordance with the requirements of §25.1459(a) (except paragraphs (a)(3)(ii) and (7)), (b), (d) and (e) of this chapter. A correlation must be established between the values recorded by the flight data recorder and the corresponding values being measured. The correlation must contain a sufficient number of correlation points to accurately establish the conversion from the recorded values to engineering units or discrete state over the full operating range of the parameter. Except for airplanes having separate altitude and airspeed sensors that are an integral part of the flight data recorder system, a single correlation may be established for any group of airplanes—

\* \* \* \* \*

[As amended by Amdt. 125–54, 74 FR 32801, July 9, 2009]

Amend 125.227 by revising paragraph (h)(1) to read as follows:

**§125.227 Cockpit voice recorders.**

\* \* \* \* \*

**(h) \*\*\***

(1) Meets the requirements of §25.1457(a)(3) through (a)(6), (d)(1), (d)(4), (d)(5), (d)(6), and (e) of this chapter;

\* \* \* \* \*

[As amended by Amdt. 125–54, 74 FR 32801, July 9, 2009]

**Part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons On Board Such Aircraft**

Amend Section 135.151 by revising paragraphs (a)(1) and (b)(1) to read as follows:

**§135.151 Cockpit voice recorders.**

\* \* \* \* \*

**(a) \*\*\***

(1) Is installed in compliance with §23.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); §25.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g), §27.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); or §29.1457(a)(1) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g) of this chapter, as applicable; and

\* \* \* \* \*

**(b) \*\*\***

(1) Is installed in compliance with §23.1457 (except paragraphs (d)(1)(ii), (4) and (5)), §25.1457 (except paragraphs (d)(1)(ii), (4) and (5)), §27.1457 (except paragraphs (d)(1)(ii), (4) and (5)) or §29.1457 (except paragraphs (d)(1)(ii), (4) and (5)) of this chapter, as applicable; and

\* \* \* \* \*

[As amended by Amdt. 135–113, 74 FR 32801, July 9, 2009]

Amend Section 135.152 by revising paragraphs (f)(1) introductory text and (f)(2) introductory text to read as follows:

**§135.152 Flight data recorders.**

\* \* \* \* \*

(f)(1) For airplanes manufactured on or before August 18, 2000, and all other aircraft, each flight recorder required by this section must be installed in accordance with the requirements of §23.1459 (except paragraphs (a)(3)(ii) and (6)), §25.1459 (except paragraphs (a)(3)(ii) and (7)), §27.1459 (except paragraphs (a)(3)(ii) and (6)), or §29.1459 (except paragraphs (a)(3)(ii) and (6)), as appropriate, of this chapter. The correlation required by paragraph (c) of §§23.1459, 25.1459, 27.1459, or 29.1459 of this chapter, as appropriate, need be established only on one aircraft of a group of aircraft:

\* \* \* \* \*

(2) For airplanes manufactured after August 18, 2000, each flight data recorder system required by this section must be installed in accordance with the requirements of §23.1459(a) (except paragraphs (a)(3)(ii) and (6)), (b), (d) and (e), or §25.1459(a) (except paragraphs (a)(3)(ii) and (7)), (b), (d) and (e) of this chapter. A correlation must be established between the values recorded by the flight data recorder and the corresponding values being measured. The correlation must contain a sufficient number of correlation points to accurately establish the conversion from the recorded values to engineering units or discrete state over the full operating range of the parameter. Except for airplanes having separate altitude and airspeed sensors that are an integral part of the flight data recorder system, a single correlation may be established for any group of airplanes—

\* \* \* \* \*

[As amended by Amdt. 135–113, 74 FR 32801, July 9, 2009]

**JULY 9, 2009**

**Part 91—General Operating and Flight Rules**

Section 91.146(b) introductory text is revised to read as follows:

**§91.146 Passenger-carrying flights for the benefit of a charitable, nonprofit, or community event.**

\* \* \* \* \*

(b) Passenger carrying flights for the benefit of a charitable, nonprofit, or community event identified in paragraph (c) of this section are not subject to the certification requirements of part 119 or the drug and alcohol testing requirements in part 120 of this chapter, provided the following conditions are satisfied and the limitations in paragraphs (c) and (d) are not exceeded:

\* \* \* \* \*

[As amended by Amdt. 91–308, 74 FR 32804, July 9, 2009]

**Part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons On Board Such Aircraft**

Amend Section 125.226 by revising paragraphs (f)(1) and (n) to read as follows:

**§125.226 Digital flight data recorders.**

\* \* \* \* \*

(f) \*\*\*

(1) The parameters listed in paragraphs (a)(1) through (a)(88) of this section must be recorded within the ranges, accuracies, resolutions, and recording intervals specified in Appendix E to this part.

