



April 3, 2012

Subject: Instructions for Continued Airworthiness

To Whom It May Concern:

Aero Design ensures that our Parts Manufacture Approval (PMA) parts meet or exceed the requirements of the Original Equipment Manufacturer's parts in durability, reliability, and performance. Our PMA process is accomplished in accordance with FAA Order 8110.42. Per 8110.42, no additional Instructions for Continued Airworthiness (ICA) are required for the PMA part as long as the product's ICA is valid with the PMA part. An Aero Design ICA will be provided if the existing Type Certificate (TC) and/or Production Certificate (PC) Holder ICA is impacted by the installation of the PMA part. When no additional ICA is provided by Aero Design, please use existing TC and/or PC Holder ICA.

Special Airworthiness Information Bulleting NE-08-40, although directed at Powerplant, discusses requirements that are applicable to any PMA part and may be used as guidance regarding the use of TC and/or PC Holder ICA. FAA Memorandum AIR-100-11-100-002 regarding Policy Statement PS-AIR-21.50-01 specifically states "In addition, while a DAH must identify the applicability of its ICA, the FAA will not accept restrictive statements or terms in ICA documents, or restrictive access or use agreements that limit the appropriate availability or use of the ICA where the FAA has determined the ICA are acceptable for maintaining a DAH's product with FAA-approved replacement parts, articles, or materials installed (e.g., Parts Manufacturer Approval (PMA) items)."

Aero Design also currently provides a statement on our 8130-3 tags that the Type Certificate and/or Production Certificate Holder's ICA that are accepted by the FAA are valid for the applicable product(s) (see eligibility) with the Aero Design part installed.

Respectfully,

Richard Solbrig
Engineering / Project Manager
Aero Design, Inc
A Heico Aerospace Company

Attachment: SAIB NE-08-40
Memo AIR-100-11-100-002



SUBJ: Powerplant - Original Type and Production Certificate Holder Parts
and Aftermarket Modification and Replacement Parts

SAIB: NE-08-40
Date: August 8, 2008

This is information only. Recommendations aren't mandatory.

This Special Airworthiness Information Bulletin (SAIB) alerts owners, operators, and certificated repair and maintenance providers of the **responsibilities of type and production certificate (TC/PC) holders, supplemental type certificate (STC) holders, and the parts manufacturer approval (PMA) holders** to support the continued operational safety (COS) of their product or part design.

Background

Producers of aircraft, aircraft engines, propellers, and replacement parts comprise an elite segment of a global industry that has produced some of the safest aviation products in the world. The FAA recognizes that this is due to many factors including advanced design tools, testing and analysis techniques, materials, early fault detection capability, and the regulatory certification environment that the industry operates in.

In today's competitive market, owners and operators are continuously searching for ways to reduce costs while maintaining safety. One way is to reduce maintenance expenses by finding alternative sources of replacement parts. This naturally created new markets for replacement parts.

Recently, some engine manufacturers responded to the FAA's approval of PMA and STC for parts involving their type design engine models by telling customers that support of their products could be limited if such parts are installed, since they do not have data on these PMA and STC parts and the effect these parts may have on the overall system. Some TC/PC holders have included language in the FAA-approved airworthiness limitation section (ALS) of their engine instructions for continued airworthiness (ICA) stating that the ICA was developed only for use with their parts.

The FAA understands that the TC/PC holder has no knowledge or data about the PMA and STC parts installed in the product and, therefore, can only assess the airworthiness and systems effects of their parts installed in the product.

PMA and STC parts are thoroughly evaluated for compliance with respect to any changes they introduce and their effect on the original type design. The need for supplemental ICAs, new airworthiness limitations, and other conditions is established by the FAA to ensure the safe integration of the PMA and STC parts into the product.

Recommendations

The following information is provided to assist the aviation community with regard to the installation of FAA-approved replacement parts –

- 1) FAA-approved TC/PC holder, PMA, and STC parts are interchangeable within the certificated product since they are approved only after a full demonstration of compliance to the applicable requirements of Title 14 of the Code of Federal Regulations (14 CFR). A PMA or STC part, when FAA-approved for installation on a certificated product, is a valid replacement part to the TC/PC holder part according to 14 CFR;

- 2) Unless stated otherwise as a limitation to an STC, the FAA has determined and the applicant has shown that FAA-approved life limits established for the TC/PC holder parts remain unchanged for those TC/PC holder parts when PMA or STC parts are installed elsewhere within the product. For example, the life limit for a TC/PC holder disk is unchanged and remains in effect when PMA blades are installed in that disk;
- 3) The FAA approves the content of an ALS and ICA based upon its review of the substantiating data provided by an applicant. Applicants for PMA or STC parts are required to assess the ICA requirements. A PMA or STC applicant either shows and states that the product's ICA are still valid with their part installed or provides a supplemental ICA for any differences; and
- 4) TC/PC holders, PMA holders, and STC holders are responsible for the COS support in accordance with the applicable standards for their parts and products which they have designed and produced.

Owners and operators are ultimately responsible for the safety and airworthiness of the product, which includes being responsible for the configuration control of the product. Owners and operators must ensure that any replacement part installed in the product is approved for that installation and further, they must also ensure that they follow any supplemental ICA that may have been developed for that part.

