



# REGULAMENTO BRASILEIRO DA AVIAÇÃO CIVIL

**RBAC nº 26**

**EMENDA nº 02**

---

**Título:** **AERONAVEGABILIDADE CONTINUADA E  
MELHORIAS NA SEGURANÇA PARA AVIÕES  
CATEGORIA TRANSPORTE.**

---

**Aprovação:** Resolução ANAC nº xx, de xx de xxxxxxxx de 2009 **Origem:** SAR

---

## SUMÁRIO

26.00 Requisitos da adoção

APÊNDICE A-I DO RBAC 26 – REPUBLICAÇÃO DO 14 CFR PART 26, EMENDA 26-02, ADOTADO PELO RBAC 26

## 26.00 Requisitos da adoção

### (a) Geral

Para a aeronavegabilidade continuada e melhorias na segurança para aviões categoria transporte, será adotado integralmente, na língua inglesa, o regulamento **Title 14 Code of Federal Regulations Part 26**, Emenda 26-02, efetiva em 19 de setembro de 2008, da autoridade de aviação civil, **Federal Aviation Administration – FAA**, do **Department of Transportation** dos Estados Unidos da América, o qual é republicado no Apêndice A-I deste RBAC a partir do original contido no sítio oficial de publicação do regulamento adotado em pauta: <http://ecfr.gpoaccess.gov>.

### (b) Divergência editorial

Qualquer divergência editorial contida no Apêndice A-I decorrente da republicação ali contida e o texto original deverá prevalecer, mediante anuência da ANAC, o texto original.

### (c) Republicação

Sempre que houver emenda no regulamento **14 Code of Federal Regulations Part 27**, a ANAC republicará o texto do regulamento adotado na forma do Apêndice A-I, por meio de emendas a este RBAC.

### (d) Emenda deste RBAC

Especificamente para este RBAC a indicação de sua emenda também é através da adoção da emenda do regulamento adotado e republicado no Apêndice A-I deste RBAC, portanto seguindo a indicação da emenda do regulamento adotado e indicado no parágrafo (a) desta seção.

### (e) Modificações em relação ao 14 CFR Part 26

No Apêndice A-I, onde se lê **FAA Oversight Office** leia-se **ANAC**. Não se aplica a seção **26.3 Definitions**.

### (f) Datas de efetividade

As datas de efetividade contidas no **14 CFR Part 26**, reproduzido no Apêndice A-I deste regulamento, devem ser substituídas conforme a Tabela 1 que segue.

**TABELA 1 – DATAS DE EFETIVIDADES**

Data do <b>14 CFR part 26</b>	Data do RBAC 26 *
Onde se lê 10 de dezembro de 2007 (emenda 26-0)	Leia-se 4/6/2009
Onde se lê 11 de janeiro de 2008 (emenda 26-1)	Leia-se 4/6/2009
Onde se lê 19 de setembro de 2008 (emenda 26-2)	Leia-se 4/6/2009
Onde se lê 10 de março de 2008	Leia-se 3/9/2009
Onde se lê 10 de dezembro de 2009	Leia-se 5/6/2011
Onde se lê 7 de junho de 2010	Leia-se 1/12/2011
Onde se lê 20 de setembro de 2010	Leia-se 5/6/2011
Onde se lê 21 de março de 2011	Leia-se 4/12/2011
Onde se lê 19 de setembro de 2012	Leia-se 4/6/2013
Onde se lê 18 de dezembro de 2008	Leia-se 2/9/2009
Onde se lê 19 de novembro de 2010	Leia-se 4/8/2011
Onde se lê 19 de maio de 2011	Leia-se 1/2/2012
Onde se lê 30 de junho de 2009	Leia-se 22/11/2010
Onde se lê 30 de dezembro de 2009	Leia-se 24/5/2011

\* As datas serão alteradas em função da data de publicação do RBAC 26 no DOU.

---

**APÊNDICE A-I DO RBAC 26**  
**REPUBLICAÇÃO DO 14 CFR PART 26, EMENDA 26-02, ADOTADO PELO RBAC 26**

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

**Subpart A—General**

- § 26.1 Purpose and scope.
- § 26.3 Definitions.
- § 26.5 Applicability Table.

**Subpart B—Enhanced Airworthiness Program for Airplane Systems**

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

**Subpart C [Reserved]**

**Subpart D—Fuel Tank Flammability**

- § 26.31 Definitions.
- § 26.33 Holders of type certificates: Fuel tank flammability.
- § 26.35 Changes to type certificates affecting fuel tank flammability.
- § 26.37 Pending type certification projects: Fuel tank flammability.
- § 26.39 Newly produced airplanes: Fuel tank flammability.

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

- § 26.41 Definitions.
- § 26.43 Holders of and applicants for type certificates—Repairs.
- § 26.45 Holders of type certificates—Alterations and repairs to alterations.
- § 26.47 Holders of and applicants for a supplemental type certificate—Alterations and repairs to alterations.