\* \* \* \* \*

(n) In addition to all other applicable requirements of this section, all Boeing 737 model airplanes manufactured after August 18, 2000 must record the parameters listed in paragraphs (a)(88) through (a)(91) of this section within the ranges, accuracies, resolutions, and recording intervals specified in Appendix E to this part. Compliance with this paragraph is required no later than February 2, 2011.

[As amended at Docket No. FAA–1999–6482, 74 FR 32804, July 9, 2009]

**JULY 2, 2009**

**Part 26—Continued Airworthiness and Safety Improvements for Transport Category Airplanes**

Revise Section 26.5 to read as follows:

**§26.5 Applicability table.**

Table 1 of this section provides an overview of the applicability of this part. It provides guidance in identifying what sections apply to various types of entities. The specific applicability of each subpart and section is specified in the regulatory text.

TABLE 1—APPLICABILITY OF PART 26 RULES

	Applicable sections		
	Subpart B	Subpart D	Subpart E
	EAPAS/FTS	Fuel tank flammability	Damage tolerance data
Effective date of rule	December 10, 2007	December 26, 2008	January 11, 2008
Existing <sup>1</sup> TC Holders	26.11	26.33	26.43, 26.45, 26.49
Pending <sup>1</sup> TC Applicants	26.11	26.37	26.43, 26.45
Existing <sup>1</sup> STC Holders	N/A	26.35	26.47, 26.49
Pending <sup>1</sup> STC/ATC Applicants	26.11	26.35	26.45, 26.47, 26.49
Future <sup>2</sup> STC/ATC Applicants	26.11	26.35	26.45, 26.47, 26.49
Manufacturers	N/A	26.39	N/A

<sup>1</sup> As of the effective date of the identified rule.

<sup>2</sup> Application made after the effective date of the identified rule.

[As amended by Amdt. 26–3, 74 FR 31618, July 2, 2009]

**§26.33 [Amended]**

Amend Section 26.33 as follows:

- A. In paragraph (b)(1), remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- B. In paragraph (d) introductory text, remove “September 20, 2010,” and add “December 27, 2010,” in its place.
- C. In paragraph (d)(2) remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- D. In paragraph (e), remove “September 20, 2010,” and add “December 27, 2010,” in its place.
- E. In paragraph (f), remove “September 20, 2010,” and add “December 27, 2010,” in its place.
- F. In paragraph (g) introductory text, remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- G. In paragraph (h) introductory text, remove “September 19, 2008,” and add “December 26, 2008,” in its place.

[As amended by Amdt. 26–3, 74 FR 31619, July 2, 2009]

Amend Section 26.35 as follows:

- A. In paragraph (a)(1), remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- B. In paragraph (a)(2), remove “September 19, 2008,” and add “December 26, 2008,” in its place, in both places.
- C. In paragraph (a)(3) introductory text, remove “September 19, 2008,” and add “after December 26, 2008,” in its place.
- D. In paragraph (b) introductory text, remove “Flammability Exposure Analysis—” and add “Flammability Exposure Analysis.” in its place.
- E. In paragraph (b)(1)(i), remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- F. In paragraph (b)(1)(ii), remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- G. In paragraph (b)(2)(i), remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- H. In paragraph (c)(1), remove “March 21, 2011,” and add “June 26, 2011,” in its place.
- I. In paragraph (c)(2), remove “March 21, 2011,” and add “June 26, 2011,” in its place.
- J. In paragraph (d)(2), remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- K. In paragraph (e)(1), remove “September 19, 2012,” and add “December 26, 2012,” in its place.
- L. In paragraph (e)(2), remove “September 19, 2012,” and add “December 26, 2012,” in its place.
- M. Revise the table in paragraph (f)(4) to read as set forth below.

