

Federal Aviation Administration, DOT

§ 26.5

26.39 Newly produced airplanes: Fuel tank flammability.

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

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

SOURCE: Docket No. FAA-2004-18379, 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	Subpart D	Subpart E
	EAPAS/FTS	Fuel tank flammability	Damage tolerance data
	December 10, 2007	December 26, 2008	January 11, 2008
Existing ¹ TC Holders	26.11	26.33	26.43, 26.45, 26.49
Pending ¹ TC Applicants	26.11	26.37	26.43, 26.45
Existing ¹ STC Holders	N/A	26.35	26.47, 26.49
Pending ¹ STC/ATC Applicants	26.11	26.35	26.45, 26.47, 26.49
Future ² STC/ATC Applicants	26.11	26.35	26.45, 26.47, 26.49
Manufacturers	N/A	26.39	N/A

¹ As of the effective date of the identified rule.

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

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[Doc. No. FAA-2005-22997, 74 FR 31618, July 2, 2009]

EFFECTIVE DATE NOTE: By Doc. No. FAA-2006-24282, Nov. 15, 2010, § 26.5 was revised, effective Jan. 14, 2011. For the convenience of the user, the revised text is set forth as follows:

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§ 26.5 Applicability table.

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TABLE 1—APPLICABILITY OF PART 26 RULES

	Applicable sections				
	Subpart B EAPAS/FTS	Subpart C widespread fatigue damage	Subpart D fuel tank flammability	Subpart E damage tolerance data	
Effective date of rule	December 10, 2007	January 14, 2011	December 26, 2008	January 11, 2008	
Existing ¹ TC Holders	26.11	26.21	26.33	26.43, 26.45, 26.49	
Pending ¹ TC Applicants	26.11	26.21	26.37	26.43, 26.45	
Future ² TC applicants	N/A	N/A	N/A	26.43	
Existing ¹ STC Holders	N/A	26.21	26.35	26.47, 26.49	
Pending ¹ STC/ATC applicants	26.11	26.21	26.35	26.45, 26.47, 26.49	
Future ² STC/ATC applicants	26.11	26.21	26.35	26.45, 26.47, 26.49	
Manufacturers	N/A	N/A	26.39	N/A	

¹ As of the effective date of the identified rule.

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