

**Clearance Record
DOCUMENT COMMENT LOG**

Originating Office:	Document Description:	Project Lead:	Reviewing Office:	Date of Review:
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Company & Group	Page & Paragraph	Comment	Rationale for Comment	Recommendation	Disposition
Airbus	Page 10 Paragraph 3-2 a.	<p>Replace :</p> <p>a. For type certification projects, new IPs can be proposed to the TCB by the PM, or by technical specialists for technical issues in their areas, through the PM at any time during the process before final type certification.</p> <p>By:</p> <p>a. For type certification projects, new IPs can be proposed to the TCB by the PM, or by technical specialists for technical issues in their areas, through the PM as early as possible during the process before final type certification. The adequate issuance time for proposed IPs is</p>	<p>For the applicant, the compliance demonstration process can be impacted by new IPs issued after the certification plan approval.</p> <p>This is in line with 3-2 a. (1) : Draft IPs are developed by the project team members for each significant issue as early in the program as feasible</p>	<p>Replace :</p> <p>a. For type certification projects, new IPs can be proposed to the TCB by the PM, or by technical specialists for technical issues in their areas, through the PM at any time during the process before final type certification.</p> <p>By:</p> <p>a. For type certification projects, new IPs can be proposed to the TCB by the PM, or by technical specialists for technical issues in their areas, through the PM as early as possible during the process before final type certification. The adequate issuance time for proposed IPs is during the discussion of the certification plan with the applicant</p>	<p>Non- concur. Not Adopted. Although we favor early creation of IPs, 14 CFR 21.17(a)(1)(i) gives the FAA the authority to add additional airworthiness requirements that are made effective subsequent to the date of application for the type certificate, but prior to the date of issuance of the TC. The FAA has taken regulatory action to require that existing A/W requirements adopted subsequent to the date of application for a TC be applied to a product as a condition to the issuance of that certificate. And quite</p>

		during the discussion of the certification plan with the applicant			often those additional requirements will be captured by IPs.
UASC - ESO	Page 3, section 2-1(c)	Many IP's contain proprietary information. If an IP contains proprietary data, the original applicant should have the right to review and concur that the proprietary data has been redacted to their satisfaction.	FAA may inadvertently allow sensitive information remain in the redacted IP.		Partially Concurred. Partially Adopted. But the best paragraph to add your suggestion is in par. 3-2.b. Will add sentence: If an IP contains proprietary information, the FAA must consult with the applicant to make sure that the sensitive proprietary information has been redacted to their satisfaction.
Textron Aviation	Appendix A §2r(2)	It is not necessary to restate the FAA position if the requirements in the "FAA POSITION" section have not changed. In this case, a reference to the requirements contained in the "FAA " will suffice.	Add omitted word for clarity.	It is not necessary to restate the FAA position if the requirements in the "FAA POSITION" Section have not changed. In this case, a reference to the requirements contained in the "FAA POSITION" will suffice.	Concurred. Adopted.

Textron Aviation	Appendix A			In the interest of standardization and trying to get all issue papers to look similar, the template instructions should specify whether it is acceptable to delete items that are not applicable to a specific issue paper or if those sections should be left in the issue paper and noted as "not applicable"	Non Concur. Not Adopted. We do not allow deletions of sections in the template.
Textron Aviation	3-2b.	"...these IPs must be reviewed for sensitive or proprietary information by the PACO according to Procedures applicable to the office receiving the request."		Shouldn't there be a standardized procedure for this review rather than letting each local ACO define their own process for determining what is potentially sensitive or proprietary?	Concurred. Adopted. Will rewrite "... these IPs must be reviewed for sensitive or proprietary information by the PACO according to standardized procedures (Refer to FAA Order 1270.1, Freedom of Information Act

