

SUMMARY OF RESPONSES TO NPRM DGTA 02-11

TECHNICAL AIRWORTHINESS DIRECTIVES AND TECHNICAL AIRWORTHINESS ADVISORY CIRCULARS

INTRODUCTION

- General.** Readers should note that this Summary of Responses outlines DGTA's agreed policy and intended regulation changes and finalises the public consultation process in respect of this NPRM. Only under extreme or unusual circumstances will DGTA consider views or arguments opposing the views expressed in the Summary of Responses. Any member of the public having views or arguments to support an appeal against the decisions documented in this Summary of Responses may petition DGTA to consider such an appeal.
- Background.** On 09 Jun 11, DGTA-ADF released NPRM DGTA 02-11 for comment. The period for public comment on the proposals contained in this NPRM closed on 15 Jul 11.
- DGTA-ADF received nine substantive and comprehensive responses to the NPRM. The quality of comments received was excellent. As a consequence, deficiencies in the proposed regulation changes have been identified and inconsistencies in approach have been highlighted. This Summary of Responses discusses those comments, and provides a DGTA response and disposition. A list of respondents who have consented to their names being published is attached at Annex A.
- DGTA-ADF would like to thank everyone who has taken the time to respond to the NPRM. The final regulation changes when released will, to the greatest extent possible, reflect the content of comments received.

ANALYSIS OF COMMENTS

General

- The disposition of Comments is shown in Figure 1.

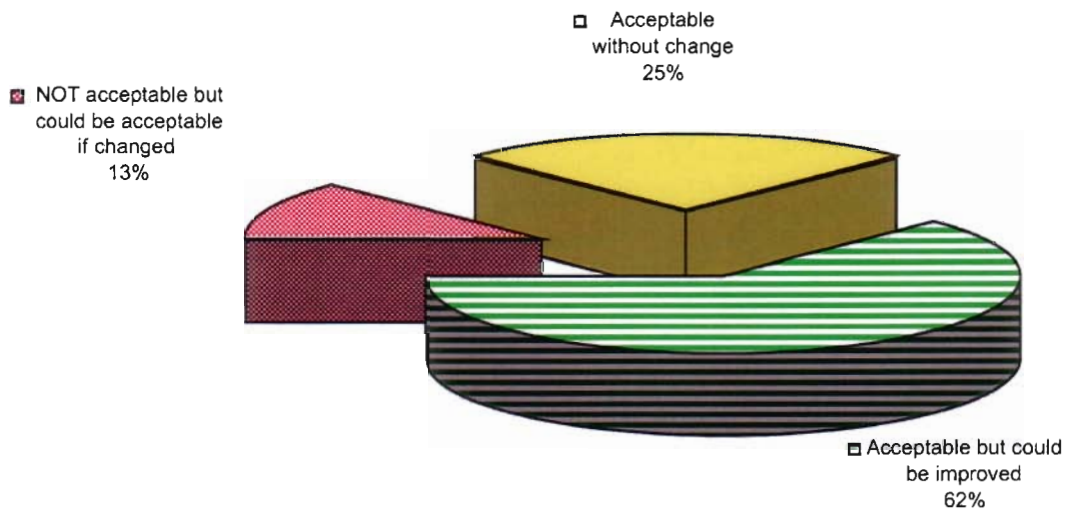


Figure 1

- All comments received were evaluated and where appropriate, suggestions will be incorporated and changes made. Comments of a general nature are addressed collectively in this summary of responses rather than individually.

7. Editorial and typographical errors will be corrected. Guidance material to support the new regulations is currently being produced by DGTA-ADF staff. This material will be issued as an amendment to Section 3 of the TAMM.

Comment 1

8. **TAREG 1.1.5.a** - Clarify who the TAR authorised delegates are. Suggest use same or similar words from current Reg to define authorised delegate. Current TAMM Reg 1.1.5.a. defines authorised delegates as "either an ASR or authorised members of the TAR's staff". Annex B Para 1 suggests ASRs are authorised delegates.

