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June 3, 2013

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David Hempe
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Federal Aviation Administration
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RE: Follow-up Regarding RS-DER Approvals

Dear Mr. Hempe:

The Aeronautical Repair Station Association (ARSA) appreciates the Federal Aviation Administration (FAA) response to the inquiry regarding an FAA Designated Engineering Representative (DER) rescinding approval of a repair specification (RS).¹ However, additional clarification is needed, and we respectfully ask the FAA to respond to this supplemental request.

Specifically, the FAA did not squarely address the privileges afforded to a DER under applicable rules. Although it stated that a designee does not have the authority to make "unsafe condition" terminations, the FAA goes on to say that a designee can independently notify users that a previous approval is no longer valid. This position is irreconcilable.

If, as the FAA suggested, a DER determines at a later date that an error was made in approving a RS, the designee must contact the FAA, not the end user.² At that point, it is the FAA's decision whether the error rises to the level of an unsafe condition warranting revocation of the earlier approval. In other words, for the approval to be rescinded, it must first be determined that it presents an unsafe condition. Such determinations are exclusively within the purview of the FAA.

If that were not the case, the value of approvals would be worthless as a variety of issues could lead to individual "disapprovals" without any safety justification. For instance, a DER dispute with the user of a RS could result in rescinding the approval

¹ ARSA's request, dated Dec. 6, 2012 is available at <http://arsa.org/wp-content/uploads/2012/12/ARSA-RSDERApprovals-20121206.pdf> . The response, dated April 11, 2013, is available at <http://arsa.org/wp-content/uploads/2013/04/ARSA-FAAResponse-RSDERApprovals-20130425.pdf>

² That is, the FAA "advisor" assigned to the DER should be notified.

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many years after it was issued; the DER would simply claim to have made an error in previously approving the RS.

To ensure the legitimacy of the FAA's designee system, we kindly ask the FAA to reconsider its position, and clarify that only the FAA can rescind a previously issued approval and then only based upon establishing an unsafe condition exists.

ARSA greatly appreciates, and looks forward to, the FAA's response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah MacLeod". The signature is fluid and cursive, with the first name "Sarah" written in a larger, more prominent script than the last name "MacLeod".

Sarah MacLeod