					Program).”
GE Aviation	General comment	Issue papers written against multiple products for many years should be managed by rulemaking	Some issue papers have become standard practice. They do not address new or novel features, since they are applied to a wide range of products. They appear to be augmenting or reinterpreting the rules.	Since repeated publication of an issue paper appears to focus on a gap in the rules, rulemaking would be an appropriate measure. This would enable consideration of the safety benefit of the proposal. Issue papers written on more than 3 consecutive programs should be subject to a review process similar to rulemaking, before they can be repeated.	Concur with comment but outside of scope for this order. Rulemaking takes years. IPs are closed out a lot quicker.
Tom Knott DER	General	I am in support of this draft Order. The revision is a significant improvement over the previous version. There were some explanatory features that are now lost, but			Thanks

		<p>the overall improvements more than outweigh them.</p> <p>As a matter of introduction, I'm a structural DER so personally I will benefit from the revision to this Order.</p>			
Bell Helicopter Textron	Paragraph 3-2 a.(5)(a)	<p>“Ensure and lead standardization of the IP by comparing it with similar IPs from other projects.”</p> <p>There should be a strong cautionary note added to this item.</p>	<p>IPs by their nature should be specific to a unique and novel aspect of the project and as such should be judged on its own merits. An applicant should not be held to a standard or method of compliance simply because it was agreed to by some earlier applicant on some other project. There is no obligation on the issue paper process to establish the minimal acceptable method. Prior issue papers have not been subject to a public comment cycle, and therefore should not be treated like policy. Applicants often agree to resolve IPs with methods simply intended to expediently close the issue – not to form future policy. So, the use of similar IPs as precedence should be considered very cautiously.</p>		<p>Non concurred. Not Adopted. Disagree with your statements: There is no obligation on the issue paper process to establish the minimal acceptable method...- that is not correct, that is not the purpose of an IP, not to establish the minimal acceptable method for compliance. Also, your comment - Prior issue papers have not been subject to a public comment cycle, and therefore should not be treated like policy – is partially correct. Although IPs are not been subject to public comment they</p>

					<p>serve as good reference for future policy and guidance as well as regulatory requirements.</p> <p>The statement intends to state the statement already mentioned at the beginning of the document... That IPs form a valuable reference for future type certification programs and for development of regulatory changes. By describing significant or precedent-setting technical decisions and the rationales employed, they are ideal source documents. For example, a certification summary report (if required by the accountable directorate) may be generated by extracting the final issue resolution from</p>
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					the IPs (omitting any proprietary information).
Bell Helicopter Textron	Paragraph 3-2 d	<p>“Further discussions, correspondence, or appeals must focus on new information or proposals.”</p> <p>This requirement – stated as a “must” – would seem to unfairly limit the ability of the applicant to appeal to higher levels of authority within the FAA.</p>	<p>Historical precedence indicates that many issue papers have required escalation to higher levels or a wider audience to get final resolution. A common issue is where the FAA position is stated as a declaration without a supporting technical or regulatory argument. This then prevents the applicant from providing additional information to counter the FAA position. These types of responses should allow the applicant to appeal on the basis of the issue paper being incomplete or improperly processed. An example of this comes from the extensive use of issue papers to document disputes in the interpretation of Functional Hazard Assessment (FHA)</p>		<p>Non Concur. Not Adopted. Approval by the accountable directorate of the “CONCLUSION” stated in an IP, following concurrence from TCB chairman, AIR-100, and other FAA organizations when appropriate, establishes the FAA requirement. Appeals or further discussions to be handled at the</p>

