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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 December 26, 2008.

(e) *Instructions for Continued Airworthiness (ICA)*. No later than December 27, 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 December 27, 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 December 26, 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 December 26, 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.

[Doc. No. FAA–2005–22997, 73 FR 42499, July 21, 2008, as amended by Amdt. 26–3, 74 FR 31619, July 2, 2009]

**§ 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 December 26, 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 December 26, 2008 and if the approval was not issued before December 26, 2008; and

(3) If an application for a supplemental type certificate or an amendment to a type certificate is made on or after December 26, 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 December 26, 2008,

(ii) Applicants for supplemental type certificates and for amendments to type certificates: Within 12 months after December 26, 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 December 26, 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 June 26, 2011.

(2) Applicants for supplemental type certificates and for amendments to type certificates: Before June 26, 2011 or before the certificate is issued, whichever occurs later.

TABLE 1

Model—Boeing
747 Series
737 Series
777 Series
767 Series
757 Series
Model—Airbus
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

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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 December 26, 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 December 26, 2012.

(2) Applicants for supplemental type certificates and for amendments to type certificates: Before December 26, 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

	Flammability exposure analysis plan	Impact assessment plan	Design changes and service instructions plan
STC and Field Approval Holders.	March 26, 2009 .....	February 26, 2011 .....	August 26, 2011.

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

[Doc. No. FAA–2005–22997, 73 FR 42499, July 21, 2008, as amended by Amdt. 26–3, 74 FR 31619, July 2, 2009]

**§ 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 December 26, 2008, and if the certificate was not issued before December 26, 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 December 26, 2008, apply.

[Doc. No. FAA–2005–22997, 73 FR 42499, July 21, 2008, as amended by Amdt. 26–3, 74 FR 31619, July 2, 2009]