



Aviation Group Client Update

Date: August 7, 2013

Contact: Lisa A. Harig, Partner
lhari@mklawdc.com
+1 703 247 5487

Shelley A. Ewalt, Of Counsel
sewalt@mklawny.com
+1 703 399 6078

FAA PLANS TO IMPROVE THE CERTIFICATION AND APPROVAL PROCESS

The Federal Aviation Administration (FAA) recently released an [implementation plan](#) (the “Plan”) to fulfill the requirements of section 312 of the FAA Modernization and Reform Act of 2012 (“FMRA”). FMRA required FAA, in consultation with the aviation industry, to assess the aircraft certification and approval process. In response, FAA incorporated industry’s recommendations and has published the Plan.

Following is an overview of each of the Plan’s elements:

Develop a Roadmap for Major Change Initiatives in Aircraft Certification Service (AIR)

The AIR Strategic Roadmap will set forth high-level descriptions, outcomes, projects, and milestones addressing the major change initiatives planned for aircraft certification. It will be structured around the four key elements of Safety, People, Organizational Excellence, and Globalization and will include key certification process changes. The Roadmap will be completed by February 2014.

Deploy System to Monitor Process Improvement and Effectiveness

Deploy a tracking system to track and monitor the implementation of certification initiatives. The tracking system will ensure that recommendations for process improvements from various sources (e.g., Congress, GAO, NTSB, etc.) are monitored until completion, and will also provide a method for developing metrics to measure the benefits or improvements that the initiatives are intended to address. The tracking system will be deployed by September 2013.

ODA Action Plan

Continue work on the action plan developed in collaboration with industry representatives to increase the efficiency of Organization Designation Authorization (ODA) certification processes including; full utilization of ODA authority, increased FAA focus on ODA-related workload, updating of FAA procedural requirements, and identifying training needs for FAA personnel. The FAA and industry representatives will reassess progress by July 2014.

FAA Audit Training

Develop training for auditing skills that would be applicable to ODA oversight and existing production systems, as well as internal evaluation supporting quality and safety assurance systems. Training is expected to be completed by December 2014.

Delegation Expansion – ICAs, Emissions, and Noise

Establish a pilot program for Instructions for Continued Airworthiness (ICA) development with four ODA organizations. Develop criteria and qualifications to enable designees to approve emissions data. Collaborate on a two-year pilot project to expand noise delegation functions for noise certification of aircraft under ODA programs.

Project Sequencing Process Improvement

Update the sequencing process of certification projects to include ODAs and other improvements. This is expected to be completed by September 2014.

Update Part 21

Charter an Aviation Rulemaking Committee (ARC) to evaluate certain improvements to the effectiveness and efficiency of existing “certification procedures for products and parts” along with incorporating SMS in the design and manufacturing environment. Proposed rules are expected to be issued by August 2014.

Validation Process Improvements

Continue existing validation process improvement initiatives underway focused on the bilateral agreements of technical implementation procedures for airworthiness of the bilateral aviation safety agreements with European Aviation Safety Agency (EASA) and Transport Canada Civil Aviation (TCCA). This item is expected to be completed by August 2014.

International COS Improvements

Develop a report to address options for streamlining the process for adopting mandatory continuing airworthiness information issued by other Civil Aviation Authorities.

Expediting Rulemaking

Establish a rulemaking prioritization tool to update airworthiness standards for special conditions. The tool is expected to be implemented by September 2014.

Consistency of Regulatory Interpretation

Establish plans to implement the Consistency of Regulatory Interpretation (CRI) ARC recommendations. An action plan and metrics are expected to be adopted by September 2013.

Part 23 Reorganization

Establish plans to implement the recommendations of the Part 23 Reorganization ARC and initiate new rulemaking of Part 23 in 2015.

If you have any questions or would like further information regarding this Implementation Plan, please contact our office.

* * * * *

McBreen & Kopko’s Aviation Group represents air carriers, fixed base operators (FBO), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors’ rights.