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# **Service Bulletins Incorporated by Reference into Airworthiness Directives**

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**Sarah MacLeod**, Executive Director

# About the Aeronautical Repair Station Association

[ARSA](#) is devoted to the worldwide civil aviation maintenance industry—from its global corporations to the small, independent businesses. [ARSA](#) members are located on five continents and in nearly 20 countries.

The association's experts create tools for members to navigate the maze of government mandates while enhancing safety, efficiency and productivity.

[ARSA](#) is managed by the law firm of [Obadal, Filler, MacLeod & Klein, P.L.C.](#), which provides management, government affairs, and legal services to trade associations and transportation-centric companies.

## About the Presenter – Sarah MacLeod

[Sarah MacLeod](#) is managing member of [Obadal, Filler, MacLeod & Klein, P.L.C.](#) and a founder and executive director of the [Aeronautical Repair Station Association](#). She has advocated for individuals and companies on international aviation safety law, policy and compliance issues for 30 years.

Ms. MacLeod obtained a bachelor's degree from Evergreen State College, Olympia, Washington and a law degree from Catholic University of America.

## Legal Disclaimer

This material is provided for educational and informational purposes only. It does not constitute any type of professional advice. Law, regulations, guidance and government policies change frequently. While this material is updated, its accuracy cannot be guaranteed.

In addition, the application of this material is always dependent on the particular facts and circumstances involved. The use of this material is therefore at your own risk.

# AD Compliance – SB's IBR'd into ADs – Back When

**AD [63-22-03](#) MARVEL-SCHEBLER:** Amdt. 636 Part 507 Federal Register October 30, 1963. Applies to All MA4-5 Carburetors Not Having the One-Piece Combination Primary and Main Venturi and Used on the Following: Continental O-470 Series Engines Installed in Cessna 180 and 182 Series Aircraft; Continental GO-300 Series Engines Installed in Cessna 175 and P172 Series Aircraft; Lycoming O-540 Series Engines Installed in Aero Commander 500 Series Aircraft, Piper PA-23-250 Series Aircraft and Piper PA-24 Series Aircraft; Lycoming O-360 Series Engines Installed in Piper PA-24 Series Aircraft, Beech 95 Series Aircraft, and Mooney Mark 20 or 21 Series Aircraft; and Franklin 6A4-165 Series Engines Installed in Stinson 108 Series Aircraft.

Compliance required at next carburetor removal or overhaul of either the carburetor or engine whichever occurs first after the effective date of this AD, on all carburetors not having the one-piece combination primary and main venturi installed. Carburetors having the one-piece combination primary and main venturi installed are identified by the letter "V" stamped on the nameplate.

The primary venturi may become loose resulting in wear of the primary venturi support legs on the ends contacting the carburetor body and at the retaining clip area. As a result, the retaining clips may become dislodged or dislocated and wear may progress to the point the venturi becomes dislodged or dislocated. This can cause erratic engine operation or complete engine stoppage. To preclude this, accomplish the following:

Replace the existing primary and main venturi with a one-piece combination primary and main venturi of the correct part number for the carburetor involved. When accomplished stamp the letter "V" on the carburetor nameplate below the serial number.

(Marvel-Schebler Service Bulletin No. A4-63, Lycoming Service Bulletin No. 297, and Continental Motor Service Bulletin No. M63-18 cover this same subject.)

This directive effective December 2, 1963.

# AD Compliance – SB's IBR'd into ADs – Today

**AD: [2016-21-04](#)**

**Relevant Service Information Under 1 CFR part 51  
(information that will or is incorporated by reference (IBR'd))**

We reviewed CMI CSB CSB15-2, Revision C, dated November 9, 2015 (also referred to as CMI CSB CSB15-2C, dated November 9, 2015), and CMI CSB CSB15-7, Revision B, dated April 26, 2016 (also referred to as CMI CSB CSB15-7B, dated April 26, 2016). The CSBs describe **detailed procedures** for replacing oil cooler cross fittings, nipples, and bushings with a redesigned oil cooler cross fitting. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

# AD Compliance – SB's IBR'd into ADs – Today

**AD:** [2016-21-04](#)

(i) Material Incorporated by Reference

- (1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.
- (2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.
  - (i) Continental Motors, Inc. (CMI) Critical Service Bulletin (CSB) CSB15-2, Revision C, dated November 9, 2015 (also referred to as CMI CSB CSB15-2C, dated November 9, 2015).
  - (ii) CMI CSB CSB15-7, Revision B, dated April 26, 2016 (also referred to as CMI CSB CSB157B, dated April 26, 2016).
- (3) For CMI service information identified in this AD, contact Continental Motors, Inc., 2039 Broad Street, Mobile, Alabama 36615; phone: 800-326-0089; Internet: <http://www.continentalmotors.aero>.
- (4) You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

## AD Compliance – SB's IBR'd into ADs – Today **Order 8110.103**

Question: The AD [airworthiness directive] requires that I accomplish specific instructions in a SB. Those instructions require actions from a manual, and the manual requires actions from a standard practice manual. My operating procedure differs from the standard practice manual. Do I need an AMOC to keep using my operating procedure?

