



U.S. Department
of Transportation

Federal Aviation
Administration

APR 14 2003

800 Independence Ave., S.W.
Washington, D.C. 20591

Mr. David Rain
Vice President
Alcor Engine Company, Inc.
1015 N. McQueen Rd., Suite 167
Gilbert, AZ 85233

Dear Mr. Rain,

The FAA has reviewed your request, dated October 21, 2002, regarding interpretation of 14 CFR 21.50(b) and the requirement for manufacturers to "make available" Instructions for Continued Airworthiness (ICA). We have reviewed your letter with attachments and offer the following:

1. The Type Certificate holder is not required to retroactively comply with 14 CFR 21.50(b). The rule is clear in stating that ICA must be furnished for design approvals with applications made after January 28, 1981. All design approval holders must furnish ICA after this date provided XX.1529, 31.82, 33.4, and 35.4 were included in the certification basis of the product.
2. We find in general that four conditions must be met in full in order for ICA to be provided to authorized requesters. Although these conditions appear to us to be clear, we plan to publish guidance to better document and define these conditions. These conditions are:
 - 1) Application for the latest related type certificate (original, amended, or supplemental) was made after 01/28/81.
 - 2) The latest related certification basis includes 21.50 as amended 09/11/80 or later (and 2X.1529 or 3x.4 as applicable), i.e., the certificate holder was required to develop (furnish) ICA as part of the certification process.
 - 3) The requester (repair station) of the ICA is *currently* rated for the product/part and is required by Chapter 1 of 14 CFR to comply with ICA for the product/part.
 - 4) If the ICA data requested is a component maintenance manual (CMM) or specific repair information, the CMM or repair information is referenced in higher-level ICA (airplane or engine ICA) as the appropriate source of information for continued airworthiness actions.

Let me emphasize that meeting each of the above conditions is necessary to ensure that enforcement of the 21.50(b) rule is appropriate. Conditions 1) and 2) are obvious determinations of whether the rule applies. Although Alcor may not concur with use of the 1981 date to establish effectivity, it is common practice to provide such a date in rulemaking to avoid retroactive imposition of a rule, and 21.50(b) clearly specifies this condition. Condition 3) is also clear, being the only case in which a repair station is *required* to perform maintenance per ICA. Condition 4) addresses the validity of particular CMM's as part of ICA, and should be clear as well. If top-level ICA contains 'remove and replace' instructions for certain components, rather than referencing CMM's or specific repair

procedures, the aircraft can be maintained in an airworthy condition by replacement action, and the CMM or repair documentation is not part of the ICA.

Based on the information you sent and internal research, we have determined that for the Rolls Royce 250-C20C model engine, you did not meet all four conditions. We have summarized our findings in the following table:

| Certificate Holder | Condition 1 | Condition 2 | Condition 3 | Condition 4 |
|--------------------|-------------|-------------|---------------|----------------|
| Rolls Royce | Not Met | Not Met | Met (Limited) | Not Applicable |

Type Certificate E4CE was amended on June 9, 1976 to include the 250-C20C engine. Based on this amendment date, Conditions 1 and 2 have not been met. With Alcor's limited rating for the Rolls 250 engines, you meet condition 3. Since ICA was not required by Certification Basis, condition 4 is not applicable.

For Rolls Royce to be required to provide OILs, ILs and PMIs on model 250 engines certified after 01/28/81 you would need to show that the overhaul manual required by 14 CFR 33.4, appendix A refers to these documents as the method in which work is accomplished.

3. The FAA does not regulate competition between repair stations but rather safety. The FAA's intent for 21.50(b) was to facilitate owner/operators' ability to manage their own maintenance, and to insure that those *required* to accomplish continued airworthiness actions would have access to continued airworthiness instructions, in the interests of safety. It was not intended to assure that any person wishing to enter the repair/overhaul business is provided with repair manuals.

Sincerely,



Richard McCurdy, Manager, AGC-210