



Federal Aviation Administration

Memorandum

Date: JUN 10 2009 Memo No. PS-AIR-100-2009-05-27

To: See Distribution

From: David W. Hempe, Manager, Aircraft Engineering Division, AIR-100 

Prepared By: Greg Edwards, AIR-110

Subject: Adding Part 26 to Type Certificate Data Sheets and Supplemental Type Certificates

Background

On October 22, 2007, Title 14 of the Code of Federal Regulations (14 CFR) adopted a new part 26, Enhanced Airworthiness Program for Airplane Systems (EAPAS), and since its issuance, 14 CFR part 26 has been amended twice. Note however, that 14 CFR part 26 follows the airworthiness requirements and certification procedures as prescribed in 14 CFR part 25 for transport category airplanes. Because 14 CFR part 26 is a "recent" addition to the type certification requirements, the current procedures for evaluating and approving aircraft contained in FAA Order 8110.4C, Type Certification, do not incorporate standardized language for documenting the certification basis as it should appear in the type certificate data sheets (TCDS) and supplemental type certificate (STC) requirements.

The guidance in this memorandum is applicable to all design approvals for which 14 CFR part 26 is applicable. Below are examples of appropriate language to use when adding 14 CFR part 26 to the certification basis. Note that by adding this language to the certification basis, you minimize the possibility that design approval holders and STC applicants will overlook the need to apply 14 CFR part 26 requirements.

Example TCDS Language

To each "Type Certification Basis" section of each TCDS, add:

Based on 14 CFR § 21.17(a) for new type certificates (TCs), (or 14 CFR § 21.101(g) for changes to TCs), applicable provisions of 14 CFR part 26 are

included in the certification basis. For any future 14 CFR part 26 amendments, the holder of this TC must demonstrate compliance with the applicable sections.

-or-

Based on 14 CFR § 21.29(a) for new import TCs, (or § 21.101(g) for changes to TCs), applicable provisions of 14 CFR part 26 are included in the certification basis. For any future 14 CFR part 26 amendments, the holder of this TC must demonstrate compliance with the applicable sections.

After finding compliance with all applicable requirements of a 14 CFR part 26 amendment, add the following statement to the TCDS at the next update:

Compliance has been found for the following regulations 14 CFR § 26.XX, (Amdt. No. 26-X, through 26-XX).

Example STC Language - Retaining Original Certification Basis

Certification Basis: Based on 14 CFR §§ 21.115 and 21.101, and FAA Order 8110.48, the type certification basis for the Boeing 737-300 is as shown on TCDS A16WE for parts changed or affected by the change. Based on 14 CFR § 21.101(g), applicable provisions of 14 CFR part 26 are included in the certification basis. For any future 14 CFR part 26 amendments, the holder of this STC must demonstrate compliance with the applicable sections. As of the issuance date of this STC, compliance has been found for the following regulations 14 CFR § 26.XX, (Amdt. No. 26-X, through 26-XX).

Example STC Language - New Certification Basis

Based on 14 CFR §§ 21.115 and 21.101, and the FAA policy for significant changes in FAA Order 8110.48, the certification basis for the Boeing Model 737-300 series passenger to freighter is as follows:

- a. The type certification basis for Boeing Model 737 series airplanes is shown on TCDS A16WE for parts **not changed or not affected** by the change.
- b. The certification basis for parts changed or affected by the change since the reference date of application, March 20, 2001, is based upon part 25 as amended by Amendment 25-101 and 14 CFR part 26.

Based on 14 CFR §§ 21.115 and 21.101, and the FAA policy for significant changes in FAA Order 8110.48, the certification basis for this modification was determined to be:

Regulations at the latest amendment 25-0 through 25-101

14 CFR §§ 25.1 -25.24, 25.26 -25.31, 25.301 -25.307, 25.561 -25.563, 25.581, 25.601 -25.625, 25.671 - 25.689, 25.729, 25.777, 25.783 - 25.793, 25.801 - 25.812, 25.843, 25.851 - 25.869, 25.871, 25.903, 25.1301, 25.1309, 25.1322-25.1326, 25.1351 -25.1363, 25.1411 - 25.1423, 5.1431 -25.1461, 25.1501, 25.1519-25.1533, 25.1541 -25.1563, 25.1581 - 25.1585, Appendix F

Regulations at an intermediate amendment

14 CFR § 25.574 Amendment 25-54
14 CFR § 25.629 Amendment 25-46
14 CFR part 25 Appendix H, Amendment 25-54

Regulations at the amendment level in TCDS A16WE

14 CFR §§ 25.25, 25.321 -25.373, 25.471 -25.519, 25.731 - 25.735, Appendix G

14 CFR Part 26 regulations

Based on 14 CFR § 21.101(g), applicable provisions of 14 CFR part 26 are included in the certification basis. For any future 14 CFR part 26 amendments, the holder of this STC must demonstrate compliance with the applicable sections. As of the issuance date of this STC, compliance has been found for the following regulations 14 CFR § 26.XX, (Amdt. No. 26-X, through 26-XX).

Distribution List:

All Managers, Aircraft Certification Offices
Manager, Transport Airplane Directorate
Manager, Engine Propeller Directorate
Manager, Rotorcraft Directorate
Manager, Small Airplane Directorate
Manager, Seattle Aircraft Evaluation Group
Manager, Long Beach Aircraft Evaluation Group
Manager, Kansas City Aircraft Evaluation Group
Manager, Fort Worth Aircraft Evaluation Group
Manager, Boston Aircraft Evaluation Group