			hazard levels.		accountable directorates level.
Boeing	Page 3, Paragraph 2-1.b. – Purpose of an IP	The proposed text states: “b. They provide a structured means for describing and tracking the resolution of significant technical, regulatory, and administrative issues that occur during a project. ...”	Revise the text to read as follows: “b. They provide a structured means for describing and tracking the resolution of significant technical, regulatory, and administrative issues that occur during a project and for subsequent reuse under established conditions. ...”	We recommend that the text be clarified to address the reuse of issue papers. Whenever possible, issue papers should be developed with multi-project use in mind. Issues should be general in nature and have broad application, such that reuse has value. This should be made clear in the description of an issue paper’s “purpose.”	Non Concur. Not Adopted. Other industry groups are protesting the re-use of IPs by other than the original applicant. Also, our General Counsel office has determined that IPs are not to be re-use by applicants, other than the original applicant.
Boeing	Page 5, Paragraph 2-3.e., Method of Compliance (MoC)	The proposed text states: “e. Method of Compliance (MoC). The most common type of IP defines a particular MoC that requires directorate or policy office coordination as a result of peculiarities in the type design or the need to define specific conditions	Revise the text to read as follows: “e. Method of Compliance (MoC). The most common type of IP defines a particular MoC that requires directorate or policy office coordination as a result of one or more of the following: (1) p Peculiarities in the type design with respect to the established MoC. (2) The need to document the agreement on a precedent-setting MoC proposed by an applicant. or (3) t The need to define clarify specific conditions and/or establish the environment under which substantiation	While we understand that the proposed text is unchanged from the original release of the Order, we maintain that it should be revised and clarified. An IP is appropriate to clarify existing guidance; however, rulemaking is appropriate to define specific conditions or	Non-Concur. Not-Adopted. Rulemaking takes years. We do not see the benefit in the proposed re-write. IPs are not appropriate to clarify existing guidance. Also, the following statement is not correct: The rulemaking process will ensure that an appropriate means of

		<i>and/or establish the environment under which substantiation must be shown.”</i>	<i>must be shown where the established MoC is not clear.</i>	establish an environment. Unless an applicant is proposing a precedent-setting MoC, or has introduced a design containing novel or unusual design features within their product, the definition of specific conditions and the environment under which substantiation must be shown should be accomplished using normal rulemaking procedures, not an issue paper. The rulemaking process will ensure that an appropriate means of compliance is established and introduced into the fleet, and a cost analysis of the safety benefit has been accomplished.	compliance is established and introduced into the fleet, and a cost analysis of the safety benefit has been accomplished.... When we publish a rule we do not mandate a particular MoC.
Boeing	Page 6, Paragraph 2-3.h., <i>New Information</i>	The proposed text states: “h. New Information. <i>It is conceivable that a better understanding</i>	We recommend deleting this paragraph.	New hazards that are driven by a change in the understanding of the environment,	Non-Concur. Not-Adopted. Rulemaking takes years. Also, the following

