

PART 26—CONTINUED AIRWORTHINESS AND SAFETY IMPROVEMENTS FOR TRANSPORT CATEGORY AIRPLANES

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Subpart A—General

§ 26.1 Purpose and scope.

(a) This part establishes requirements for support of the continued airworthiness of and safety improvements for transport category airplanes. These requirements may include performing assessments, developing design changes, developing revisions to Instructions for Continued Airworthiness (ICA), and making necessary documentation available to affected persons. Requirements of this part that establish standards for design changes and revisions to the ICA are considered airworthiness requirements.

(b) Except as provided in paragraph (c) of this section, this part applies to the following persons, as specified in each subpart of this part:

(1) Holders of type certificates and supplemental type certificates.

(2) Applicants for type certificates and supplemental type certificates and changes to those certificates (including service bulletins describing design changes).

(3) Persons seeking design approval for airplane repairs, alterations, or modifications that may affect airworthiness.

(4) Holders of type certificates and their licensees producing new airplanes.

(c) An applicant for approval of a design change is not required to comply with any applicable airworthiness requirement of this part if the applicant elects or is required to comply with a corresponding amendment to part 25 of this chapter that is adopted concurrently or after that airworthiness requirement.

(d) For the purposes of this part, the word “type certificate” does not include supplemental type certificates.

§ 26.3 Definitions.

For the purposes of this part:

FAA Oversight Office is the aircraft certification office or office of the Transport Airplane Directorate with oversight responsibility for the relevant type certificate, supplemental type certificate, or manufacturer, as determined by the Administrator.

§ 26.5 Applicability table.

Table 1 of this section provides an overview

TABLE 1.—Applicability of Part 26 Rules

	Applicable sections	
	Subpart B (EAPAS/FTS)	Subpart E damage tolerance data
Effective Date of Rule	December 10, 2007	January 11, 2008
Existing ¹ TC Holders	26. 11	26. 43, 26. 45, 26. 49
Pending ¹ TC Applicants	26. 11	26. 43, 26. 45
Existing ¹ STC Holders	N/A	26. 47, 26. 49
Pending ¹ STC/ATC Applicants	26. 11	26. 45, 26. 47, 26. 49
Future ² STC/ATC Applicants	26. 11	26. 45, 26. 47, 26. 49
Manufacturers	N/A	N/A
Persons seeking design approval of repairs	N/A	N/A

¹As of the effective date of the identified rule.

²Application made after the effective date of the identified rule.

[Doc. No. FAA–2005–21693, 72 FR 70505, Dec. 12, 2007]

Subpart B—Enhanced Airworthiness Program for Aging Systems

§ 26.11 Electrical wiring interconnection systems (EWIS) maintenance program.

(a) Except as provided in paragraph (g) of this section, this section applies to transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that, as a result of the original certification, or later increase in capacity, have—

(1) A maximum type-certificated passenger capacity of 30 or more or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) Holders of, and applicants for, type certificates, as identified in paragraph (d) of this section must develop Instructions for Continued Airworthiness (ICA) for the representative airplane's EWIS in accordance with part 25, Appendix H paragraphs H25.5(a)(1) and (b) of this subchapter in effect on December 10, 2007 for each affected type design, and submit those ICA for review and approval by the FAA Oversight Office. For purposes of this section, the

“representative airplane” is the configuration of each model series airplane that incorporates all variations of EWIS used in production on that series airplane, and all TC-holder-designed modifications mandated by airworthiness directive as of the effective date of this rule. Each person specified in paragraph (d) of this section must also review any fuel tank system ICA developed by that person to comply with SFAR 88 to ensure compatibility with the EWIS ICA, including minimizing redundant requirements.

(c) Applicants for amendments to type certificates and supplemental type certificates, as identified in paragraph (d) of this section, must:

(1) Evaluate whether the design change for which approval is sought necessitates a revision to the ICA required by paragraph (b) of this section to comply with the requirements of Appendix H, paragraphs H25.5(a)(1) and (b). If so, the applicant must develop and submit the necessary revisions for review and approval by the FAA Oversight Office.

(2) Ensure that any revised EWIS ICA remain compatible with any fuel tank system ICA previously developed to comply with SFAR 88 and any redundant requirements between them are minimized.

