



## DEFENSE CONTRACT MANAGEMENT AGENCY

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### MEMORANDUM FOR COMPONENT HEADS, REGION COMMANDERS, CMO COMMANDERS/DIRECTORS WITH AIRCRAFT OPERATIONS

SUBJECT: Applicability of Fire Suppression for Facilities with Aircraft Not In-The-Open

Recently there have been questions raised concerning the applicability of National Aerospace Standard (NAS) 3306, *Facility Requirements for Aircraft Operations*, at aircraft production facilities where Government liability via DFARS 252.228-7001 (The Ground and Flight Risk Clause (GFRC)) would not normally be attached. Government Flight Representatives and Aviation Program Teams should follow this guidance for fire protection at facilities where aircraft are produced/manufactured to ensure their respective contractors adhere to their contractual requirements.

The GFRC is included (with rare exceptions) in all solicitations and contracts for the acquisition, development, production, modification, maintenance, repair, flight, or overhaul of aircraft per DFARS 228-370 (*Additional Clauses*). Through the GFRC, contractors are bound by the operating procedures contained in the Combined Regulation/Instruction entitled "*Contractor's Flight and Ground Operations*" (DCMA INST 8210.1) in effect on the date of contract award. To be clear, DCMA INST 8210.1 is *always* invoked via the GFRC, but it may also be included as a separate requirement on contracts that do not include the GFRC. Beginning with the 21 August 2013 version of the Combined Instruction (DCMA INST 8210.1C), contractors are also required to comply with NAS 3306 for protection of aircraft on the ground and in aircraft hangars.

As stated, DCMA INST 8210.1 becomes effective at contract award, and its application is not dependent on the Government's acceptance of liability. Typically, Government liability via the GFRC would not be attached during production because the product may not be defined as an "aircraft" yet and is also not typically considered "in-the-open." (NOTE: Per the GFRC, "in-the-open" for new production aircraft means located wholly outside of buildings on the Contractor's premises or other places described in the Schedule as being "in the open." Post DD-250'd aircraft are always considered "in-the-open".) Because DCMA INST 8210.1 applies at contract award, and DCMA INST 8210.1C includes the requirement to follow NAS 3306, the fire suppression requirements of NAS 3306 Rev 2 (for contracts signed prior to November 21, 2014) or Rev 3 (for contracts signed after that date) apply for all sites irrespective of the Government's assumption of risk via the GFRC. That is, NAS 3306 applies for facilities even when the aircraft are not "in-the-open" or do not contain fuel.

NAS 3306 Rev 2 (effective date of Aug 13, 2009) does not offer the same level of detail as Rev 3. Rev 2 does not distinguish between types of "facilities" where aircraft are located; rather it simply addresses them as "hangars/facilities." NAS 3306 Rev 3 specifically defines "aircraft production facilities" and "aircraft hangars" and addresses specific requirements for each. The most efficient way to address questions/confusion created by Rev 2 is to read and

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understand the guidance in Rev 3. A key point in both revisions is the fuel status of the aircraft. The requirements in NAS 3306 Rev 3 are clear and need no discussion. However, Rev 2 requirements are not as straight forward. For Rev 2, a production facility falls under the guidance of paragraph 7.5.3 since the aircraft would be “unfueled” (should never have contained any fuel). Therefore, specifically addressing fire protection system requirements for a facility where aircraft are being produced/assembled, if the structure is an “aircraft production facility” per Rev 3 or contains only unfueled aircraft per Rev 2, it must have, at a minimum, a sprinkler system (see appropriate revision of 3306 for specific details). Note that if the contractor (intentionally or not) changes the status of the “production facility” into a hangar (by introducing fueled, previously fueled, post production aircraft, etc., into the facility) then more stringent requirements must be followed (see appropriate revision of 3306 for specific details).

For contracts that fall under NAS 3306 Rev 2, GFRs are encouraged to request no-cost to the Government contract modification to upgrade to NAS 3306 Rev 3 through the ACO to the PCO. Rev 3 provides clarity and will benefit both parties. Contracts with DCMA INST 8210.1B or earlier versions of the Combined Instruction have no “default” requirement to follow NAS 3306 for hangars or facilities. The guidance in this memo is limited to contracts with DCMA INST 8210.1C and to other contracts where NAS 3306 is included through direct contract wording.

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