9. **DGTA Response.** The TAREG is not intended to disclose who the TAR's authorised delegates are. DGTA-ADF Instruction - DGTA (I) TECH 4-1 and/or a delegate's authorisation instrument will disclose who has authority to act on behalf of the TAR.

10. **Disposition.** The TAREG and guidance material will continue to refer only to the 'TAR or an authorised delegate'.

Comment 2

11. **TAREG 3.3.11.a.(3)** - Para confusing as Reg talks about ASRs and COEs. Suggest a new sub para to define ASR authorisation. ALSLMU is a COE for Aeronautical Life Support Equipment (ALSE) and SDE ALSLMU is the ASR for ALSE. A COE is not necessarily an ASR. Does the proposed amendment mean that COEs can issue TADs and TAACs provided they are authorised by the TAR, however an ASR (as a TAR delegate) can issue the same without TAR authorisation?

12. **TAREG 3.3.11.a.(3)(i)** - The guidance states that TAACs are authorised by the TAR or delegate. This sub-paragraph does not appear to allow for a delegate.

13. **TAREG 3.3.11** - The proposed change to TAREG 3.3.11 states that any TADs or TAACs issued by a COE must be authorised by the TAR. Currently as an ASR I am able to prescribe, revise and interpret airworthiness standards and only communicate these to the TAR. Is it envisaged that any formal ASR documentation be raised through the TAR once the changes go through?

14. **DGTA Response.** The NRPM proposed changes to TAREG 3.3.11.a.(3) have been revised. The changes will be limited to removal of existing reference to AAA, insertion of TADs and TAACs in lieu of AAA and reinstatement of the existing TAREG 3.3.11.a.(3) requirement to communicate to the TAR. The COE may issue ASR authorised TADs and TAACs using DGTA-ADF templates. The COE will be required to issue a copy of each ASR authorised TAD and TAAC to the TAR through DGTA Technical Coordination Services (DGTA-TCS). TCS staff will maintain TAD and TAAC records, assign sequential DGTA-ADF numbers and promulgate the TAD or TAAC on the DGTA inter and intranet websites.

15. **Disposition.** TAREG 3.3.11.a.(3) will be amended to reflect statement above. The guidance material at Section 3, Chapter 20 and DGTA (I) BUS 8-8 will support the intent of Para 14.

Comment 3

16. **Annex B Guidance Para 1** - TADS and TAACs are to be sequentially numbered. Clarification required. AAA issued by ASR ALSLMU are currently issued an ALSLMU sequential number. Does this change require the sequential number to be a TAR issued sequential number or will an ASR issued sequential number still meet this requirement?

17. **DGTA Response.** The intent of the proposed changes to the TAD system and introduction of the TAAC system is that these products be centrally managed by DGTA Technical Coordination Services (DGTA-TCS). TCS will raise a record for each TAD and TAAC and in doing so; allocate a DGTA-ADF sequential number and description. Therefore the requirement for a COE unique sequential number is removed.

18. **Disposition.** DGTA (I) BUS 8-8 will describe the procedures required by DGTA-ADF and external staff for the management of TADs and TAACs.

Comment 4

19. **Annex B Guidance Para 1** - In third sentence, change 'airworthiness' to "technical airworthiness", or wording consistent with the guidance provided in TAMM, Section 3, Chapter 13, Para 2, first sentence. Para 1, first sentence in Annex B to the NPRM refers to '...urgent nature pertaining to technical airworthiness.....' where para 1, third sentence in Annex B to the NPRM refers to 'unsatisfactory condition that is believed to affect airworthiness'. To my mind this is inconsistent use of terminology. Whilst 'airworthiness' includes 'technical' airworthiness aspects but also includes 'operational' aspects. So which is it? Both or just 'technical' airworthiness aspects? Also refer to TAMM, Section 3, Chapter 13, para 2, first sentence where it is stated that 'The TAD system provides the TAR and TAR staff with a formal tool for issuing important and/or urgent technical airworthiness information and

20. **DGTA Response.** The inconsistent use of airworthiness without reference to 'technical' is acknowledged. The intent of the TAD and TAAC system is to communicate technical airworthiness direction or advice, which may have operational airworthiness implications to be communicated in accordance with TAREG 3.5.2.e.(x).