(d) The following persons must comply with the requirements of paragraph (b) or (c) of this section, as applicable, before the dates specified.

(1) Holders of type certificates (TC): December 10, 2009.

(2) Applicants for TCs, and amendments to TCs (including service bulletins describing design changes), if the date of application was before December 10, 2007 and the certificate was issued on or after December 10, 2007: December 10, 2009 or the date the certificate is issued, whichever occurs later.

(3) Unless compliance with §25.1729 of this subchapter is required or elected, applicants for amendments to TCs, if the application was filed on or after December 10, 2007: December 10, 2009, or the date of approval of the certificate, whichever occurs later.

(4) Applicants for supplemental type certificates (STC), including changes to existing STCs, if the date of application was before December 10, 2007 and the certificate was issued on or after December 10, 2007: June 7, 2010, or the date of approval of the certificate, whichever occurs later.

(5) Unless compliance with §25.1729 of this subchapter is required or elected, applicants for STCs, including changes to existing STCs, if the application was filed on or after December 10, 2007, June 7, 2010, or the date of approval of the certificate, whichever occurs later.

(e) Each person identified in paragraphs (d)(1), (d)(2), and (d)(4) of this section must submit to the FAA Oversight Office for approval a compliance plan by March 10, 2008. The compliance plan must include the following information:

(1) A proposed project schedule, identifying all major milestones, for meeting the compliance dates specified in paragraph (d) of this section.

(2) A proposed means of compliance with this section, identifying all required submissions, including all compliance items as mandated in part 25, Appendix H paragraphs H25.5(a)(1) and (b) of this subchapter in effect on December 10, 2007, and all data to be developed to substantiate compliance.

(3) A proposal for submitting a draft of all compliance items required by paragraph (e)(2) of this section for review by the FAA Oversight Office not less than 60 days before the compliance time specified in paragraph (d) of this section.

(4) A proposal for how the approved ICA will be made available to affected persons.

(f) Each person specified in paragraph (e) must implement the compliance plan, or later approved revisions, as approved in compliance with paragraph (e) of this section.

(g) This section does not apply to the following airplane models:

(1) Lockheed L-188

(2) Bombardier CL-44

(3) Mitsubishi YS-11

(4) British Aerospace BAC 1-11

(5) Concorde

(6) deHavilland D.H. 106 Comet 4C

(7) VFW—Vereinigte Flugtechnische Werk VFW-614

(8) Ilyushin Aviation IL 96T

(9) Bristol Aircraft Britannia 305

(10) Handley Page Herald Type 300

(11) Avions Marcel Dassault—Breguet Aviation Mercure 100C

(12) Airbus Caravelle

(13) Lockheed L-300

[Amdt. No. 26-0, 72 FR 63409, Nov. 8, 2007; 72 FR 68618, Dec. 5, 2007]

Subparts C–D [Reserved]

Subpart E—Aging Airplane Safety—Damage Tolerance Data for Repairs and Alterations

Source: Doc. No. FAA–2005–21693, 72 FR 70505, Dec. 12, 2007

§ 26.41 Definitions.

Affects (or Affected) means structure has been physically repaired, altered, or modified, or the structural loads acting on the structure have been increased or redistributed.

Baseline structure means structure that is designed under the original type certificate or amended type certificate for that airplane model.

Damage Tolerance Evaluation (DTE) means a process that leads to a determination of maintenance actions necessary to detect or preclude fatigue cracking that could contribute to a catastrophic failure. As applied to repairs and alterations, a DTE includes the evaluation both of the repair or alteration and of the fatigue critical structure affected by the repair or alteration.

Damage Tolerance Inspection (DTI) means the inspection developed as a result of a DTE. A DTI includes the areas to be inspected, the inspection method, the inspection procedures, including acceptance and rejection criteria, the threshold, and any repeat intervals associated with those inspections. The DTI may specify a time limit when a repair or alteration needs to be replaced or modified. If the DTE concludes that DT-based supplemental structural inspections are not necessary, the DTI contains a statement to that effect.

DT data mean DTE documentation and the DTI.

DTE documentation means data that identify the evaluated fatigue critical structure, the basic assumptions applied in a DTE, and the results of a DTE.