		<p><i>of environmental or other hazards not understood in the past, or that did not exist previously, would require a new means of compliance. Such items could include potential circumstances where the existing applicable regulations were developed unaware of the threats.”</i></p>		<p>where the applicable regulations were developed unaware of the threats, and that are not due to novel or unusual design features of a product, should properly be addressed via the normal rulemaking process, not on a project-by-project basis via the issue paper process. The rulemaking process will ensure that an appropriate means of compliance for such discoveries is identified, and a cost analysis of the safety benefit has been accomplished.</p>	<p>statement is not correct: The rulemaking process will ensure that an appropriate means of compliance is established and introduced into the fleet, and a cost analysis of the safety benefit has been accomplished.... When we publish a rule, we do not mandate a particular MoC.</p>
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Boeing	Page 7, Paragraph 2-3.k., ACIP	The proposed text states: <i>“k. ACIP. An ACIP is an IP that approves previously-approved foreign IPs (FIPs) or domestic IPs for a new certification program, provided that the current applicant is the same as the applicant of the previously approved IP or FIP. (See Appendix E for procedures related to the use of an ACIP.)”</i>	Revise the text to read as follows: <i>“k. ACIP. An ACIP is an IP that approves can be used to approve the use of previously-approved foreign IPs (FIPs) or domestic IPs for a new certification program, provided that the current applicant is the same as the applicant of the previously approved IP or FIP. (See Appendix E for procedures related to the use of an ACIP.) Also see paragraph [2-4*] for other alternatives addressing reuse of IPs.”</i>	As written in the draft Order, the proposed text could be interpreted to mean that the only means of reusing a previous IP on a subsequent project is via an ACIP. Our suggested revision would clarify this, and would add a pointer to the new paragraph that we have recommended (see our comment #8) to address multiuse and reuse of IPs. Creation of an IP is a significant investment for both the FAA and the applicant. We concur that the ACIP is a good tool for reuse of numerous IPs on large complex projects; however, we find that it is not efficient for reuse of a small number of IPs. Therefore, we recommend the clarification of the proposed paragraph as indicated above, as	Non Concur. Not Adopted. ACIP is the only way we are allowing the re-use of IPs.
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				<p>well as a reference to our newly proposed paragraph*.</p> <p>*See our related comments #8, #11, and #12.</p>	
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Boeing	Page 7, Paragraph 2-3.l., <i>Unsafe Features or Characteristics</i>	The proposed text states: “l. Unsafe Features or Characteristics. <i>Unsafe features or characteristics preclude certification in accordance with 14 CFR § 21.21(b)(2).”</i>	Revise the text to read as follows: “l. Mitigation of Potential Unsafe Features or Characteristics. Mitigation of potentially unsafe features or characteristics that could preclude certification in accordance with 14 CFR §21.21(b)(2). This type of issue paper is used to document the necessary mitigation.”	No product can be type certificated with unsafe features or characteristics. Therefore, it appears inappropriate to label a product’s features or characteristics as “unsafe” where suitable mitigations are available and have been agreed to. Our suggested changes would clarify this. Additionally, the proposed title is particularly problematic in Foreign Validation discussions that we have experienced and we request it be revised as we have suggested above.	Partially Concurred. Partially Adopted. It is not Mitigation, it is Corrective Action.
Boeing	Page 7, Paragraph 2-3.m., <i>Areas of New Technology</i> and Page 5, Paragraph 2-3.e., <i>Method of Compliance (MoC)</i>	The proposed text of paragraph 2-3.m. states: “m. Areas of New Technology. <i>Areas of new technology or novel design are those that do not require a special condition, but might require the</i>	We recommend that the text of paragraph 2-3.m. be moved to paragraph 2-3.e. and added as a criterion, so that the revised paragraph 2-3.e. reads as follows: e. Method of Compliance (MoC). <i>The most common type of IP defines a particular MoC that requires directorate or policy office coordination as a result of one or more of the following: (1) Peculiarities in the type design with</i>	Proposed paragraph m. actually describes a subset of the reasons for writing a MoC IP. Thus, separating it out as a discrete IP type is likely to lead to confusion. It would benefit the clarity of	Non Concur. Not Adopted We do not agree with the proposed re-write.

		<p><i>development of an acceptable MoC with existing regulations that would set a national precedent.”</i></p>	<p><i>respect to the established MoC.</i> <i>(2) The need to document the agreement on a precedent-setting MoC proposed by an applicant. or</i> <i>(3) The need to define clarify specific conditions and/or establish the environment under which substantiation must be shown where the established MoC is not clear.</i> <i>A new MoC may also be required for applications of new technology or design that are not novel or unusual with respect to the airworthiness regulations, but for which the MoC with the existing airworthiness regulations would set a national precedent.”</i></p>	<p>the Order if it were appropriately included in proposed paragraph e. (See also our comment #2.) We also request that the Order be revised to add a clear definition of the term “national precedent.” The term is appears in several places in the proposed Order, but there is no exact explanation of what it entails. Without a more exact explanation, the term is left open to varied interpretations.</p>	
Boeing	Page 7, Paragraph 2-3.n., <i>Changes in Interpretation</i>	<p>The proposed text states: <i>“n. Changes in Interpretation.</i> <i>Include new interpretation or policy of existing regulations using precedent-setting new technology in an IP at the early stages of the certification project.”</i></p>	We recommend deleting this paragraph	<p>Criteria for a new MoC should be handled as part of the MoC IP criteria and not as separate IP types. We consider that, with the incorporation of the associated changes that we have requested in these comments, paragraph 2-3.e contains the needed criterion for MoC IPs.</p>	<p>Non-Concur. Not Adopted. We do not believe that changes in accepted MoCs should be appropriately treated as new rulemaking and be promulgated through the normal rulemaking process. Our rules do not mandate a particular MoC.</p>

