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Advisory Circular

FILE

Subject: AIRWORTHINESS DIRECTIVES FOR GENERAL AVIATION AIRCRAFT Date: 9/17/82 AC No: 39-7A
Initiated by: AWS-340 Change:

1. PURPOSE. This advisory circular (AC) provides guidance and information to owners and operators of general aviation aircraft concerning their responsibility for complying with airworthiness directives (AD's) and recording AD compliance in the appropriate maintenance records.

2. CANCELLATION. AC 39-7, Airworthiness Directives for General Aviation Aircraft, dated 7/10/79 is canceled.

3. RELATED FAR SECTIONS. Federal Aviation Regulations (FAR) Part 39; FAR Part 43, Sections 43.9 and 43.11; FAR Part 91, Sections 91.163, 91.165, and 91.173.

4. BACKGROUND. Title VI of the Federal Aviation Act of 1958, as amended by Section 6 of the Department of Transportation Act, defines the Federal Aviation Administration's (FAA) role regarding the promotion of safety of flight for civil aircraft. One safety function charged to the FAA is to require correction of unsafe conditions discovered in any product (aircraft, aircraft engine, propellers, or appliances) after type certification or other approval, when that condition is likely to exist or develop in other products of the same type design. Airworthiness directives are used by the FAA to notify aircraft owners of these unsafe conditions and to require their correction. AD's prescribe the conditions and limitations, including inspections, repair, or alteration, under which the product may continue to be operated.

5. AD CATEGORIES. AD's are Federal Aviation Regulations and are published in the Federal Register as amendments to FAR Part 39. Depending on the urgency, AD's are published as follows:

a. Notice of Proposed Rulemaking (NPRM). An NPRM is issued and published in the Federal Register when an unsafe condition is discovered in a product. Interested persons are invited to comment on the NPRM by submitting such written data, views, or arguments as they may desire. The comment period is usually 60 days. Proposals contained in the notice may be changed or withdrawn in light of comments received. When an NPRM is adopted as a final rule, it is published in the Federal Register, printed, and distributed, by first class mail, to the registered owners of the product affected.

b. Immediate Adopted Rule. AD's of an urgent nature are adopted without prior notice (NPRM) as "immediately adopted rules." These AD's usually become effective less than 30 days after publication in the Federal Register and are distributed, by first class mail, to the registered owners of the product affected.

c. Emergency AD. These AD's are issued when immediate corrective action is required. Emergency AD's are distributed to the registered owners of the product affected by telegram or priority mail and are effective upon receipt. Emergency AD's are published in the Federal Register as soon as possible after initial distribution.

6. AD's ISSUED TO OTHER THAN AIRCRAFT. AD's may be issued which apply to engines, propellers, or appliances installed on multiple makes or models of aircraft. When the product can be identified as being installed on a specific make or model aircraft, AD distribution is made to the registered owners of those aircraft. However, there are times when a determination cannot be made, and direct distribution to the registered owner is impossible. For this reason, aircraft owners and operators are urged to subscribe to the Summary of Airworthiness Directives which contains all previously published AD's and a biweekly supplemental service. The summary is divided into two volumes; Volume I containing directives applicable to small aircraft (12,500 pounds or less maximum certificated takeoff weight), and Volume II containing directives applicable to large aircraft (over 12,500 pounds). The subscription service consists of the summary and biweekly updates for a 2-year period. The Summary of Airworthiness Directives is sold and distributed for the Superintendent of Documents by the FAA in Oklahoma City. Volumes I and II may be purchased separately. AC 39-6H, Announcement of Availability Summary of Airworthiness Directives, provides ordering information and subscription prices on these publications. AC 39-6H may be obtained, without cost, from the U.S. Department of Transportation, Publications Section, M-443.1, Washington, D.C. 20590.

7. APPLICABILITY OF AD'S. Each AD contains an applicability statement specifying the product (aircraft, aircraft engine, propeller, or appliance) to which it applies. Some aircraft owners and operators mistakenly assume that AD's are not applicable to aircraft certificated in certain categories such as experimental or restricted. AD's, unless specifically limited, apply to the make and model set forth in the applicability statement regardless of category. The type certificate and airworthiness certification categories are used to identify the product affected. The following are examples of AD applicability statements:

a. "Applies to Robin RA-15-150 airplanes." This statement incorporates all airplanes of the model listed, regardless of type or airworthiness certification and includes standard, restricted, limited, and experimental categories.

b. "Applies to Robin RA-15-150 airplanes except those certificated in the restricted category." This statement, or one similarly worded, incorporates all airplanes of the model listed, except those in the restricted category, and is applicable to experimental aircraft.

c. "Applies to Robin RA-15-150 airplanes certificated in all categories except experimental." This statement incorporates all airplanes including restricted category of the model listed except those certificated in the experimental category.