Fatigue critical structure means airplane structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure, as determined in accordance with §25.571 of this chapter. Fatigue critical structure includes structure, which, if repaired or altered, could be susceptible to fatigue cracking and contribute to a catastrophic failure. Such structure may be part of the baseline structure or part of an alteration.

Implementation schedule consists of documentation that establishes the timing for accomplishing the necessary actions for developing DT data for repairs and alterations, and for incorporating those data into an operator's continuing airworthiness maintenance program. The documentation must identify times when actions must be taken as specific numbers of airplane flight hours, flight cycles, or both.

Published repair data mean instructions for accomplishing repairs, which are published for general use in structural repair manuals and service bulletins (or equivalent types of documents).

§ 26.43 Holders of and applicants for type certificates—Repairs.

(a) *Applicability.* Except as specified in paragraph (g) of this section, this section applies to transport category, turbine powered airplane models with a type certificate issued after January 1, 1958, that as a result of original type certification or later increase in capacity have—

- (1) A maximum type certificated passenger seating capacity of 30 or more; or
- (2) A maximum payload capacity of 7,500 pounds or more.

(b) *List of fatigue critical baseline structure.* For airplanes specified in paragraph (a) of this section, the holder of or applicant for a type certificate must—

- (1) Identify fatigue critical baseline structure for all airplane model variations and derivatives approved under the type certificate; and
- (2) Develop and submit to the FAA Oversight Office for review and approval, a list of the structure identified under paragraph (b)(1) of this section and, upon approval, make the list available to persons required to comply with §26.47 and §§121.1109 and 129.109 of this chapter.

(c) *Existing and future published repair data.* For repair data published by a holder of a type certificate that is current as of January 11, 2008 and for all later published repair data, the holder of a type certificate must—

- (1) Review the repair data and identify each repair specified in the data that affects fatigue critical baseline structure identified under paragraph (b)(1) of this section;
- (2) Perform a DTE and develop the DTI for each repair identified under paragraph (c)(1) of this section, unless previously accomplished;
- (3) Submit the DT data to the FAA Oversight Office or its properly authorized designees for review and approval; and
- (4) Upon approval, make the DTI available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(d) *Future repair data not published.* For repair data developed by a holder of a type certificate that are approved after January 11, 2008 and are not published, the type certificate holder must accomplish the following for repairs specified in the repair data that affect fatigue critical baseline structure:

(1) Perform a DTE and develop the DTI.

(2) Submit the DT data required in paragraph (d)(1) of this section for review and approval by the FAA Oversight Office or its properly authorized designees.

(3) Upon approval, make the approved DTI available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(e) *Repair Evaluation Guidelines*. The holder of a type certificate for each airplane model subject to this section must—

(1) Develop repair evaluation guidelines for operators' use that include—

(i) A process for conducting surveys of affected airplanes that will enable identification and documentation of all existing repairs that affect fatigue critical baseline structure identified under paragraph (b)(1) of this section and §26.45(b)(2);

(ii) A process that will enable operators to obtain the DTI for repairs identified under paragraph (e)(1)(i) of this section; and

(iii) An implementation schedule for repairs covered by the repair evaluation guidelines. The implementation schedule must identify times when actions must be taken as specific numbers of airplane flight hours, flight cycles, or both.

(2) Submit the repair evaluation guidelines to the FAA Oversight Office for review and approval.

(3) Upon approval, make the guidelines available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(4) If the guidelines direct the operator to obtain assistance from the holder of a type certificate, make such assistance available in accordance with the implementation schedule.

(f) *Compliance times*. Holders of type certificates must submit the following to the FAA Oversight Office or its properly authorized designees for review and approval by the specified compliance time:

(1) The identified list of fatigue critical baseline structure required by paragraph (b)(2) of this section must be submitted no later than 180 days after January 11, 2008 or before issuance of the type certificate, whichever occurs later.

(2) For published repair data that are current as of January 11, 2008, the DT data required by paragraph (c)(3) of this section must be submitted by June 30, 2009.

(3) For repair data published after January 11, 2008, the DT data required by paragraph (c)(3) of this section must be submitted before FAA approval of the repair data.

(4) For unpublished repair data developed after January 11, 2008, the DT data required by paragraph (d)(1) of this section must be submitted within 12 months of the airplane's return to service or in accordance with a schedule approved by the FAA Oversight Office.

