

NOTICE OF PROPOSED RULE MAKING DGTA 02-11

TECHNICAL AIRWORTHINESS DIRECTIVES AND TECHNICAL AIRWORTHINESS ADVISORY CIRCULARS

INTRODUCTION

Applicability

1. This proposal is applicable to DGTA-ADF and external organisations and individuals involved in the design, construction and maintenance of aircraft and/or Aeronautical Product.

Purpose

2. The proposed amendments will:
- a. remove the term Authoritative Airworthiness Advice (AAA) from AAP 7001.053(AM1) and AAP 7001.068(AM1); and
 - b. revise Technical Airworthiness Regulation (TAREG) 1.1.5, TAREG 3.3.11 and associated guidance to introduce the concept of a Technical Airworthiness Directive (TAD) and a Technical Airworthiness Advisory Circular (TAAC).
3. The anticipated benefits associated with this proposal are:
- a. better defined regulatory requirements for promulgating and differentiating mandatory and advisory technical airworthiness products from the TAR or authorised delegate;
 - b. removal of confusion associated with use of the term 'Authoritative Airworthiness Advice' to describe mandatory actions issued by the TAR or an authorised delegate; and
 - c. improved alignment between DGTA-ADF's methods of communicating technical airworthiness products with those used by ACPA-ADF and CASA.

Consultation

4. TAREG 1.1.2 requires that interested persons participate in regulation drafting procedures. The aim of this NPRM is to promulgate background and details of the proposed changes. Advice on how petitions on this proposal may be presented to the TAR is also provided.

PROPOSAL

Background

5. DGTA has identified a concern with the concept of technical airworthiness advice being addressed by TAREG 1.1.5 as AAA. DGTA's primary concern was with the position that 'advice' could be mandatory, a position not supported by normal English definition.

6. A review of TAREG 1.1.5 and associated regulations and guidance has identified a requirement to improve the regulatory requirements for promulgating and differentiating mandatory and advisory technical airworthiness product. This proposal introduces the concepts of a TAD for mandatory requirements and a TAAC for non-mandatory recommendations.

Objective

7. This NPRM proposes to:
- a. replace the current TAREG 1.1.5 with the proposed wording at annex A to this NPRM;

- b. amend the current TAREG 3.3.11 to reflect the proposed wording at annex A to this NPRM; and
- c. amend TAREG 1.1.5 guidance to reflect the proposed wording at annex B to this NPRM.

Outcome

8. DAVREG-DGTA has developed proposed regulatory changes which will introduce new requirements in TAREGs 1.1.5 and 3.3.11.

New or amended Regulations

9. The text of the proposed changes to Section 2 of the TMM is detailed in annex A.

HOW TO SUBMIT COMMENTS ON THIS NPRM

Format

10. Responses to this NPRM are to be recorded on the NPRM Response Sheet included at annex C, and as published on the DGTA Intranet and Internet websites.

11. Responses are to be submitted by email to DGTANPRM@defence.gov.au. Hardcopies of the NPRM Comment Sheet are not required.

Timing

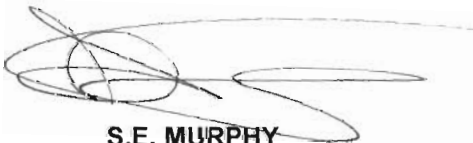
12. Comments to NPRM DGTA 02-11 are to be received by close of business 15 July 2011.

Additional Information

13. Additional information concerning this NPRM is available from Mr Glenn Howard on 03 9256 3714 or Glenn.Howard2@defence.gov.au.

DISPOSITION OF COMMENTS RECEIVED

14. A Summary of Responses will be prepared and published on <http://intranet.defence.gov.au/dgta/> and <http://www.defence.gov.au/dgta/NPRM.htm>. DGTA-ADF will not individually acknowledge or respond to comments or submissions.



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Directorate General Technical Airworthiness – ADF

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9 June 2011

Annexes:

- A. NPRM DGTA 02-11 - Proposed Changes to Technical Airworthiness Regulations and Guidance
- B. NPRM DGTA 02-11 - Proposed Changes to TAREG 1.1.5 Guidance
- C. NPRM DGTA 02-11 - Comment Sheet

NPRM DGTA 02-11

TECHNICAL AIRWORTHINESS DIRECTIVES AND TECHNICAL AIRWORTHINESS ADVISORY CIRCULARS

Proposed change to TAREG 1.1.5

1.1.5 Technical Airworthiness Directives and Advisory Circulars

- a. Individuals or organisations involved in the design, construction and or maintenance of aircraft and/or Aeronautical Product must comply with the Technical Airworthiness Directives (TAD) issued by the TAR or an authorised delegate.
- b. Any person or organisation seeking full or partial relief from the requirements of a TAD must submit a written request to the TAR or authorised representative:
 - (1) for ADF organisations or personnel, directly from the person or organisation; or
 - (2) for commercial organisations, through their sponsor organisation.
- c. Individuals or organisations involved in the design, construction and/or maintenance of aircraft and/or Aeronautical Product must assess and act upon, to the extent necessary, Technical Airworthiness Advisory Circulars (TAAC) issued by the TAR or an authorised delegate.

