



Federal Aviation Administration

Memorandum

SEP 14 2016

Date:

To: John S. Duncan, Director, Flight Standards Service, AFS-1
Dorenda D. Baker, Director, Aircraft Certification Service, AIR-1

From: Leisha Bell, Chair, Regulatory Consistency Communication Board (RCCB)

Subject: RCCB Decision: Type Certificate Data Sheets

Action Required

Concur or non-concur with comment on the resolutions facilitated by the Regulatory Consistency Communication Board (RCCB).

This memo serves as documentation of the actions taken to address the issues described below. This memo is not a policy document. Refer to current guidance for decision-making support.

Summary

On May 6, 2015, the National Air Transportation Association (NATA) submitted an issue to the RCCB on behalf of an NATA member. The question dealt with whether Type Certificate Data Sheets (TCDS) are regulatory and whether TCDS are included as part of the type design.

Background

The Federal Aviation Administration (FAA) reached out to members of the aviation community for assistance in addressing a recommendation made by the Consistency of Regulatory Interpretation (CRI) Aviation Rulemaking Committee (ARC). In its November 28, 2012, report to the FAA, the CRI ARC recommended that "the FAA establish a Regulatory Consistency Communication Board (RCCB) comprising representatives from AFS, AIR, and the Office of Chief Counsel (AGC) that would provide clarification to FAA personnel and certificate/approval holders and applicants on questions related to the application of regulations."

On March 17, 2015, the FAA asked the aviation associations that had participated in the CRI ARC to provide current examples of regulatory application inconsistencies to the FAA. The intent of this call for issues was to allow the FAA to develop standard operating procedures for the RCCB while addressing current issues of inconsistency.

As a result of the FAA's request, on May 6, 2015, NATA submitted a question on behalf of one of its members. The NATA member asked if the TCDS is regulatory or is included as part of the type design and "if so, how does that fit in with the [a]irworthiness [c]ertificate, and responsibilities of operators regarding modifications? Continued airworthiness?"

Actions Taken

In accordance with Title 14 of the Code of Federal Regulations (14 CFR) § 21.41, the TCDS is part of the type certificate (TC). A common misinterpretation is that a TCDS specifies regulatory requirements only in the main body, and that the notes are intended to contain reminders and information for convenience. The TCDS, including notes, provides a definition of a type certificated product produced by the original equipment manufacturer. It specifies allowable configurations, such as engine models, for a product's FAA approved type design.

The TCDS notes list the conditions necessary to meet the regulatory requirements for issuance of an airworthiness certificate. These conditions are enforceable through the regulations which require an aircraft to conform to its approved design and be operated in accordance with its operating limitations.

Sometimes existing TCDS notes contain references to data derived from the product's type design or manufacturer's recommended maintenance procedures. This information may be used to meet a regulatory requirement or may only be for informational purposes. Any method, technique, or practice specified in the TCDS that is considered required should be supported by regulation, otherwise it is not enforceable.

Example of a Mandatory TCDS Note

"All placards required by either the FAA-approved [Aircraft] Flight Manual, the applicable operating rules, or the certification basis must be installed as specified."

Example of a TCDS Note for Informational Purposes

"This aircraft shall be maintained in accordance with the BHT-427 maintenance manual."

The information contained in the note above, for "Informational Purposes" prescribes that the maintenance provider *shall* use the BHT-427 manufacturer's maintenance manual when performing maintenance. 14 CFR § 43.13(a) provides for the use of the current manufacturer's maintenance manual or Instructions for Continued Airworthiness prepared by its manufacturer, or other methods, techniques, and practices acceptable to the manufacturer, except as provided for in § 43.16 (Airworthiness Limitations). This note provides only one regulatory source of data that may be used when maintaining this aircraft; therefore it is informational rather than mandatory.

To promote the standardization of TCDS notes, the FAA published Order 8110.121, *Type Certificate Data Sheet (TCDS) Notes* on October 15, 2015. We recognize that the lack of standardization of TCDS notes has caused confusion as to the nature of their applicability. This order clarifies the purpose and authority of TCDS notes and provides specific instruction for Aircraft Certification Offices (ACO), directorate staffs, and oversight offices in their preparation and correction. New TCDS or TCDS undergoing revision will follow the instructions within the

Aircraft Certification Offices (ACO), directorate staffs, and oversight offices in their preparation and correction. New TCDS or TCDS undergoing revision will follow the instructions within the order. If you encounter what you suspect to be an improperly written TCDS note, you may submit a request to the responsible ACO to revise the TCDS. The ACO will evaluate the request and respond to the requester regarding any action that will be taken.

In reference to airworthiness determinations, the Administrator issues an airworthiness certificate after finding that an aircraft conforms to its TC and/or any approved data or acceptable data used for modification or alterations. A person making an airworthiness determination should use all available data, including the TCDS and other applicable alteration or repair data, to determine whether an aircraft conforms to its approved design.

All maintenance, preventive maintenance, rebuilding, or alteration of a type-certificated aircraft having a U.S. airworthiness certificate or foreign-registered aircraft used in common carriage or carriage of mail under the provisions of part 121 or 135, must be done in accordance with the provisions of part 43, Maintenance, Preventive Maintenance, Rebuilding, and Alteration.

For additional information on TCDS, please see FAA Order 8110.4, *Type Certification*, FAA Order 8620.2A, *Applicability and Enforcement of Manufacturer's Data*, and FAA Order 8110.121, *Type Certificate Data Sheet (TCDS) Notes*. These documents are available at: http://www.faa.gov/regulations_policies/.

Concur: for John Barfield

Concur: Dorenda D. Baker

Non-Concur: _____

Non-Concur: _____

Date: 9/8/16

Date: 9/14/16

John S. Duncan
Director, Flight Standards Service

Dorenda D. Baker
Director, Aircraft Certification Service