8. AD COMPLIANCE. AD's are amendments to FAR Part 39 and comply with the rulemaking procedures of the Administrative Procedure Act, Title 5, U.S.C. Section 553. They are Federal Aviation Regulations. Therefore, no person may operate a product to which an AD applies, except in accordance with the provisions of the AD. It should be understood that to "operate" not only means piloting the aircraft, but also to cause or authorize the product to be used. Compliance with emergency AD's can be a problem for operators of leased aircraft. The FAA has no means available for making notification to other than registered owners. Therefore, it is important that these owners make the AD information available to the operators of leased aircraft as expeditiously as possible. Unless this is done, the lessee may not be aware of the AD, and safety may be jeopardized.

9. COMPLIANCE TIME OR DATE. Compliance requirements specified in AD's are established for safety reasons and may be stated in numerous ways. Some AD's are of such a serious nature they require compliance before further flight. In some instances these AD's authorize flight, provided a ferry permit is obtained, but without such authorization in the AD's further flight is prohibited. Other AD's express compliance time in terms of a specific number of hours of operation, for example, "compliance required within the next 50-hours time in service after the effective date of this AD." Compliance times may also be expressed in operational terms such as, "within the next 10 landings after the effective date of this AD." For turbine engines, compliance times are often expressed in terms of cycles. A cycle normally consists of an engine start, takeoff operation, landing, and engine shutdown. When a direct relationship between airworthiness and calendar time is identified, compliance time may be expressed as a calendar date. Another aspect of compliance times to be emphasized is that not all AD's have a one-time compliance. Repetitive inspections at specified intervals after initial compliance may be required. Repetitive inspection is used in lieu of a fix because of costs, or until a fix is developed.

10. ADJUSTMENTS IN COMPLIANCE REQUIREMENTS. In some instances, a compliance time other than that specified in the AD would be advantageous to the owner/operator. In recognition of this need, and when safety permits, flexibility is provided by a statement in the AD allowing adjustment of the specified interval. When adjustment authority is provided in an AD, owners or operators desiring to make an adjustment are required to submit data substantiating their proposed adjustment to their FAA District Office for consideration.

11. EQUIVALENT MEANS OF COMPLIANCE. Most AD's indicate the acceptability of an equivalent means of compliance. It cannot be assumed that only one specific repair, modification, or inspection method is acceptable to correct an unsafe condition; therefore, development of alternatives is not precluded. An equivalent means of compliance must be substantiated and "FAA approved." Normally the person authorized to approve an alternate method of compliance is indicated by title and address on the AD.

12. RESPONSIBILITY FOR AD COMPLIANCE AND RECORDATION. Responsibility for AD compliance always lies with the registered owner or operator of the aircraft.

a. This responsibility may be met by ensuring that certificated and appropriately rated maintenance persons accomplish the maintenance required by the AD, and properly record it in the maintenance records. This must be accomplished within the compliance time specified in the AD or the aircraft may not be operated.

b. Maintenance persons may also have direct responsibility for AD compliance, aside from the times when AD compliance is the specific work contracted for by the owner/operator. When a 100 hour, annual, or progressive inspection, or an inspection required under Part 123 or 125, is accomplished, Section 43.15(a) requires the person performing the inspection to perform it so as to determine that all applicable airworthiness requirements are met, which includes compliance with AD's.

c. Maintenance persons should note that even though an inspection of the complete aircraft is not made, if the inspection conducted is a progressive inspection or an inspection required by Parts 123 or 125, determination of AD compliance for those portions of the aircraft inspected is required.

d. For aircraft inspected in accordance with a continuous inspection program under Part 91, Section 91.217, the inspection agency is required to comply with AD's only when the portions of the inspection program provided to them call for compliance. The program may require a determination of AD compliance for the entire aircraft by a general statement, or compliance with only those AD's applicable to the portions of the aircraft being inspected, or it may not require compliance at all.

e. The person accomplishing the AD is required by Part 43, Section 43.9, to record AD compliance. The entry must include those items specified in Section 43.9(a)(1) through (a)(4). The owner is required, by Part 91, Section 91.165, to ensure that maintenance personnel make appropriate entries and, by Section 91.173, to maintain those records. It should be noted that there is a difference between the records required to be kept under Section 91.173 and those Section 43.9 requires maintenance personnel to make. Owners and operators may add this required information themselves or request maintenance personnel to include it in the entry they make. In either case, the owner/operator is responsible for keeping proper records.



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