

§ 26.37 Pending type certification projects: Fuel tank flammability.

(a) *Applicability.* This section applies to any new type certificate for a transport category airplane, if the application was made before December 26, 2008, and if the certificate was not issued before December 26, 2008. This section applies only if the airplane would have—

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) If the application was made on or after June 6, 2001, the requirements of 14 CFR 25.981 in effect on December 26, 2008, apply.

[Doc. No. FAA-2005-22997, 73 FR 42499, July 21, 2008, as amended by Amdt. 26-3, 74 FR 31619, July 2, 2009]

§ 26.39 Newly produced airplanes: Fuel tank flammability.

(a) *Applicability:* This section applies to Boeing model airplanes specified in Table 1 of this section, including passenger and cargo versions of each model, when application is made for original certificates of airworthiness or export airworthiness approvals after December 27, 2010.

TABLE 1

Model—Boeing
747 Series
737 Series
777 Series
767 Series

(b) Any fuel tank meeting all of the criteria stated in paragraphs (b)(1), (b)(2) and (b)(3) of this section must have flammability reduction means (FRM) or ignition mitigation means (IMM) that meet the requirements of 14 CFR 25.981 in effect on December 26, 2008.

(1) The fuel tank is Normally Emptied.

(2) Any portion of the fuel tank is located within the fuselage contour.

(3) The fuel tank exceeds a Fleet Average Flammability Exposure of 7 percent.

(c) All other fuel tanks that exceed an Fleet Average Flammability Exposure of 7 percent must have an IMM that meets 14 CFR 25.981(d) in effect on

December 26, 2008, or an FRM that meets all of the requirements of Appendix M to this part, except instead of complying with paragraph M25.1 of that appendix, the Fleet Average Flammability Exposure may not exceed 7 percent.

[Doc. No. FAA-2005-22997, 73 FR 42499, July 21, 2008, as amended by Amdt. 26-3, 74 FR 31619, July 2, 2009]

Subpart E—Aging Airplane Safety—Damage Tolerance Data for Repairs and Alterations

SOURCE: Docket No. FAA-2005-21693, 72 FR 70505, Dec. 12, 2007, unless otherwise noted.

§ 26.41 Definitions.

Affects (or Affected) means structure has been physically repaired, altered, or modified, or the structural loads acting on the structure have been increased or redistributed.

Baseline structure means structure that is designed under the original type certificate or amended type certificate for that airplane model.

Damage Tolerance Evaluation (DTE) means a process that leads to a determination of maintenance actions necessary to detect or preclude fatigue cracking that could contribute to a catastrophic failure. As applied to repairs and alterations, a DTE includes the evaluation both of the repair or alteration and of the fatigue critical structure affected by the repair or alteration.

Damage Tolerance Inspection (DTI) means the inspection developed as a result of a DTE. A DTI includes the areas to be inspected, the inspection method, the inspection procedures, including acceptance and rejection criteria, the threshold, and any repeat intervals associated with those inspections. The DTI may specify a time limit when a repair or alteration needs to be replaced or modified. If the DTE concludes that DT-based supplemental structural inspections are not necessary, the DTI contains a statement to that effect.

DT data mean DTE documentation and the DTI.

DTE documentation means data that identify the evaluated fatigue critical

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structure, the basic assumptions applied in a DTE, and the results of a DTE.

Fatigue critical structure means airplane structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure, as determined in accordance with § 25.571 of this chapter. Fatigue critical structure includes structure, which, if repaired or altered, could be susceptible to fatigue cracking and contribute to a catastrophic failure. Such structure may be part of the baseline structure or part of an alteration.

Implementation schedule consists of documentation that establishes the timing for accomplishing the necessary actions for developing DT data for repairs and alterations, and for incorporating those data into an operator's continuing airworthiness maintenance program. The documentation must identify times when actions must be taken as specific numbers of airplane flight hours, flight cycles, or both.

Published repair data mean instructions for accomplishing repairs, which are published for general use in structural repair manuals and service bulletins (or equivalent types of documents).

§ 26.43 Holders of and applicants for type certificates—Repairs.

(a) *Applicability.* Except as specified in paragraph (g) of this section, this section applies to transport category, turbine powered airplane models with a type certificate issued after January 1, 1958, that as a result of original type certification or later increase in capacity have—

(1) A maximum type certificated passenger seating capacity of 30 or more; or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) *List of fatigue critical baseline structure.* For airplanes specified in paragraph (a) of this section, the holder of or applicant for a type certificate must—

(1) Identify fatigue critical baseline structure for all airplane model variations and derivatives approved under the type certificate; and

(2) Develop and submit to the FAA Oversight Office for review and ap-

proval, a list of the structure identified under paragraph (b)(1) of this section and, upon approval, make the list available to persons required to comply with § 26.47 and §§ 121.1109 and 129.109 of this chapter.

(c) *Existing and future published repair data.* For repair data published by a holder of a type certificate that is current as of January 11, 2008 and for all later published repair data, the holder of a type certificate must—

(1) Review the repair data and identify each repair specified in the data that affects fatigue critical baseline structure identified under paragraph (b)(1) of this section;

(2) Perform a DTE and develop the DTI for each repair identified under paragraph (c)(1) of this section, unless previously accomplished;

(3) Submit the DT data to the FAA Oversight Office or its properly authorized designees for review and approval; and

(4) Upon approval, make the DTI available to persons required to comply with §§ 121.1109 and 129.109 of this chapter.

(d) *Future repair data not published.* For repair data developed by a holder of a type certificate that are approved after January 11, 2008 and are not published, the type certificate holder must accomplish the following for repairs specified in the repair data that affect fatigue critical baseline structure:

(1) Perform a DTE and develop the DTI.

(2) Submit the DT data required in paragraph (d)(1) of this section for review and approval by the FAA Oversight Office or its properly authorized designees.

(3) Upon approval, make the approved DTI available to persons required to comply with §§ 121.1109 and 129.109 of this chapter.

(e) *Repair evaluation guidelines.* Except for airplane models whose type certificate is issued after January 11, 2008, holders of a type certificate for each airplane model subject to this section must—

(1) Develop repair evaluation guidelines for operators' use that include—

(i) A process for conducting surveys of affected airplanes that will enable identification and documentation of all