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RE: Draft Advisory Circular 43-18A

The undersigned members of the Instructions for Continued Airworthiness Aviation Rulemaking Committee (ICA-ARC) request the FAA withdraw draft Advisory Circular 43-18A from public comment and any further expenditures of agency resources pending the ARC's recommendations.¹

As is evident by the tasks assigned to the ARC, the AC requires more from maintenance providers and owner/operators fabricating replacement articles than the plain language of the aviation safety regulations.²

Tasks³ assigned to the ARC that relate directly to the draft compliance information in the AC include—

(1) 4.A. *Propose a clear baseline standard defining ICA, recommending performance-based requirements for applicability, content, and availability as necessary to address the following areas of controversy: *** iii. Variations in the regulations, policy, and guidance that are not clearly associated with the level of safety expected between different product types or categories. Variations in the requirements for articles produced under a Parts Manufacturer Approval (PMA) and design approval under 14 CFR § 21.8(d) must be addressed. ICAs are not linked to PMAs and design approvals under 14 CFR § 21.8(d) per our regulatory framework (14 CFR § 21.11 states that Subpart B regulations apply to type certificates, STCs, and amended TCs). ****

The AC, along with other FAA guidance material, attempts to apply requirements from 14 CFR part 21, Subpart B—Type Certificates,⁴ to owners and maintenance fabricators.⁵

¹ By assigning the ICA tasks to the ARC, the agency opted to obtain public comment from that source as it may do under, § 11.27. To obtain information outside an active ARC does not provide an orderly method of obtaining public comment, particularly when questions of regulatory application are present.

² Despite its claim that “[t]he contents of this document...is intended only to provide information to the public regarding existing requirements under the law or agency policies,” information goes beyond the plain language of the regulations.

³ See, Instructions for Continued Airworthiness Aviation Rulemaking Committee [Charter](#), page 2, ¶4. TASKS OF THE ARC.

⁴ See, § 21.11 *Applicability*. Applies subpart B to the issuance of type certificates and holders of those certificates, not to persons otherwise authorized to produce parts or articles for type certificated products. It cannot be applied to owners and maintenance providers that fabricate parts under §§ 21.9(a)(5) and (6).

⁵ Draft AC 43-18A, ¶10.4.4, page 9.

(2) C. ***Address the following areas of controversy:*** iv. The requirement that a DAH must furnish or make available the ICA it develops while a maintenance provider does not have a similar requirement to distribute in-house developed maintenance data as ICA. The ARC must address this inconsistent requirement for DAHs and maintenance providers.

The draft AC requires the development of ICA for maintenance or owner/operator parts, many of which are included in other repair procedures or processes. There are no requirements under part [43](#) or §§ 21.9(a)([5](#)) and ([6](#)) for ICA.⁶

(3) E. Propose the role of repair source approval and criticality of parts and repairs: *** i. Evaluate whether the current ICA and maintenance regulations provide sufficient controls to maintain required safety characteristics for products and component parts (such as for “critical” and “influencing” parts) and appliances. Consider any differences in rigor regarding process oversight that may exist in the manufacturing environment versus the maintenance environment.

Once again, the AC provides information outside the purview of the agency’s current regulations, an issue for which the FAA requested ARC recommendations. There are no requirements in [14](#) CFR for “influencing” parts, and the requirements for critical parts are clearly defined for design and production as well as for maintenance providers.

Since the ARC recommendations are to address the information in the draft AC, the members represented below ask the FAA to withdraw it from public comment and provide any comments received to the ARC, whose final report will provide direction to the agency as part of its complete review of the issue.

Thank you for your timely attention to this matter.

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⁶ Section 21.[50](#) contains the requirement to provide ICA; that section is under subpart [B](#), which only applies to type and supplemental type certificate holders. The latter includes the type certificate previously issued for the product, see, § 21.117(b)([2](#)).

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