(5) The repair evaluation guidelines required by paragraph (e)(1) of this section must be submitted by December 30, 2009.

(g) *Exceptions.* The requirements of this section do not apply to the following transport category airplane models:

(1) Convair CV-240, 340, 440, if modified to include turbine engines.

(2) Vickers Armstrong Viscount, TCDS No. A-814.

(3) Douglas DC-3, if modified to include turbine engines, TCDS No. A-618.

(4) Bombardier CL-44, TCDS No. 1A20.

(5) Mitsubishi YS-11, TCDS No. A1PC.

(6) British Aerospace BAC 1-11, TCDS No. A5EU.

(7) Concorde, TCDS No. A45EU.

(8) deHavilland D.H. 106 Comet 4C, TCDS No. 7A10.

(9) deHavilland DHC-7, TCDS No. A20EA.

(10) VFW-Vereinigte Flugtechnische Werk VFW-614, TCDS No. A39EU.

(11) Ilyushin Aviation IL 96T, TCDS No. A54NM.

(12) Bristol Aircraft Britannia 305, TCDS No. 7A2.

(13) Handley Page Herald Type 300, TCDS No. A21N.

(14) Avions Marcel Dassault—Breguet Aviation Mercure 100C, TCDS No. A40EU.

(15) Airbus Caravelle, TCDS No. 7A6.

(16) Lockheed L-300, TCDS No. A2S0.

(17) Boeing 707-100/-200, TCDS No. 4A21.

(18) Boeing 707-300/-400, TCDS No. 4A26.

(19) Boeing 720, TCDS No. 4A28.

§ 26.45 Holders of type certificates—Alterations and repairs to alterations.

(a) *Applicability.* This section applies to transport category airplanes subject to §26.43.

(b) *Fatigue critical alteration structure.* For existing and future alteration data developed by the holder of a type certificate, the holder must—

(1) Review existing alteration data and identify all alterations that affect fatigue critical baseline structure identified under §26.43(b)(1);

(2) For each alteration identified under paragraph (b)(1) of this section, identify any fatigue critical alteration structure;

(3) Develop and submit to the FAA Oversight Office for review and approval a list of the structure identified under paragraph (b)(2) of this section; and

(4) Upon approval, make the list required in paragraph (b)(3) of this section available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(c) *DT Data.* For existing and future alteration data developed by the holder of a type certificate that affect fatigue critical baseline structure identified under §26.43(b)(1), unless previously accomplished, the holder must—

(1) Perform a DTE and develop the DTI for the alteration and fatigue critical baseline structure that is affected by the alteration;

(2) Submit the DT data developed in accordance with paragraphs (c)(1) of this section to the FAA Oversight Office or its properly authorized designees for review and approval; and

(3) Upon approval, make the DTI available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(d) *DT Data for Repairs Made to Alterations.* For existing and future repair data developed by a holder of a type certificate, the type certificate holder must—

(1) Review the repair data, and identify each repair that affects any fatigue critical alteration structure identified under paragraph (b)(2) of this section;

(2) For each repair identified under paragraph (d)(1) of this section, unless previously accomplished, perform a DTE and develop DTI;

(3) Submit the DT data developed in accordance with paragraph (d)(2) of this section to the FAA Oversight Office or its properly authorized designees for review and approval; and

(4) Upon approval, make the DTI available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(e) *Compliance times.* Holders of type certificates must submit the following to the FAA Oversight Office or its properly authorized designees for review and approval by the specified compliance time:

(1) The list of fatigue critical alteration structure identified under paragraph (b)(3) of this section must be submitted no later than 360 days after January 11, 2008.

(2) For alteration data developed and approved before January 11, 2008, the DT data required by paragraph (c)(2) of this section must be submitted by June 30, 2009.

(3) For alteration data approved on or after January 11, 2008, DT data required by paragraph (c)(2) of this section must be submitted before initial approval of the alteration data.

(4) For repair data developed and approved before January 11, 2008, the DT data required by paragraph (d)(2) of this section must be submitted by June 30, 2009.