For Further Information Contact

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Federal Aviation Administration

Memorandum

Date: MAR 23 2012

To: See Distribution List

From: David W. Hempe, Manager, Aircraft Engineering Division, AIR-100

Prepared by: John Cerra, Engineering Procedures Office, AIR-110

Subject: Policy Statement, PS-AIR-21.50-01: Type Design Approval Holder Inappropriate Restrictions on the Use and Availability of Instructions for Continued Airworthiness

Memo No: AIR-100-11-100-002

Regulatory Reference: Title 14 of the Code of Federal Regulations (14 CFR) 21.50

Policy Reference: Order 8110.54A, *Instructions for Continued Airworthiness*

DHempe

Summary

This policy statement addresses actions taken by some Type Certificate (TC) and Supplemental Type Certificate (STC) Design Approval Holders (DAHs), hereafter referred to as DAHs, to inappropriately restrict the availability, distribution, and use of Instructions for Continued Airworthiness (ICA) through restrictive language in the ICA or through restrictive access or use agreements. This guidance is intended to help:

- 1) FAA employees determine whether DAH actions for distributing ICA meet the intent of Title 14 Code of Federal Regulations (14 CFR) 21.50(b), and
- 2) DAHs determine whether their practices meet the intent of the CFR.

Background

ICA constitute only those maintenance instructions recommended by a DAH in compliance with the airworthiness standards (e.g., 14 CFR 23.1529, 25.1529, 27.1529, 29.1529, 31.82, 33.4 and 35.4) that are acceptable to or approved by the FAA to maintain a type certificated product in an airworthy condition. Section 21.50(b) requires the DAH to “furnish at least one set of complete Instructions for Continued Airworthiness to the owner of each type aircraft, aircraft engine, or propeller Thereafter, the holder of a design approval must make those instructions available to any other person required ... to comply with any of the terms of those instructions.” The same

regulation requires that “changes to the Instructions for Continued Airworthiness shall be made available to any person required ... to comply with any of those instructions.”

The intent of §21.50(b) is to provide for the development and distribution of the information necessary to maintain products in an airworthy condition. The scope of who ICA is distributed to is limited to owners/operators and those authorized by the FAA to perform maintenance on those products (or components thereof). It is not intended to require that ICA be made available to any person seeking ICA for purposes other than preventive maintenance, maintenance, or alteration, unless that person has a regulatory requirement to comply with the terms of ICA.

Making ICA Available to Maintenance Providers

Recent questions have emerged regarding requirements for a DAH to make ICA available to a maintenance provider. FAA Order 8110.54A, paragraph 6-4(a), explains the criteria that must be met if the person requesting the ICA is not the product owner or operator. For example, if a maintenance provider lacks the proper rating, but desires to perform maintenance for an owner/operator, the maintenance provider would need to obtain the necessary ICA directly from the owner/operator. Once the DAH furnishes ICA to the owner/operator, the owner/operator can provide it to the maintenance provider(s) of their choice. The maintenance provider could then seek the proper rating from the FAA under the provisions of Part 145.

It is not appropriate for a DAH to place limitations on the use of its ICA between the owner/operator and the maintenance provider, whether the maintenance provider is rated or not, to perform that maintenance. A maintenance provider that is not rated, or is seeking the appropriate FAA rating to perform maintenance on the owner/operator’s products, may obtain ICA from the owner/operator. For those maintenance providers that have the necessary FAA rating, FAA Order 8110.54A, chapter 6 paragraph 4.a, states that the DAH would be required to make the ICA and any subsequent revisions available directly to the maintenance provider upon its request.

Regulatory Justification for Owner/Operator Distribution of ICA to Maintenance Providers

From the Final Rule discussion, Federal Register Volume 45, No. 178, Page 60168, dated September 11, 1980, it is clear that the regulations intended for owners/operators to be able to share ICA with those whom they seek to perform their maintenance.

“The Instructions for Continued Airworthiness must be furnished to the aircraft owner/operator who is the person responsible for maintaining the aircraft (including the propeller). The owner/operator may not be authorized to maintain the propeller, but the owner/operator can place the instructions in the hands of persons who are authorized.”

Although this particular FAA response to a comment concerns propellers, it is clearly applicable to all aspects of maintenance. Few, if any, owners, operators, or maintenance entities are qualified to perform maintenance on all kinds of aircraft and related products and articles, creating the need for owners and operators to be able to pass the instructions to their maintainers.

Based on the above discussion, a DAH may not inhibit an owner/operator from distributing ICA to current or potential future maintenance providers. Therefore, it is not acceptable for a DAH to limit the distribution of ICA through restrictive access or use agreements, or by adding restrictive language that would control the use of ICA by an owner/operator with respect to the maintenance of its product.

In addition, while a DAH must identify the applicability of its ICA, the FAA will not accept restrictive statements or terms in ICA documents, or restrictive access or use agreements that limit the appropriate availability or use of the ICA where the FAA has determined the ICA are acceptable for maintaining a DAH's product with FAA-approved replacement parts, articles, or materials installed (e.g., Parts Manufacturer Approval (PMA) items).

While not exhaustive, the FAA finds the following practices of using restrictive language in the ICA or through restrictive access or use agreements unacceptable under the provisions of 14 CFR §21.50(b) and related ICA airworthiness requirements:

- 1) Requiring the owner/operator to only install DAH-produced or authorized replacement parts, articles, appliances, or materials.
- 2) Requiring that alterations or repairs must be provided or otherwise authorized by the DAH.
- 3) Requiring the use of only maintenance providers or other persons authorized by the DAH to implement the ICA.
- 4) Establishing, or attempting to establish, any restriction on the owner/operator to disclose or provide the ICA to persons authorized by the FAA to implement the ICA.

This policy was coordinated with the Aircraft Maintenance Division, AFS-300. If you have any questions or comments, please contact John Cerra, AIR-110, at (405) 954-7075 or at john.cerra@faa.gov.

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