---

## § 26.49 Compliance plan.

---

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702 and 44704.

**Source:** Docket No. FAA–2004–18379, Amdt. No.26–0, 72 FR 63409, Nov. 8, 2007, unless otherwise noted.

### 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 of the applicability of this part. It provides guidance in identifying what sections apply to various types of entities. The specific applicability of each subpart and section is specified in the regulatory text.

**Table 1.—Applicability of Part 26 Rules**

Effective date of rule	Applicable sections		
	Subpart B EAPAS/FTS	Subpart D fuel tank flammability	Subpart E damage tolerance data
	December 10, 2007	September 19, 2008	January 11, 2008
Existing <sup>1</sup> TC Holders	26.11	26.33	26.43, 26.45, 26.49
Pending <sup>1</sup> TC Applicants	26.11	26.37	26.43, 26.45
Existing <sup>1</sup> STC Holders	N/A	26.35	26.47, 26.49
Pending <sup>1</sup> STC/ATC Appli- cants	26.11	26.35	26.45, 26.47, 26.49
Future <sup>2</sup> STC/ATC Appli- cants	26.11	26.35	26.45, 26.47, 26.49
Manufacturers	N/A	26.39	N/A

<sup>1</sup>As of the effective date of the identified rule.

<sup>2</sup>Application made after the effective date of the identified rule.

[Doc. No. FAA–2005–22997, 73 FR 42498, July 21, 2008]

**Subpart B—Enhanced Airworthiness Program for Airplane 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]

### **Subpart C [Reserved]**

### **Subpart D—Fuel Tank Flammability**

**Source:** Doc. No. FAA-2005-22997, 73 FR 42499, July 21, 2008]

### **§ 26.31 Definitions.**

For purposes of this subpart—



(a) *Fleet Average Flammability Exposure* has the meaning defined in Appendix N of part 25 of this chapter.

(b) *Normally Emptied* means a fuel tank other than a Main Fuel Tank. Main Fuel Tank is defined in 14 CFR 25.981(b).

### § 26.33 Holders of type certificates: Fuel tank flammability.

(a) *Applicability* . This section applies to U.S. type certificated transport category, turbine-powered airplanes, other than those designed solely for all-cargo operations, for which the State of Manufacture issued the original certificate of airworthiness or export airworthiness approval on or after January 1, 1992, that, as a result of original type 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) *Flammability Exposure Analysis* . (1) *General* . Within 150 days after September 19, 2008, holders of type certificates must submit for approval to the FAA Oversight Office a flammability exposure analysis of all fuel tanks defined in the type design, as well as all design variations approved under the type certificate that affect flammability exposure. This analysis must be conducted in accordance with Appendix N of part 25 of this chapter.

(2) *Exception* . This paragraph (b) does not apply to—

(i) Fuel tanks for which the type certificate holder has notified the FAA under paragraph (g) of this section that it will provide design changes and service instructions for Flammability Reduction Means or an Ignition Mitigation Means (IMM) meeting the requirements of paragraph (c) of this section.

(ii) Fuel tanks substantiated to be conventional unheated aluminum wing tanks.

(c) *Design Changes* . For fuel tanks with a Fleet Average Flammability Exposure exceeding 7 percent, one of the following design changes must be made.

(1) *Flammability Reduction Means (FRM)*. A means must be provided to reduce the fuel tank flammability.

(i) Fuel tanks that are designed to be Normally Emptied must meet the flammability exposure criteria of Appendix M of part 25 of this chapter if any portion of the tank is located within the fuselage contour.

(ii) For all other fuel tanks, the FRM must meet all of the requirements of Appendix M of part 25 of this chapter, except, instead of complying with paragraph M25.1 of this appendix, the Fleet Average Flammability Exposure may not exceed 7 percent.

(2) *Ignition Mitigation Means (IMM)* . A means must be provided to mitigate the effects of an ignition of fuel vapors within the fuel tank such that no damage caused by an ignition will prevent continued safe flight and landing.

(d) *Service Instructions*. No later than September 20, 2010, holders of type certificates required by paragraph (c) of this section to make design changes must meet the requirements specified in either paragraph (d)(1) or (d)(2) of this section. The required service instructions must identify each airplane subject to the applicability provisions of paragraph (a) of this section.

(1) *FRM*. The type certificate holder must submit for approval by the FAA Oversight Office design changes and service instructions for installation of fuel tank flammability reduction means (FRM) meeting the criteria of paragraph (c) of this section.

(2) *IMM*. The type certificate holder must submit for approval by the FAA Oversight Office design changes and service instructions for installation of fuel tank IMM that comply with 14 CFR 25.981(c) in effect on September 19, 2008.