(5) For repair data developed and approved after January 11, 2008, the DT data required by paragraph (d)(2) of this section must be submitted within 12 months after initial approval of the repair data and before making the DT data available to persons required to comply with §§121.1109 and 129.109 of this chapter.

§ 26.47 Holders of and applicants for a supplemental type certificate—Alterations and repairs to alterations.

(a) *Applicability.* This section applies to transport category airplanes subject to §26.43.

(b) *Fatigue critical alteration structure.* For existing structural alteration data approved under a supplemental certificate, the holder of the supplemental certificate must—

(1) Review the alteration data and identify all alterations that affect fatigue critical baseline structure identified under §26.43(b)(1);

(2) For each alteration identified under paragraph (b)(1) of this section, identify any fatigue critical alteration structure;

(3) Develop and submit to the FAA Oversight Office for review and approval a list of the structure identified under paragraph (b)(2) of this section; and

(4) Upon approval, make the list required in paragraph (b)(3) of this section available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(c) *DT Data.* For existing and future alteration data developed by the holder of a supplemental type certificate that affect fatigue critical baseline structure identified under §26.43(b)(1), unless previously accomplished, the holder of a supplemental type certificate must—

(1) Perform a DTE and develop the DTI for the alteration and fatigue critical baseline structure that is affected by the alteration;

(2) Submit the DT data developed in accordance with paragraphs (c)(1) of this section to the FAA Oversight Office or its properly authorized designees for review and approval; and

(3) Upon approval, make the DTI available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(d) *DT Data for Repairs Made to Alterations.* For existing and future repair data developed by the holder of a supplemental holder of a supplemental type certificate, the holder of a supplemental type certificate must—

(1) Review the repair data, and identify each repair that affects any fatigue critical alteration structure identified under paragraph (b)(2) of this section;

(2) For each repair identified under paragraph (d)(1) of this section, unless previously accomplished, perform a DTE and develop DTI;

(3) Submit the DT data developed in accordance with paragraph (d)(2) of this section to the FAA Oversight Office or its properly authorized designees for review and approval; and

(4) Upon approval, make the DTI available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(e) *Compliance times.* Holders of supplemental type certificates must submit the following to the FAA Oversight Office or its properly authorized designees for review and approval by the specified compliance time:

(1) The list of fatigue critical alteration structure required by paragraph (b)(3) of this section must be submitted no later than 360 days after January 11, 2008.

(2) For alteration data developed and approved before January 11, 2008, the DT data required by paragraph (c)(2) of this section must be submitted by June 30, 2009.

(3) For alteration data developed after January 11, 2008, the DT data required by paragraph (c)(2) of this section must be submitted before approval of the alteration data and making it available to persons required to comply with §§121.1109 and 129.109 of this chapter.

(4) For repair data developed and approved before January 11, 2008, the DT data required by paragraph (d)(2) of this section must be submitted by June 30, 2009.

(5) For repair data developed and approved after January 11, 2008, the DT data required by paragraph (d)(2) of this section, must be submitted within 12 months after initial approval of the repair data and before making the DT data available to persons required to comply with §§121.1109 and 129.109 of this chapter.

§ 26.49 Compliance plan.

(a) *Compliance plan.* Except for applicants for type certificates and supplemental type certificates whose applications are submitted after January 11, 2008, each person identified in §§26.43, 26.45, and 26.47, must submit a compliance plan consisting of the following:

(1) A project schedule identifying all major milestones for meeting the compliance times specified in §§26.43(f), 26.45(e), and 26.47(e), as applicable.

(2) A proposed means of compliance with §§26.43, 26.45, and 26.47, as applicable.

(3) A plan for submitting a draft of all compliance items required by this subpart for review by the FAA Oversight Office not less than 60 days before the applicable compliance date.

(b) *Compliance dates for compliance plans.* The following persons must submit the compliance plan described in paragraph (a) of this section to the FAA Oversight Office for approval on the following schedule:

(1) For holders of type certificates, no later than 90 days after January 11, 2008.

(2) For holders of supplemental type certificates no later than 180 days after January 11, 2008.

(3) For applicants for changes to type certificates whose application are submitted before January 11, 2008, no later than 180 days after January 11, 2008.

(c) *Compliance Plan Implementation.* Each affected person must implement the compliance plan as approved in compliance with paragraph (a) of this section.