Proposed changes to TAREG 3.3.11

3.3.11. Prescribe, Revise and Interpret Airworthiness Standards

- a. Each applicant seeking authority to prescribe, revise and interpret airworthiness standards, hereinafter referred to as an Airworthiness Standards Representative (ASR), must have EMP procedures to ensure that:
 - (1) the airworthiness standards that the ASR has responsibility for are identified in the EMP and are managed in accordance with TAREG 3.3.10;
 - (2) there is a pro-active approach to monitoring of amendments to airworthiness standards;
 - (3) Technical Airworthiness Directives (TADs) and Technical Airworthiness Advisory Circulars (TAACs) issued by the COE are:
 - (a) authorised by the TAR, and
 - (b) clearly identified as a TAD or TAAC.

NPRM 02-11 – TAREG 1.1.5 Proposed Guidance, TAMM Section 3 Chap 5

1. There are times when the TAR, or authorised delegate, will be required to issue direction on matters of an urgent nature pertaining to technical airworthiness to address situations or conditions that are considered either unsafe or unsatisfactory. When this occurs, DGTA or an authorised delegate, such as an Airworthiness Standards Representative, will issue either a Technical Airworthiness Directive (TAD) or a Technical Airworthiness Advisory Circular (TAAC) in accordance with TAREG 1.1.5. TADs are sequentially numbered, authorised by the TAR or delegate, and provide mandatory actions to address a specific unsafe or unsatisfactory condition that is believed to affect airworthiness. TAACs are also sequentially numbered, authorised by the TAR or delegate, and provide non-mandatory advice or guidance to address a specific unsafe or unsatisfactory condition that is believed to affect airworthiness.

2. While TADs generally offer no latitude for discretion with respect to compliance by action addressees, the TAR is prepared to consider written submissions from individuals or organisations for full or partial relief from a TAD requirement where a genuine need or justification for relief can be demonstrated. In contrast with TADs, TAACs will be used to publish information of an advisory nature that may be considered or acted upon by external organisations when they produce their technical airworthiness related product. Recommendations for action promulgated within a TAAC are non-mandatory. However, where an organisation chooses to deviate from, or not implement, TAR recommendations, the TAR is to be notified in writing.

NPRM DGTA 02-11 Comment Sheet

TECHNICAL AIRWORTHINESS DIRECTIVES AND TECHNICAL AIRWORTHINESS ADVISORY CIRCULARS

Please return this response sheet by {insert date}, via email attachment to DGTANPRM@defence.gov.au.

Please indicate your acceptance or otherwise of this proposal by ticking the appropriate box below. Additional comments, suggested amendments or alternative action are welcome and may be provided on this response sheet or by separate correspondence.

- The proposal is **acceptable without change.**
- The proposal is **acceptable but would be improved if the following changes were made:**
- The proposal is **not acceptable but would be acceptable if the following changes were made:**

LSN	NPRM Reference: (i.e Regulation number, NPRM paragraph etc)	Comment or suggested change	Explanation
1			
2			
3			

RESOURCE IMPLICATIONS

Please provide specific comment on any significant resource implications that this proposal may have for your organisation, for both its implementation and ongoing compliance. Your comments should address both financial and human resource considerations.

Resource implications – Proposal implementation	
Resource implications – Proposal sustainment	

RESPONDENT DETAILS

Your name:	
Submission date:	
Your organisation:	
Email address:	
Postal address:	
Phone:	
Whose views are represented in your response? i.e. Is your response the authoritative response from your organisation?	Responding on behalf of : Individual [] ADF AEO/AMO [] Commercial AEO/AMO [] Wing HQ [] Group HQ [] ADF Regulatory, Technical or Logistics policy agency [] Other commercial entity [], Other [] Please describe:-
Consent to publish your name as an NPRM respondent within the DGTA-ADF Summary of Responses:	YES [] NO []