				<p>The text of this paragraph should be carefully reconsidered, as it can be interpreted as addressing changes in MoCs that invalidate previous MoCs. In those cases, the issue should be appropriately treated as new rulemaking and be promulgated through the normal rulemaking process.</p>	
Boeing	Page: N/A Paragraph: N/A	N/A	<p>We recommend adding new paragraph 2-4 that would: (1) provide criteria and procedures for reuse of existing IPs, and (2) contain guidelines for writing IPs conducive to reuse or multi-use. Criteria for reuse of IPs could be taken from Appendix E of the proposed Order and either transferred into or duplicated in this section.</p>	<p>Creation of an IP is a significant investment for both the FAA and an applicant. Clear guidelines supporting the creation of IPs conducive to reuse or multi-use and clear criteria and procedures for reuse of existing IPs is needed to increase overall system efficiency and capacity (both for applicants and for the FAA). See also our comments #4, #11, and #12.</p>	<p>Non Concur. Not Adopted. We sustain that the only means of reusing a previous IP on a subsequent project is via an ACIP.</p>

Boeing	Page 10, Paragraph 3-2.a., <i>Development of an IP</i>	The proposed text states: <i>“a. For type certification projects, new IPs can be proposed to the TCB by the PM, or by technical specialists for technical issues in their areas, through the PM at any time during the process before final type certification. ...”</i>	We recommend that this paragraph be revised: (1) to encourage raising issues early in a project, and (2) to require additional justification for raising issues late in a program when there may be insufficient time for an applicant to address the issue without undue burden. In providing guidance on when issues need to be addressed by IP, the FAA should also give consideration to whether the applicant provided required documentation of the issues in certification plans earlier in a project.	Our recent experience has shown that IPs are sometimes raised late in a project to document issues that were addressed and documented in the applicable certification plans much earlier in the program. Such late IPs cause delays in airplane programs and cause undue burden on applicants without requisite or evident benefit.	Although we favor early creation of IPs, 14 CFR 21.17(a)(1)(i) gives the FAA the authority to add additional airworthiness requirements that are made effective subsequent to the date of application for the type certificate, but prior to the date of issuance of the TC. The FAA has taken regulatory action to require that existing A/W requirements adopted subsequent to the date of application for a TC be applied to a product as a condition to the issuance of that certificate. And quite often those additional requirements will be captured by IPs.
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Boeing	Page A-5, Appendix A Paragraph 2.k.(7), <i>Type of Issue Paper</i>	The proposed text states: <i>“k. (11) TYPE OF ISSUE PAPER: The “Subheader” indicates the type of IP. Insert one of the following titles in this area ... (7) Unsafe Features or Characteristics. Unsafe features or characteristics preclude certification in accordance with 14 CFR §21.21(b)(2).”</i>	Revise the text to read as follows: <i>““k. (11) TYPE OF ISSUE PAPER: The “Subheader” indicates the type of IP. Insert one of the following titles in this area ... (7) Mitigation of potential unsafe features or characteristics that could preclude certification in accordance with 14 CFR §21.21(b)(2).”</i>	No product can be type certificated with unsafe features or characteristics. Therefore, it appears inappropriate to label a product’s features or characteristics as “unsafe” where suitable mitigations are available and have been agreed to. Our suggested changes would clarify this. Also see our comment #5.	Partially Concurred. Partially Adopted. It is not Mitigation, it is Corrective Action.
Boeing	Page E-1, Appendix E. Administrative Collector and Cover Issue Papers Paragraph 2.1, <i>Definitions</i>	The proposed text states: <i>“2.1. Administrative Collector Issue Paper (ACIP) -- An ACIP is an IP that approves previously approved FIPs or domestic IPs for a new certification program, provided that the current applicant is the same as the applicant of the previously approved IP or FIP.”</i>	Revise text to read as follows: <i>“2.1. Administrative Collector Issue Paper (ACIP) -- An ACIP is an IP that approves can be used to approve the use of previously-approved foreign IPs (FIPs) or domestic IPs for a new certification program, provided that the current applicant is the same as the applicant of the previously approved IP or FIP.”</i>	As written in the draft Order, the proposed text could be interpreted to mean that the only means of reusing a previous IP on a subsequent project is via an ACIP. Our suggested revision would clarify this. Also see our comments #4, #8, and #12.	Non Concurred. Not Adopted. Will not change language because we sustain that the only means of reusing a previous IP on a subsequent project is via an ACIP.