**§26.35 Changes to type certificates affecting fuel tank flammability.**

\* \* \* \* \*

(f) \* \* \*

(4) \* \* \*

TABLE 2—COMPLIANCE PLANNING DATES

	Flammability exposure analysis plan	Impact assessment plan	Design changes and service instructions plan
STC and Field Approval Holders	March 26, 2009	February 26, 2011	August 26, 2011

\* \* \* \* \*

[As amended by Amdt. 26–3, 74 FR 31619, July 2, 2009]

**§26.37 [Amended]**

Amend Section 26.37 as follows:

- A. In paragraph (a) introductory text, remove “September 19, 2008,” the first place it appears and add “December 26, 2008,” in its place; and remove “September 19, 2008,” the second place it appears and add “before December 26, 2008,” in its place.
- B. In paragraph (b), remove “September 19, 2008,” and add “December 26, 2008,” in its place.

[As amended by Amdt. 26–3, 74 FR 31619, July 2, 2009]

**§26.39 [Amended]**

Amend Section 26.39 as follows:

- A. In paragraph (a), remove “September 20, 2010,” and add “December 27, 2010,” in its place.
- B. In paragraph (b) introductory text, remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- C. In paragraph (c), remove “September 19, 2008,” and add “December 26, 2008,” in its place.

[As amended by Amdt. 26–3, 74 FR 31619, July 2, 2009]

**Part 121—Operating Requirements: Domestic, Flag and Supplemental Operations**

**§121.1117 [Amended]**

Amend Section 121.1117 as follows:

- A. In paragraph (b), remove “September 20, 2010,” and add “December 27, 2010,” in its place.
- B. In paragraph (e)(1), remove “September 19, 2014,” and add “December 26, 2014,” in its place.
- C. In paragraph (e)(2), remove “September 19, 2017,” and add “December 26, 2017,” in its place.
- D. In paragraph (e)(3), remove “September 19, 2017,” and add “December 26, 2017,” in its place.
- E. In paragraph (k)(1), remove “December 18, 2008,” and add “March 26, 2009,” in its place.
- F. In paragraph (k)(2), remove “March 18, 2009,” and add “June 24, 2009,” in its place.
- G. In paragraph (l), remove “September 19, 2008,” and add “December 26, 2008,” in its place.
- H. In paragraph (n), remove “September 19, 2017,” and add “December 26, 2017,” in its place; and remove “September 19, 2008,” and adding “December 26, 2008,” in its place.

- I. In paragraph (o)(3), remove “Armstrong Viscount” and add “VC-10” in its place.
  - J. Remove paragraph (o)(12) and redesignate paragraphs (o)(13) through (o)(18) as paragraphs (o)(12) through (o)(17), respectively.
  - K. In the newly-redesignated paragraph (o)(13), remove the words “Handley Page” the first time they appear.
- [As amended by Amdt. 121–345, 74 FR 31619, July 2, 2009]

**Part 125 — Certification and Operations;  
Airplanes Having a Seating Capacity of 20 or  
More Passengers or a Maximum Payload  
Capacity of 6,000 Pounds or More; and Rules  
Governing Persons On Board Such Aircraft**

Amend Section 125.509 as follows:

- A. In paragraph (b), remove “September 20, 2010,” and add “December 27, 2010,” in its place.
- B. In paragraph (e)(1), remove “September 19, 2014,” and add “December 26, 2014,” in its place.
- C. In paragraph (e)(2), remove “September 19, 2017,” and add “December 26, 2017,” in its place.
- D. In paragraph (e)(3), remove “September 19, 2017,” and add “December 26, 2017,” in its place.
- E. In paragraph (l), remove “September 19, 2017” and add “December 26, 2017,” in its place; and remove “September 19, 2008” and add “December 26, 2008,” in its place.
- F. In paragraph (m)(3), remove “Armstrong Viscount” and add “VC-10” in its place.
- G. Remove paragraph (m)(12) and redesignate paragraphs (m)(13) through (m)(18) as paragraphs (m)(12) through (m)(17).
- H. In newly redesignated paragraph (m)(13), remove the words “Handley Page” the first time they appear.
- I. Add Table 2 immediately after paragraph (k) to read as set forth below.  
The addition reads as follows:

**§125.509 Flammability reduction means.**

\* \* \* \* \*

(k) \* \* \*

TABLE 2

Model—Boeing	Model—Airbus
747 Series	A318, A319, A320, A321 Series
737 Series	A300, A310 Series
777 Series	A330, A340 Series
767 Series	
757 Series	

\* \* \* \* \*

[As amended by Amdt. 125–57, 74 FR 31620, July 2, 2009]