

SUMMARY OF RESPONSES TO NPA 02/2016

DEFENCE AVIATION SAFETY REGULATIONS — DRAFT RELEASE

INTRODUCTION

1. **General.** Readers should note that this Summary of Responses outlines DASA's agreed policy and intended regulation changes and finalises the public consultation process in respect of this NPA. Only under extreme or unusual circumstances will DASA consider views or arguments opposing the views expressed in the Summary of Responses. Any member of the public having views or arguments to support an appeal against the decisions documented in this Summary of Responses may petition DASA to consider such an appeal.
2. **Background.** On 30 Jun 16, DASA released NPA 02/2016 for comment. The period for public comment on the proposals contained in this NPA closed on 31 Jul 16, while an extension was granted up to 31 Aug 16 to allow additional time for responses.
3. A total of 13 itemised responses to the NPA2 were received, and distributed as 5 (Basic Regulation), 5 (DASR 21), 2 (DASR M), and 1 (DASR 145). Of the feedback received by DASA, editorial and typographical issues are not discussed in this summary of responses. Responses were generally substantive and comprehensive, and the overall quality of feedback was high. As a consequence, key deficiencies in the proposed regulation changes have been identified and inconsistencies in approach have been highlighted and addressed.
4. This Summary of Responses discusses selected comments, and provides a DASA response and disposition. A list of commercial organisations and Defence Units those who had responded is attached at Annex A.
5. DASA thanks those who have taken the time to respond to the NPA2. The formal DASR release in January 2017 will, to the greatest extent possible, reflect the outcome of this NPA.

ANALYSIS OF COMMENTS

General

6. Many comments were general in nature covering diverse subjects as printability, editorial and typographical errors, incorrect cross references, paragraph numbering, administrative and procedural matters, and the need for guidance material to support the regulations. These comments were addressed and responded to individually.

Comment 1

7. It is understood that Basic Regulation (BR) is intended to be agnostic in order to facilitate use by countries other than Australia. Within the BR, is the use of three different Authority terms (Defence AA, DASA and Authority) and as such it is unclear whom is being referred. Adopting the agnostic EASA model (only Authority is used) or adapting EASA to a Defence specific agnostic model (only use Defence AA) would improve clarity and useability.

8. **DASA Response.** This is a known issue that also impacts Joint Directive 24/2016, the DASA Manual, BR and Implementing Regulation (IR). The terminology presently used in BR supports transition by helping to identify equivalent terms from the previous regulatory system. Thinking behind the formation of the DASA continues to evolve, and as the future environment matures it will be possible to refine and adjust terminology to be more specific.

9. **Disposition.** Nil.

Comment 2

10. Regulations embedded in guidance material (GM) and acceptable means of compliance (AMC) must be removed. CAT 3 UASOP does not require a compulsory technical review and must be removed, as this already occurs during the categorisation phase.

11. **DASA Response.** GM does not contain regulatory material. The DASA approach to AMC is no different from EASA's, and hence while AMC is not mandatory (i.e. regulatory). An applicant proposing an alternative approach may carry greater risk and will require additional time in assessment with no guarantee of approval. For these reasons, AMC may in some instances appear to be semi-regulatory (also known as 'soft law') in nature. New UAS Regulation will be released in the near future and thus will supersede the current regulatory information.

12. **Disposition.** Nil.

Comment 3

13. GM 21.A.3(b) - Constrain the scope of structural occurrences which may relate to an Unsafe Condition. Amend the GM to read: '...report every structural occurrence to Critical Structure, Primary Structure or PSE, no matter how small,...'. A note should also be added referring the reader to the weapon system ASIMP for identification of Critical Structure, Primary Structure or PSE. Provide further guidance/examples to clarify the listed exemptions for reportable structural occurrences.

14. **DASA Response.** Agree. While this is considered self explanatory, examples shall be added to enhance understanding.

15. **Disposition.** GM 21.A.3(b) shall be amended and incorporated with relevant examples.

Comment 4

16. AMC 21.A.3(a) - Constrain the scope of structural failures/malfunctions/defects for which the system is to promptly 'collect, investigate and analyse'. Amend the second paragraph of this AMC to link the scope of structure requiring prompt investigation to only that which may relate to an unsafe condition, with reference to GM 21.A.3(b) and GM 21.A.3B(b)(1) for further guidance. The requirement for prompt investigation and analysis every report of a structure defect is currently excessive.

17. This requirement aims to identify all structural defects which require Occurrence Reporting and thus the scope of structure can be limited. All other defects (e.g. secondary/tertiary structure) do not require a prompt level of review and can be analysed as part of the ASIMP condition monitoring program.

18. **DASA Response.** Agree.

19. **Disposition.** AMC 21.A.3(a) amended.

