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October 4, 2012

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Steven Douglas
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RE: Modified Maintenance Instructions Under EASA 145.A.45(d)

Dear Steve:

On behalf of its members, and particularly those located in Europe and working under the Agreement Between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety (the Agreement), the Aeronautical Repair Station Association (ARSA) requests clarification regarding the use of maintenance instructions which have been modified according to the above referenced EASA rule.¹

For the reasons outlined in this letter, we respectfully ask for a written response from the Federal Aviation Administration (FAA) stating that MMIs are fully acceptable to the FAA under the Agreement. Due to the nature of the questions ARSA has received, we would greatly appreciate the FAA's prompt reply.

Under the cited EASA rule, MMI result in equivalent or improved instructions² that retain the intent of the original type-certificate holder's information.³ That is, only the "how to" instructions,

¹ That is, EASA 145.A.45(d), which states that:

The organisation may only modify maintenance instructions in accordance with a procedure specified in the maintenance organisation's exposition. With respect to those changes, the organisation shall demonstrate that they result in equivalent or improved maintenance standards and shall inform the type-certificate holder of such changes. Maintenance instructions for the purposes of this paragraph means instructions on how to carry out the particular maintenance task: they exclude the engineering design of repairs and modifications.

² See footnote 1.

³ See EASA AMC 145.A.45(d) which states that:

The referenced procedure should address the need for a practical demonstration by the mechanic to the quality personnel of the proposed modified maintenance instruction. When satisfied the quality personnel should approve the modified maintenance instruction and ensure that the type certificate or supplementary type certificate holder is informed of the modified maintenance instruction. The procedure should include a paper/electronic traceability of the complete process from start to finish and ensure that the relevant maintenance instruction clearly identifies the modification. Modified maintenance instructions should only be used in the following circumstances;

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and not the “engineering design” of the repair or alteration, are modified. Therefore, we do not believe MMI constitute a “deviation” from the manufacturer’s maintenance manuals or instructions for continued airworthiness (ICA) as described in the FAA special conditions.⁴ However, even if it were a deviation, the fact that the procedure for developing MMI must be approved by EASA should satisfy FAA requirements for a European-based repair station to have procedures for handling deviations.⁵

Further, the MMI are equal to the acceptable methods, techniques and practices that can be used by a U.S.-based repair station under FAA rules.⁶ As such, the equivalency of MMI should be recognized by the FAA, affording European-based maintenance organizations the same privileges as their U.S.-based counterparts.

Sincerely,



Craig L. Fabian
Vice President Regulatory Affairs and
Assistant General Counsel

cc: Karl Specht

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- a Where the type certificate / supplementary type certificate holders original intent can be carried out in a more practical or more efficient manner.
 - b Where the type certificate / supplementary type certificate holders original intent cannot be achieved by following the maintenance instructions. For example, where a component cannot be replaced following the original maintenance instructions.
 - c For the use of alternative tools / equipment

Important Note: Critical Design Configuration Control Limitations (CDCCL) are airworthiness limitations. Any modification of the maintenance instructions linked to CDCCL constitutes an aircraft modification that should be approved in accordance with Part-21.

⁴ See Annex 2, paragraph 2.1.1(b)(xi) of the Agreement.

⁵ Contained in the FAA special condition cited in footnote 4.

⁶ Under Title 14 Code of Federal Regulations (14 CFR) § 43.13(a), which provides that:

Each person performing maintenance, alteration, or preventive maintenance on an aircraft, engine, propeller, or appliance shall use the methods, techniques, and practices prescribed in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness prepared by its manufacturer, or other methods, techniques, and practices acceptable to the Administrator, except as noted in §43.16. He shall use the tools, equipment, and test apparatus necessary to assure completion of the work in accordance with accepted industry practices. If special equipment or test apparatus is recommended by the manufacturer involved, he must use that equipment or apparatus or its equivalent acceptable to the Administrator. (*Emphasis added*)