(e) *Instructions for Continued Airworthiness (ICA)*. No later than September 20, 2010, holders of type certificates required by paragraph (c) of this section to make design changes must submit for approval by the FAA Oversight Office, critical design configuration control limitations (CDCCL), inspections, or other procedures to prevent increasing the flammability exposure of any tanks equipped with FRM above that permitted under paragraph (c)(1) of this section and to prevent degradation of the performance of any IMM provided under paragraph (c)(2) of this section. These CDCCL, inspections, and procedures must be included in the Airworthiness Limitations Section (ALS) of the ICA required by 14 CFR 25.1529 or paragraph (f) of this section. Unless shown to be impracticable, visible means to identify critical features of the design must be placed in areas of the airplane where foreseeable maintenance actions, repairs, or alterations may compromise the critical design configuration limitations. These visible means must also be identified as a CDCCL.

(f) *Airworthiness Limitations*. Unless previously accomplished, no later than September 20, 2010, holders of type certificates affected by this section must establish an ALS of the maintenance manual or ICA for each airplane configuration evaluated under paragraph (b)(1) of this section and submit it to the FAA Oversight Office for approval. The ALS must include a section that contains the CDCCL, inspections, or other procedures developed under paragraph (e) of this section.

(g) *Compliance Plan for Flammability Exposure Analysis*. Within 90 days after September 19, 2008, each holder of a type certificate required to comply with paragraph (b) of this section must submit to the FAA Oversight Office a compliance plan consisting of the following:

(1) A proposed project schedule for submitting the required analysis, or a determination that compliance with paragraph (b) of this section is not required because design changes and service instructions for FRM or IMM will be developed and made available as required by this section.

(2) A proposed means of compliance with paragraph (b) of this section, if applicable.

(h) *Compliance Plan for Design Changes and Service Instructions*. Within 210 days after September 19, 2008, each holder of a type certificate required to comply with paragraph (d) of this section must submit to the FAA Oversight Office a compliance plan consisting of the following:

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

(2) A proposed means of compliance with paragraphs (d), (e) and (f) of this section.

(3) A proposal for submitting a draft of all compliance items required by paragraphs (d), (e) and (f) of this section for review by the FAA Oversight Office not less than 60 days before the compliance times specified in those paragraphs.

(4) A proposal for how the approved service information and any necessary modification parts will be made available to affected persons.

(i) Each affected type certificate holder must implement the compliance plans, or later revisions, as approved under paragraph (g) and (h) of this section.

### **§ 26.35 Changes to type certificates affecting fuel tank flammability.**

(a) *Applicability.* This section applies to holders and applicants for approvals of the following design changes to any airplane subject to 14 CFR 26.33(a):

(1) Any fuel tank designed to be Normally Emptied if the fuel tank installation was approved pursuant to a supplemental type certificate or a field approval before September 19, 2008;

(2) Any fuel tank designed to be Normally Emptied if an application for a supplemental type certificate or an amendment to a type certificate was made before September 19, 2008 and if the approval was not issued before September 19, 2008; and

(3) If an application for a supplemental type certificate or an amendment to a type certificate is made on or September 19, 2008, any of the following design changes:

(i) Installation of a fuel tank designed to be Normally Emptied,

(ii) Changes to existing fuel tank capacity, or

(iii) Changes that may increase the flammability exposure of an existing fuel tank for which FRM or IMM is required by §26.33(c).

(b) *Flammability Exposure Analysis* — (1) *General.* By the times specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this section, each person subject to this section must submit for approval a flammability exposure analysis of the auxiliary fuel tanks or other affected fuel tanks, as defined in the type design, to the FAA Oversight Office. This analysis must be conducted in accordance with Appendix N of part 25 of this chapter.

(i) Holders of supplemental type certificates and field approvals: Within 12 months of September 19, 2008,

(ii) Applicants for supplemental type certificates and for amendments to type certificates: Within 12 months after September 19, 2008, or before the certificate is issued, whichever occurs later.

(2) *Exception.* This paragraph does not apply to—

(i) Fuel tanks for which the type certificate holder, supplemental type certificate holder, or field approval holder has notified the FAA under paragraph (f) of this section that it will provide design changes and service instructions for an IMM meeting the requirements of §25.981(c) in effect September 19, 2008; and

(ii) Fuel tanks substantiated to be conventional unheated aluminum wing tanks.

(c) *Impact Assessment* . By the times specified in paragraphs (c)(1) and (c)(2) of this section, each person subject to paragraph (a)(1) of this section holding an approval for installation of a Normally Emptied fuel tank on an airplane model listed in Table 1 of this section, and each person subject to paragraph (a)(3)(iii) of this section, must submit for approval to the FAA Oversight Office an assessment of the fuel tank system, as modified by their design change. The assessment must identify any features of the design change that compromise any critical design configuration control limitation (CDCCL) applicable to any airplane on which the design change is eligible for installation.

