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[4910-13]

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

Type Certification Procedures for Changed Products

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of availability for public comment.

SUMMARY: This notice announces the availability of and requests comments on the proposed advisory circular (AC), Advisory Material for the Evaluation of the Certification Basis of Changed Aeronautical Products, pertaining to the type certification procedures for changed products. Elsewhere in this edition of the Federal Register, the FAA has issued a Notice of Proposed Rulemaking (NPRM), Type Certification Procedures for Changed Products, which would revise certain sections in part 21 of Title 14 of the Code of Federal Regulations. This proposed AC provides guidance for determining compliance with those proposed sections.

DATES: Comments must be identified by the name of the AC and be received on or before [Insert 120 days after publication in the Federal Register.]

ADDRESS: Send all comments on this proposed AC to: Certification Procedures Branch, AIR-110, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, or deliver comments to room 815 at the same address.

FOR FURTHER INFORMATION CONTACT: Lyle C. Davis, Certification Procedures Branch (AIR-110), Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, telephone (202) 267-9588.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed AC listed in this notice by submitting such written data, views, or arguments as they may desire. Comments received on the proposed AC may be examined, before and after the comment closing date, in Room 815, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW, Washington, DC 20591, weekdays, except Federal holidays, between 8:30 a.m. and 4:30 p.m. By separate notice, in this edition of the Federal Register, the FAA is also inviting interested persons to comment on the notice of proposed rulemaking. The FAA will consider comments from this notice and comments received on the notice of proposed rulemaking in deciding the nature of final action on each.

Background

New procedural regulations are being proposed in a Notice of Proposed Rulemaking, Type Certification Procedures for Changed Products, as a result of a trend towards fewer products that are of such significantly new design that a new type certificate is required. This proposal would require the starting point for determining the certification basis for an amended or supplemental type certificate to be the regulations in effect at the date of the application for the change, rather than those regulations incorporated by reference in the type certificate. Exceptions would be provided to permit the applicant, under certain conditions, to comply with previous amendments to those regulations.

Advisory Circular

This AC provides guidance for the applicant to comply with the regulations proposed in the Notice of Proposed Rulemaking, Type Certification Procedures for Changed Products.

Proposed § 21.101(b)(3): Determining whether compliance would not materially contribute to the level of safety of the changed product or would be impractical.

Proposed § 21.101(b)(3) states that an applicant's changed product may be shown to comply with an earlier amendment to a regulation in effect on the date of the application for the change, if compliance with that

later regulation would not materially contribute to the level of safety of the changed product or would be impractical.

Parts of the associated NPRM published in this edition of the Federal Register, and parts of this proposed AC, resulted from a recommendation from the Aviation Rulemaking Advisory Committee (ARAC). Appendix 2 of this proposed AC contains a "safety benefit - resource evaluation guide," which was recommended by the ARAC. As explained in the introduction to Appendix 2, the FAA has declined to include the safety benefit - resource evaluation guide as a means of compliance with proposed § 21.101(b)(3). However, the ARAC-recommended guide does describe some of the issues that should be considered in making a case about complying with the later regulations under proposed § 21.101(b)(3). Thus, it is being proposed for inclusion for information purposes. An applicant seeking approval of a changed aeronautical product can review this guidance prior to developing an argument that compliance with a regulation in effect at the date of the application for the change would be impractical. In using a similar guide, an applicant would have to demonstrate how his charts, values, and graphs demonstrate compliance with the proposed section.

For the procedure in Appendix 2, the points on the charts represent the mean derived from the experience of a number of engineers who have been involved in certification programs. The numbers on the charts were adjusted to reflect a review of several alterations of air carrier transport category airplanes, with respect to the revisions of part 25.

Issued in Washington, DC, on April 22, 1997.



Ava L. Mims
Acting Director, Aircraft Certification

Service