Order 8110.SUR: Processing Surrendered, Abandoned and Historical Aircraft Type Certificates - PUBLIC Comment Disposition

Commenter:Airbus Toulose France Reference Letter M14015523 dated June 20, '14 **Reviewed by:** Ed Chalpin, AIR-111, June 18, 2014

Comment				Comment summary	Suggested resolution	Disposition	
NR	Author	Section, table, figure	Page				
1	*AIRBUS*	Paragraph 8		In 2010 AIRBUS contacted FAA to surrender the BAC 1-11 TC. They contended that they are under no legal obligation to provide free access to the TC data to those maintaing and operating aircraft. They offered to provide data on a case by case basis comensurate with the need but FAA did not respond to their offer.	AIRBUS is willing to provide data to FAA and operators and maintainers on a case by case basis as needed.	**Non-concur, Not Adopted** Under the 21.29 TC FAA relied on EASA to hold data on our behalf. We no longer have access to the data through EASA. We need to maintain the Governmental record. Per ICAO Annex 8 we must respond to accidents immediately. We need ready access to a complete Governmental Record.	We understand that obtaining data from AIRBUS on an "as needed" basis would probably require a contractual agreement and even fees. Any business arrangement could be subject to change as well.
2	*AIRBUS*	Paragraph 8		At the time of the discussions in 2010 the US-EU Bilateral Aviation Safety Agreement had not yet been adopted so the provisions in Paragraph 4.3.1(b) does not apply to AIRBUS and there is no legal basis to require AIRBUS to provide data.	The US-EASA Bilateral agreement provision quoted in the Order's paragraph 8.g. should be deleted since it does not apply. Instead FAA and AIRBUS need to conclude an arrangement where we could obtain data on a case-by-case basis.	**Non-concur, Not Adopted** Not withstanding the FAA-EASA BASA we have a duty under Annex 8 to support these aircraft. Part 21.29 was the legal basis for the original approval. Under 21.29 EASA maintained the data on our behalf. We rely on the data to support COS of the aircraft	The FAA and EASA are working through a review of the BASA and TIP at this time.
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Commenter: Rolls Royce June 6, '14 **Reviewed by:** Ed Chalpin, AIR-111, June 18, 2014

Comment				Comment summary	Suggested resolution	Disposition	
NR	Author	Section, table, figure	Page				
1	*Rolls-Royce*			If the DAH can demonstrate that there are no aircraft in service, and all surviving examples are either in Museums or flying under other permits (e.g. CAA permit to fly), why does the design type data and records need to be suppplied to the FAA	Include a statement that the design type data and records do not need to be provided to the FAA, if the DAH can demonstrate there are no longer any aircraft in service Would this demonstration need to cover the whole world or only FAA registered aircraft ?	**Non-concur, Not Adopted** There is the possibility that any dataplate could be used to rebuilt an aircraft. Also, all aircraft must be fully listed to preclude that "museum " static displays would not go into operation in the future.	
2	*Rolls-Royce*	Section 9b	7	The document states 'Surrendering a TC does not relieve the DAH of Civil liability associated with the design'. The DAH should only have Civil liability based on their design, but once the TC is surrendered, they should not have any liability for work undertaken by other parties. Also if the Product is operated outside the Type Certificate clearance, the original DAH is not liable.	A clarification should be added stating original DAH Civil liabilities following TC surrender does not include any subsequent work undertaken by third parties (including the FAA) and if the Product is operated outside the Type Certificate clearance.	**Non-concur, Not Adopted** The surrendered TC policy is FAA's procedure for accepting a surrendered STC or TC. It is not covered by the limits of liability stated in the Abandoned TC statute Section 302. Legal counsel should be consulted for further information.	
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