21. **Disposition.** TAMM Section 3, Chapter 13 guidance amended to include 'technical' in all instances where airworthiness is referred to.

Comment 5

22. **Annex B Guidance Para 2** – In last sentence add additional words as follows 'chooses to deviate from, or not implement, TAR recommendations contained in a TAAC, the'. Improves readability ensuring that recommendations are related to the TAAC not the TAD.

23. **DGTA Response.** Agree with the recommendation to add additional words which improve readability.

24. **Disposition.** TAMM Section 3, Chapter 13 guidance amended.

Comment 6

25. **TAMM Section 3, Chapter 13, Para 1** – In last sentence remove term 'authoritative airworthiness advice' and replace with other words consistent with the concept of the TAD as proposed by this NPRM. Use of term 'authoritative airworthiness advice' goes against the intent of this NPRM.

26. **DGTA Response.** This comment is applicable only to the current version of chapter 13. This chapter, along with other similarly affected chapters, annexes and appendixes of the TAMM, have been amended to remove reference to Authoritative Airworthiness Advice (AAA) and to introduce TADs and TAACs where applicable.

27. **Disposition.** TAMM Section 3, Chapter 13 guidance amended.

Comment 7

28. **TAMM Glossary Page 8** - Revise definition of TAD to remove 'AAA' and replace with other words consistent with the concept of the TAD as proposed by this NPRM. TAAC should be a defined term similar to TAD.

29. **DGTA Response.** Agree with comment to remove AAA and define TAAC.

30. **Disposition.** TAMM Glossary has been amended to remove AAA, revise TAD definition and include a definition for TAAC.

Comment 8

31. **TAMM Glossary Page 8** – Recommend that the definition of TAAC be included, or otherwise delete the definition of TAD to be consistent. TAAC should be a defined term similar to TAD.

32. **DGTA Response.** Agree with comment to define TAAC.
33. **Disposition.** TAMM Glossary amended to include a definition for TAAC.

Comment 9

34. **TAMM Section 3, Chapter 5, Guidance** - The TAMM Section 3 Chap 5 guidance suggests that where an organisation chooses to deviate or not implement TAR recommendations in a TAAC that the TAR is to be notified in writing. The requirement to notify the TAR in writing appears to be missing from the proposed regulations with respect to TAACs. Clarification from DGTA on such intent being specifically included in the regulations is recommended.

35. **DGTA Response.** Agree with comment which initiated a review of the proposed guidance material. The outcome of the review is that TAACs are a subset of Technical Information an AEO is required to review under TAREG 3.5.2. If the TAAC is further classified as TAAI and there is no intention to comply with the TAAC, the TAR is to be notified in accordance with TAREG 3.5.2.x.(d)(ii). Further, TAACs also fit within the TAREG 5.1.1.a. definition of Authorised Maintenance Data. TAREG 5.1.1.f. states that the AMO is to inform the sponsor of any Authorised Maintenance Data when the AMO is unable to comply with the data. Accordingly, there is no foreseeable benefit in amending proposed TAREG 1.1.5.c. or promulgating a notification requirement in the guidance material.

36. **Disposition.** Guidance material amended to remove mandatory reporting requirement.

Comment 10

37. **General** - The proposed NPRM better defines advice and direction from the Regulator.
38. **DGTA Response.** Agreed
39. **Disposition.** No further action intended.

