Federal Aviation Administration

Memorandum

Date: JAN 13 2012

To: See Distribution List

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

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Subject: Clarification of the guidance in Order 8110.37E paragraph 4-6. a) regarding how minor changes in type design are approved.

There has been some confusion over the appropriate use of Designated Engineering Representatives (DERs) in the approval of minor changes to type design. This has lead to non-standardization in the way in which the FAA approves minor changes in type design. This memo clarifies the use of DERs in this process.

Order 8110.37E paragraph 4-6. a) states in part, "[w]e may approve minor changes in type design under a method acceptable to the Administrator, per Title 14 U.S. Code of Federal Regulations (14 CFR) §21.95. This method may include approval by a DER, without prior authorization by the ACO." Some have misunderstood this to mean that the DER is authorized to approve the minor change. This is not the case. The DER, exercising their authority, may only play a part in the overall minor change approval process.

Approval of a minor change under a method acceptable to the Administrator is a privilege that may be extended to a Design Approval Holder (DAH) per 14 CFR §21.95. In any minor change approval method there are several steps.

1. A classification of the change as minor by the DAH must occur.
2. The DAH must determine what descriptive data is needed to define the change, as well as any substantiation data needed to support the approval.
3. If the substantiation data does not need FAA approval then there will be no DER involvement. If it does need approval, only then may a DER be utilized to approve the data to specific airworthiness standards.
4. The minor change is approved when the DAH incorporates the change into the type design.

Any method acceptable to the administrator should have these steps clearly defined. Since a DER can only find compliance to airworthiness standards, their role, if any, must be limited to that in any method a DAH proposes for approval of minor changes.

This clarification will be included in the next revision to the order. If there are any questions, please contact Jon Mowery, Engineering Procedures Office, AIR-110 at 562-627-5207 or jon.mowery@faa.gov.

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