



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave. SW.
Washington, DC 20591

MAY 13 2015

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Ms. Sarah MacLeod
Aeronautical Repair Station Association
121 North Henry St.
Alexandria, VA 22314-2903

Dear Ms. MacLeod:

Thank you for your June 3, 2013 follow-up letter regarding reconsideration of our response to your inquiry on a Federal Aviation Administration (FAA) Designated Engineering Representative (DER) rescinding approval of a repair specification (RS). Thank you also for your patience and collaboration as we addressed this inquiry. I believe the situation that initiated your inquiries was subsequently resolved, but during recent conversations you indicated that you would still appreciate a formal response. This letter summarizes the results of our discussions and hopefully provides the additional clarification you requested should this situation occur again.

When an FAA designee determines that their approval of technical data was made in error, it does not mean they have made a determination of an "unsafe condition" required for the issuance of an airworthiness directive (AD). It is only a determination that previously approved technical data does not show compliance with all applicable regulations.

Not all non-compliances equate to an unsafe condition. We have seen many examples over the years that technical data that fails to establish compliance to the regulations will not create an unsafe condition. In cases like this, the FAA would not issue an AD and would take no action against the products or articles already approved for return to service.

Regarding end users, when an FAA designee determines that an RS may not be supported by appropriate technical data or that a technical data approval was made in error, they are not revoking a previous approval, nor are they making any determination of an unsafe condition. They are:

1. Communicating to end users that appropriate and adequate technical data may not support the RS, and therefore the technical data approval does not show compliance with all applicable regulations;
2. Letting end users know as soon as possible that the technical data should not be used as approved, thus preventing additional articles or products from being approved for return to service without further investigation and potential corrective action; and
3. Making available to end users the correct technical data or how to obtain the correct technical data and approval.

Until the FAA determines an AD is required, the articles and products returned to service before the notification remain unaffected. Additionally, if the end user of the technical data does not agree with the FAA designee's decision that the technical data supporting the RS does not show compliance to the regulations, they may contact an Aircraft Certification Office for reevaluation and reconsideration.

Again, thank you for your supplemental request for additional clarification, and for the productive dialogue leading to this final response. I hope the above has provided the information you were requesting concerning RS issues. However, if you have any additional questions, please contact Jon Mowery in the Delegation and Organizational Procedures Section, AIR-142, at (202) 267-1575 or by email at jon.mowery@faa.gov.

Sincerely,



Susan J. M. Cabler
Acting Manager, Design, Manufacturing, &
Airworthiness Division
Aircraft Certification Service