Comment 5

20. GM M.A.305(c) - Amend the GM to read: 'other airworthiness data as required by the NMAA includes structural condition data for critical structure, primary structure or PSE and other usage parameters...'. '.

21. **DASA Response.** Agree that further clarification is required. The second sentence of this GM will be amended to read 'In the DASR context, usage and condition data collection are considered airworthiness requirements as prescribed in the platform specific ASIMP'.

22. **Disposition.** GM M.A.305(c) amended.

Comment 6

23. AMC 21.A.041 - Add a requirement that additional certification and airworthiness data should be recorded in the ASIMP (as per the propulsion integrity requirement). Also define the minimum data/information that the ASIMP is required to contain from an airworthiness perspective, including:

- a. source(s) of structural Airworthiness Limitations;
- b. identification of Critical Structure, Primary Structure or PSE;
- c. usage data monitoring requirements for airworthiness; and
- d. condition data monitoring requirements for airworthiness.

24. **DASA Response.** The minimum data requirements for the ASIMP are cited as those prescribed within the eADRM (AAP.7001.054). The existing GM provides adequate guidance in this respect.

25. **Disposition.** Nil.

Comment 7

26. GM 21.A.041 and AMC M.A.302(d) - Current language of DASR GM and AMC suggests that the ASIMP will actually contain ASI Airworthiness Limitations. Suggest amending GM 21.A.041 and AMC M.A.302(d) to include language to the effect of 'the source(s) of Airworthiness Limitations will be specified in the ASIMP'.

27. **DASA Response.** Agree.

28. **Disposition.** GM 21.A.041 and AMC M.A.302(d) amended.

Comment 8

29. GM 21.4.44(c) - Clarify that tailoring of EMAR regulations resulting from EASA NPA 2013-07 is likely to be required for DASR implementation and some DASR unique regulation may still be required to retain the current concept of ASIP as adopted by the ADF.

30. **DASA Response.** EASA NPA advises that it will be aimed at large aircraft initially and target ageing aircraft issues only and cites amendment to AMC 20-20 'Continued Structural Integrity Program'. While the AMC does not address all tenets of a MIL-STD-1530C ASIP, it is still subject to change. The second paragraph will be amended to remove the pre-emptive tone, by changing it to read '...NPA 2013-07 may be applicable to EMAR and DASR. If this occurs, this extant regulation (DASR 21.A.44(c)) is expected to be no longer required and may be withdrawn'.

31. **Disposition.** Amended GM second paragraph as per above.

Comment 9

32. AMC 21.A.445 - AMC does not require substantiation of unrepaired damage to ensure compliance with fatigue/damage tolerance requirements of the structural design standard. Suggest amending the second consideration to read: 'Compliance with the strength and fatigue/damage tolerance requirements of the Structural Design Standard'.

33. **DASA Response.** Agree.

34. **Disposition.** AMC 21.A.445 amended.

Comment 10

35. DASR Glossary - Add general definitions for Critical Structure / Flight Safety Critical Structure, Primary Structure, Principle Structural Element (PSE), Secondary Structure and Tertiary Structure.

36. **DASA Response.** Agree.

37. **Disposition.** Definitions added.

Comment 12

38. 145.A.35(m) - Remove the age limit or articulate the rationale behind the age limit so that AMC can be achieved.

39. **DASA Response.** The age limit is necessary to align with EMAR and EASA regulation and therefore maintain **harmonisation** (an extremely important tenant of DASR). The age limit origin and purpose are presently unclear, and dialogue between DASA, CASA, EDA, EASA and ICAO has commenced to determine whether the age limit should be retained. Components are not subject to CRS¹. Therefore, robbery (cannibalisation) of components is not subject to the 21 age limit. The issuance of a CRS for the aircraft is subject to the 21 age limit.

40. **Disposition.** Additional GM and education (DASR courseware and DASA FAQ(s)) will explain the practicalities of the limitation when read in the context of other aspects of DASR 145.

AUTHORITY

41. The content of this Summary of Responses has been reviewed and is authorised.



S. JENKINSON

Dr
Director Aviation Regulation
Defence Aviation Safety Authority
Tel: (03) 9282 3274

28 November 2016

Annex:

A. List of Respondents

¹ Components are subject to release under an authorised release certificate i.e. DASR Form 1

NOTICE OF PROPOSED RULE MAKING NPA 2016/02

LIST OF RESPONDENTS

1. ACAUST
2. DASA Staff
3. AFHQ-DGCP
4. FORCOMD Aviation Branch
5. Steve Swift Consulting
6. AEWCSPO
7. AIR 5428-1 PTS
8. QinetiQ
9. 86 WG
10. Raytheon
11. HQAC
12. Training Aircraft Systems Program Office