Answer: Yes. You must accomplish the specific instructions in the SB specified in the AD, including any second- or third-tier documents that are required to complete the action(s).



## AD Compliance – SB's IBR'd into ADs – Today

### **Answer to ARSA legal interpretation request makes clear—**

*The documents that are typically referenced as second or third-tier references in ADs are documents that most operators and maintenance providers use to perform maintenance on affected aircraft. These documents include aircraft maintenance manuals, overhaul manuals, standard practices manuals, and service bulletins. Under 14 CFR [145.109\(d\)](#), certificated repair stations are generally required to have these documents for aircraft on which they perform work. Therefore, if a repair station complies with this requirement, it would have actual notice of these referenced documents.*

No mention of general aviation owners or mechanics

## AD Compliance – SB's IBR'd into ADs – Today

What happens when any IBR'd document changes?

You have to get an AMOC!

Other solutions—

- FAA could—
  - Reduce or eliminate multiple-layered IBRs.
  - Disallow DAH changes to any document that is IBR'd without an AMOC—the ability to issue the AMOC on the updated document can be delegated.

# AD Compliance – AMOCs – Today

**AD ARC request for legal interpretation resulted in a notice to the public under [FAA-2010-1167](#)**

## **Proposed interpretation most troubling language:**

Section [39.17](#) What must I do if a change in a product affects my ability to accomplish the actions required in an airworthiness directive?

If a change in a product affects your ability to accomplish the actions required by the airworthiness directive in any way, you must request FAA approval of an alternative method of compliance. Unless you can show the change eliminated the unsafe condition, your request should include the specific actions that you propose to address the unsafe condition. Submit your request in the manner described in § 39.19.

If a change to a product makes it impossible to comply with the requirements of an AD, then the operator must request an AMOC approval.

The FAA does not have the resources to determine the modification status of every product to which the AD may apply. If it is impossible to comply with an AD as written, that does not mean the product does not have the unsafe condition. The only way to make sure the product does not, or that there is another acceptable way to address it, is to require an operator to obtain an AMOC approval.

# AD Compliance – AMOCs – Today

## Comments from GA:

- Are you kidding me, I really don't think that the people behind this know Aviation. This will shut down GA/ Airlines/all except Government Maintained Aircraft. The FAA needs to rethink this one. BAD, BAD, BAD decision making. I can see the back log and the waiting time for the FAA AMOC's engineers just to fly a airworthy aircraft that has been maintained and flying for years....
- ...In addition, the proposed requirement to obtain an AMOC for air vehicles which no longer are affected by the original AD (because the unsafe component / design feature) has been corrected/replaced, would result in mass grounding of those air vehicle types identified in the original AD. The FAA seems to want to regulate the General Aviation operators out of existence.
- AOPA's comments echoed the concerns expressed by individual mechanics and general aviation operators.

# AD Compliance – AMOCs – Today

- **Final language:**

If a change to a product makes it impossible to comply with the requirements of an AD, then the operator must request an AMOC approval from the FAA. Sections [39.15](#) and [39.17](#) directly answer this issue. Section [39.15](#) provides that an AD applies to each product identified in the AD, even if an individual product has been changed by modifying, altering, or repairing it in the area addressed by the AD. Section [39.17](#) requires that if a change in a product affects an operator's ability to accomplish the actions required by the AD in any way, the operator must request FAA approval of an AMOC. Together these sections require an operator who cannot comply with the specific requirements of an AD to request FAA approval of an AMOC.

**The operator must obtain an AMOC approval even if the affected product has been removed from the aircraft, rendering compliance with the specific requirements of the AD impossible.** The AMOC process allows the FAA to determine whether the unsafe condition has been eliminated when an operator removes a component to which an AD applies and replaces it with a different component.

## AD Compliance – AMOCs – Today

The legal interpretation requires two actions:

- The section [91.417\(a\)\(1\)\(v\)](#) list of “applicable” ADs must include any on the aircraft, aircraft engine, propeller or installed appliance.
- If the configuration of the product or appliance has been changed by STC or field approval, or the unsafe condition has otherwise been resolved, you still have to obtain an AMOC “proving” that the AD does not apply....

## AD Compliance – AMOCs – Today

- Other solutions—
  - Industry contracts and best practices
    - STC holder obligation to address ADs in the original design and thereafter to provide the data necessary to obtain AMOCs.
    - Original TC holder obligation to provide AMOCs to any changes to any documents or data IBR'd in an AD to the owner and/or its designated maintenance provider—information is considered ICA in any event.
    - Establish clear and concise records of all “applicable” ADs and the method of compliance; if an AMOC is necessary under the “legal interpretation” – obtain one.

# AD Compliance – AMOCs – Today

- Other solutions
  - FAA and industry obtain clarification of the legal interpretation on the basis that it is unnecessary in the interest of safety and impossible to enforce.
    - The objective is to remove the unsafe condition. Persons are authorized to determine if the unsafe condition exists under part [43](#).
    - During annual or other inspections required by part 91, the assessment of whether the unsafe condition exists on or in the product and therefore whether the AD applies and/or compliance must be made. If the AD no longer applies because the configuration is no longer unsafe, that fact can (and must) be entered in the section [43.11](#) record and be placed on the list required by section [91.417](#).



# Questions?



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