



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

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

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Sarah MacLeod, Esq.
Executive Director
Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22314-2903

Dear Sarah,

Thank you, kindly, for your correspondence dated September 19, 2024, on behalf of the Aeronautical Repair Station Association (ARSA). After reviewing your correspondence related to the conversation observed between an AGC attorney and FAA staff at a recent Instructions for Continued Airworthiness (ICA) Aviation Rulemaking Committee (ARC) meeting, I took the initiative to inquire with my legal department colleagues about what transpired. While I am not at liberty to divulge the topic of the discussion, I am happy to share I have confirmed the interaction at issue did not involve *ex parte* communications. I appreciate you bringing this matter to my attention, as the FAA endeavors to follow all laws, rules, and regulations. I now consider this particular point closed.

Regarding the presence of FAA attorneys at ICA ARC proceedings generally, it is important to understand that the FAA attorneys you have observed are there as observers, not as advocates or committee members. Observation by FAA attorneys assists the FAA in better understanding the ARC's recommendations and feedback should the FAA ultimately decide to pursue rulemaking based on the same. This helps the legal teamwork with the rulemaking team as the latter crafts the prospective rules and reminds them of concerns that may have been raised but went unaddressed in the proposed rule. FAA attorneys do not participate as subject matter experts on the committee, and they are not present to provide the committee with legal advice. I understand, and agree, the ARC has considerable participation by FAA subject matter experts from throughout the rest of the agency and they receive multiple presentations by FAA personnel in response to requests from the ARC.

I hope this response helps address any concerns you may have. I appreciate ARSA's continued role in strengthening the country's aviation safety network and ensuring adherence to all laws, rules, and regulations in the process.

Kindest regards,

Marc A. Nichols

Marc A. Nichols
Chief Counsel