



12/02/2016

## Aviation Group Client Update

Shelley A. Ewalt, Partner | [sewalt@mklawny.com](mailto:sewalt@mklawny.com) | +1 703 399 6078

### FAA ISSUES ADVISORY CIRCULAR ON INCORPORATION OF SUPPLEMENTAL TYPE CERTIFICATES INTO TYPE-CERTIFICATED PRODUCTS BY TYPE CERTIFICATE HOLDERS

The FAA has issued [Draft AC 21-XXX on Incorporation of Supplemental Type Certificates into Type-Certificated Products by the Type Certificate Holders](#). The FAA seeks industry comments based on the draft AC for inclusion in the AC. All comments must be received by **January 6, 2017**.

**Purpose.** This AC addresses the incorporation of STCs by TC holders into their type-certificated products by two methods: (1) the in-draw process; and (2) incorporation by reference. The scope of this AC is limited to the incorporation of STCs into a type-certificated product during production and prior to issuance of the original airworthiness approval.

**Application.** This AC applies to TC and STC holders, their designees, and Organization Designation Authorization (ODA) holders that are in the process of incorporating STCs into a type-certificated product by using either incorporation by reference or the in-draw process. This AC is not mandatory and does not constitute a regulation, but if followed, it must be followed in its entirety.

**Methods.** For the in-draw process, the TC holder acquires or purchases the STC from the STC holder, including all of the data associated with it, and amends the TC by applying for an amended TC project through the Aircraft Certification Office to incorporate the data, and becomes the STC holder. In the incorporation by reference process, the TC holder amends the TC by incorporating the STC through two alternative methods: (1) by a licensing agreement with the STC holder in which the STC holder allows the TC holder to use the approved design data to apply for a production approval to manufacture the articles rather than obtaining a kit from the STC holder (a PMA or a Production Certificate) or, (2) by obtaining a kit of PMA articles from the STC holder to incorporate into the production of products, which includes the installation drawings, installation instructions, and the ICAs (but not the type design or substantiation data).

If you have any questions or would like further information, please contact Shelley Ewalt.

\* \* \* \* \*

McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), 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.

Chicago | Long Island | New Jersey | New York | Philadelphia