(1) Holders of supplemental type certificates and field approvals: Before March 21, 2011.

(2) Applicants for supplemental type certificates and for amendments to type certificates: Before March 21, 2011 or before the certificate is issued, whichever occurs later.

**Table 1**

<b>Model—Boeing</b>
747 Series
737 Series
777 Series
767 Series
757 Series
<b>Model—Airbus</b>
A318, A319, A320, A321 Series
A300, A310 Series
A330, A340 Series

(d) *Design Changes and Service Instructions*. By the times specified in paragraph (e) of this section, each person subject to this section must meet the requirements of paragraphs (d)(1) or (d)(2) of this section, as applicable.

(1) For holders and applicants subject to paragraph (a)(1) or (a)(3)(iii) of this section, if the assessment required by paragraph (c) of this section identifies any features of the design change that compromise any CDCCL applicable to any airplane on which the design change is eligible for installation, the holder or applicant must submit for approval by the FAA Oversight Office design changes and service instructions for Flammability Impact Mitigation Means (FIMM) that would bring the design change into compliance with the CDCCL. Any fuel tank modified as required by this paragraph must also be evaluated as required by paragraph (b) of this section.

(2) Applicants subject to paragraph (a)(2), or (a)(3)(i) of this section must comply with the requirements of 14 CFR 25.981, in effect on September 19, 2008.

(3) Applicants subject to paragraph (a)(3)(ii) of this section must comply with the requirements of 14 CFR 26.33.

(e) *Compliance Times for Design Changes and Service Instructions.* The following persons subject to this section must comply with the requirements of paragraph (d) of this section at the specified times.

(1) Holders of supplemental type certificates and field approvals: Before September 19, 2012.

(2) Applicants for supplemental type certificates and for amendments to type certificates: Before September 19, 2012, or before the certificate is issued, whichever occurs later.

(f) *Compliance Planning.* By the applicable date specified in Table 2 of this section, each person subject to paragraph (a)(1) of this section must submit for approval by the FAA Oversight Office compliance plans for the flammability exposure analysis required by paragraph (b) of this section, the impact assessment required by paragraph (c) of this section, and the design changes and service instructions required by paragraph (d) of this section. Each person's compliance plans must include the following:

(1) A proposed project schedule for submitting the required analysis or impact assessment.

(2) A proposed means of compliance with paragraph (d) of this section.

(3) For the requirements of paragraph (d) of this section, a proposal for submitting a draft of all design changes, if any are required, and Airworthiness Limitations (including CDCCLs) for review by the FAA Oversight Office not less than 60 days before the compliance time specified in paragraph (e) of this section.

(4) For the requirements of paragraph (d) of this section, a proposal for how the approved service information and any necessary modification parts will be made available to affected persons.

**Table 2.—Compliance Planning Dates**

	<b>Flammability exposure analysis plan</b>	<b>Impact assessment plan</b>	<b>Design changes and service instructions plan</b>
STC and Field Approval Holders	December 18, 2008	November 19, 2010	May 19, 2011.

(g) Each person subject to this section must implement the compliance plans, or later revisions, as approved under paragraph (f) of this section.

### **§ 26.37 Pending type certification projects: Fuel tank flammability.**

(a) *Applicability.* This section applies to any new type certificate for a transport category airplane, if the application was made before September 19, 2008, and if the certificate was not issued September 19, 2008. This section applies only if the airplane would 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) If the application was made on or after June 6, 2001, the requirements of 14 CFR 25.981 in effect on September 19, 2008, apply.

**§ 26.39 Newly produced airplanes: Fuel tank flammability.**

(a) *Applicability:* This section applies to Boeing model airplanes specified in Table 1 of this section, including passenger and cargo versions of each model, when application is made for original certificates of airworthiness or export airworthiness approvals after September 20, 2010.

**Table 1**

<b>Model—Boeing</b>
747 Series
737 Series
777 Series
767 Series

(b) Any fuel tank meeting all of the criteria stated in paragraphs (b)(1), (b)(2) and (b)(3) of this section must have flammability reduction means (FRM) or ignition mitigation means (IMM) that meet the requirements of 14 CFR 25.981 in effect on September 19, 2008.

- (1) The fuel tank is Normally Emptied.
- (2) Any portion of the fuel tank is located within the fuselage contour.
- (3) The fuel tank exceeds a Fleet Average Flammability Exposure of 7 percent.

(c) All other fuel tanks that exceed an Fleet Average Flammability Exposure of 7 percent must have an IMM that meets 14 CFR 25.981(d) in effect on September 19, 2008, or an FRM that meets all of the requirements of Appendix M to this part, except instead of complying with paragraph M25.1 of that appendix, the Fleet Average Flammability Exposure may not exceed 7 percent.

**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.