Comment 11

40. **TAREG 1.1.5. and 3.3.11 and Guidance Para 2** – Inconsistency in the use of terms ‘issue’ and ‘authorise’. The reference paras use ‘issued by the TAR or an authorised delegate’ (1.1.5.a and c), ‘authorised by the TAR’ (3.3.11(3)), and ‘authorised by the TAR or delegate’ (guidance). Needs to be consistent – either both can authorise and issue, or the TAR authorises and the delegate can issue (only).

41. **DGTA Response.** The terms ‘authorise’ and ‘issue’ describe two separate activities. Authorisation of a TAD or TAAC is an outcome that can only be accomplished by the TAR or an authorised delegate of the TAR. Issue of a TAD or TAAC eg via email, surface email or promulgation on the Website, is an outcome that can be accomplished by COE or DGTA-ADF staff.

42. **Disposition.** TAREG 3.3.11 reference to TAR authorisation has been removed.

Comment 12

43. **Guidance Para 2** – Use of the term ‘may be considered’ when the proposed Reg(s) say ‘must assess and act upon....TAAC’s’. Guidance should be changed from ‘may’ to ‘must’. They must consider the TAAC in their context (which may mean justifying no action in a design record).

44. **DGTA Response.** Agree that the language is inconsistent with the requirement of TAREG 1.1.5.c and additionally TAREG 1.1.6.b(1) Rules of Interpretation.

45. **Disposition.** TAMM Section 3, Chapter 13 guidance amended.

Comment 13

46. **TAREG 1.1.5** - Make sub para b (1) and (2) stand-alone sentences beginning with capital letters and ending with full stops. This would be more grammatically correct as colon use followed by a sub

para starting with a lower case first letter should only be used where the sub para text can be read with the preceding para text to make a complete and understandable sentence.

47. **DGTA Response.** Agree with comment.

48. **Disposition.** Proposed TAREG 1.1.5b(1) and (2) to be amended to make a complete and understandable sentence.

Comment 14

49. **TAREG 1.1.5** - Delete 'Technical' from Title. Harmonise with National Airworthiness Authorities and use generic ADs and AACs. The 'technical' classification can then be incorporated in to the body of the text and/or numbering system. This would then allow all ADs to be visible under one grouping rather than stovepiping the Technical specialities. There are many grey areas between operational and technical airworthiness and being too specific may lose sight of some data between the two systems.

50. **DGTA Response.** There is merit in this suggestion; however, the construct of the ADF Airworthiness Management System does not support issue, authorisation and promulgation of generic ADs and AACs in an NAA like manner at this time. The grey areas between technical and operational airworthiness are mitigated through the TAREG requirements to inform the OAA of technical airworthiness concerns with operational impact eg TAREG 3.5.3.x(c).

51. **Disposition.** No further action intended pending the outcome of changes to the ADF-AMS.

DGTA-ADF POSITION

Regulation changes

52. The outcome of the NPRM process is minor changes to the proposed TAREG 1.1.5 and withdrawal of changes to the proposed TAREG 3.3.11 which referred to TAR authorisation of COE issued TADs and TAACs. Additionally, the proposed guidance material has been amended to reflect the intent of the DGTA Response and Disposition for the each of the respondent's comments in the preceding paragraphs.

Other issues

53. The revised regulations and guidance material will require an amendment to DGTA (I) BUS 8-8. The amendment has been commenced and is expected to be finalised prior to introduction of the revised regulations.

AUTHORITY

54. The content of this Summary of Responses has been reviewed and is authorised.



S. MURPHY
Wing Commander
Director Aviation Regulation
Directorate General Technical Airworthiness – ADF

17 August 2011

Annex:

A. List of Respondents

NOTICE OF PROPOSED RULE MAKING NPRM DGTA 02-11

LIST OF RESPONDENTS

GPCAPT D. Overend
WGCDR D. Warren
WGCDR A. Spinks
SQNLDR A. Broadhead
SQNLDR G. Herrmann
SQNLDR T. Higgs
SQNLDR. R. Regan / SQNLR I. McKay
Mr M. Robertson
Mr G. Karakochuk