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Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591-0001

RE: Maintenance Manuals or Instructions Referenced in Airworthiness Limitation
Sections

Dear Rebecca:

The Aeronautical Repair Station Association (ARSA) requests a legal interpretation confirming that:

- (1) The Airworthiness Limitation Section (ALS) and any Component Maintenance Manuals (CMMs) referenced in the ALS are part of the Instructions for Continued Airworthiness (ICA).
- (2) That any changes to the ALS and/or CMMs incorporated by reference made after January 28, 1981 are changes to type design which trigger the requirements of 14 CFR § 21.50(b) to make the ICA available to appropriately rated repair stations.¹

Regulatory Background

The ICA must contain an ALS that sets forth mandatory replacement times, inspection intervals and related inspection procedures.² The regulations make clear that the ALS is part of the type design for the product.³ As a result any modifications to the ALS are a change in type design that satisfies the January 28, 1981 requirement and triggers the obligation to make those instructions available to appropriately rated repair stations.⁴

¹ Hereafter all regulatory citations are to Title 14 CFR unless otherwise noted.

² § 21.50, referencing for example, § 25.1529 which in turn references, app. H, § H25.4.

³ § 21.31(c).

⁴ § 21.50(b).

Rebecca MacPherson, Esq.
May 18, 2009
Page 2

RE: Maintenance Manuals or Instructions Referenced in Airworthiness Limitation Sections

A design approval holder must provide the owner of its products with a complete set of the ICA, including the ALS.⁵ Thereafter, the ICA or any changes to existing sections must be made available to any person required to comply with those instructions.⁶ Among the persons required to comply with ICAs are appropriately rated repair stations performing the maintenance tasks on the articles.⁷

More specifically, any person performing maintenance functions specified in an ALS must perform them in strict accordance with the procedures contained in that document.⁸ In developing this rule, the Federal Aviation Administration (FAA) noted that while alternatives existed for the information contained in ICAs, maintenance providers are required to follow any procedures written into the ALS.⁹

Therefore, to properly perform maintenance any CMMs incorporated by reference into an ALS must be made available to an appropriately rated repair station. Further, any changes to an existing ALS trigger the same requirement to provide the incorporated CMMs.

Practical Application

An example of this scenario exists in the Special Federal Aviation Regulation (SFAR)-88 requirements that mandate design approval holders develop design changes along with maintenance and inspection instructions to maintain ignition source prevention features of fuel tank systems.

Once developed, the design changes are applied to the existing fleet of aircraft through Airworthiness Directives (ADs) and changes to ALS for in-production aircraft. The ADs mandate that existing maintenance and inspection programs incorporate the new instructions. In many instances, the instructions are contained in an amended ALS that directly reference CMMs. In this scenario, access to the maintenance procedures in

⁵ *Id.*

⁶ *Id.*

⁷ See, §§ 43.13(a) and 145.109, the FAA legal interpretations from James Whitlow, dated Dec. 13, 1999 and Richard McCurdy, dated Apr. 14, 2003 and paragraph 6-4 of FAA Order 8110.54, *Instructions for Continued Airworthiness Responsibilities, Requirements and Content* (describing the circumstances under which appropriately rated repair stations must be provided ICA and specifically CMMs).

⁸ § 43.16.

⁹ See 40 Fed. Reg. 29410, 29428 (July 11, 1975) (noting that maintenance personnel performing inspections or other work on a product must do so in accordance with the ALS if such instruction were issued.)

Rebecca MacPherson, Esq.
May 18, 2009
Page 3

RE: Maintenance Manuals or Instructions Referenced in Airworthiness Limitation Sections

both the ALS and the CMMs is essential to ensuring the unsafe conditions are properly addressed.

Conclusion

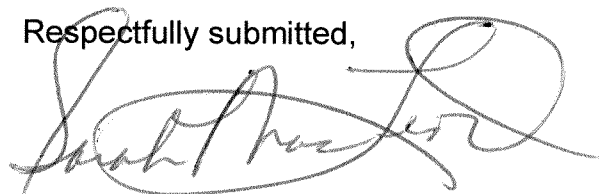
The FAA has created a series of regulations that require design changes be incorporated in both existing aircraft and in-production aircraft; these design changes include mandatory maintenance information that is required to be made available under § 21.50(b).

ARSA requests the FAA issue a legal interpretation confirming that:

1. All CMMs referenced in an ALS are a required part of the ICA;
2. Modifications to the ALS made after January 28, 1981 are changes in type design which trigger the requirement of § 21.50(b); and therefore,
3. Design approval holders must make the ALS and referenced CMMs available to properly rated repair stations.

ARSA looks forward to working with the FAA on this issue and towards an ultimate resolution.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sarah MacLeod".

Sarah MacLeod
Executive Director