Boeing	Page E-2, Appendix E. Administrative Collector and Cover Issue Papers Paragraph 4., <i>Criteria for Issue Papers</i>	<p>The proposed text states: <i>“4.1 Issue Paper Originator. You must verify each candidate IP meets the following criteria before referencing them in a CIP or ACIP.</i></p> <p><i>4.1.1 The current applicant must be the same as the applicant of the previously approved IP or FIP.</i></p> <p><i>4.1.2 For an ACIP, the amendment level(s) of the FAA rule(s) relating to the issue must be the same for both the previous and current programs except if the difference is:</i></p> <ul style="list-style-type: none"> <i>• Limited to the organization and/or section number designation of the regulation(s) (the requirements must be the same as discussed in the preambles of the regulations), and/or</i> <i>• Related to a paragraph that is not a subject of the issue paper. For example,</i> 	<p>We recommend either:</p> <ol style="list-style-type: none"> 1. Moving or duplicating the criteria pertaining to domestic IPs, above, into our suggested new paragraph 2-4 that would address reuse of IPs (see our comment # 8), or 2. Revising Appendix E to also address reuse of IPs outside of an ACIP. <p>If the second option is chosen, then we suggest that instructions be added to allow for multiuse statements to be included in the conclusions of IPs, or to allow IPs to be revised to document extended applicability.</p>	See our comments #4, #8, and #11 for additional details.	Non concurred. Not Adopted. We sustain that the only means of reusing a previous IP on a subsequent project is via an ACIP.
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		<p><i>an issue paper that refers to 14 CFR 25.301(a) and (c) at Amendment 25-0 could be used in a collector issue paper where the certification basis is at Amendment 25-23 because these specific paragraphs remain unchanged. This could not be done for 14 CFR 25.301(b) since there is a change that occurs at Amendment 25-23.</i></p> <p><i>4.1.3 The candidate IP or FIP must not be a “general” IP (i.e., a G-1, G-2, etc.). However, if the general IP does not include project unique requirements (e.g., G-4 Import Requirements) a general IP can be used.</i></p> <p><i>4.1.4 For a FIP, the foreign CA must agree that the FIP from the previous program is applicable to the current program.</i></p> <p><i>4.1.5 The subject of the candidate IP or</i></p>			
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		<p><i>FIP must still be in effect, i.e., it must not have been obviated by new rulemaking, guidance material, etc.</i></p> <p><i>4.1.6 The wording in each section of the candidate IP or FIP must be generic enough to be considered valid for the current program. The wording may reference the airplane model, certification report numbers and/or specific design data that is applicable to the previously certificated airplane if other equivalent reports, etc. will be provided for the new airplane program.</i></p> <p><i>4.1.7 There must not be any objections from the FAA, applicant, or foreign CA to including the candidate IP or FIP in the ACIP.</i></p> <p><i>4.1.8 The wording of the candidate IP or FIP must be clear. It must not contain ambiguous text,</i></p>			
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		<p><i>references to outdated documents, or other aspects that could lead to misunderstanding.</i></p> <p><i>4.1.9 Important. If the foreign CA reissues a FIP for a new program and it incorporates any substantive revisions to the previous program FIP, the reissued FIP may not be included in an ACIP. However, a CIP may be an appropriate means to approve the reissued FIP.”</i></p>			
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