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September 15, 2014

Mark W. Bury (AGC-200)  
Assistant Chief Counsel for International Law, Legislation and Regulations  
Office of the Chief Counsel  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591

Dear Mr. Bury:

I am writing your office with an urgent request for an interpretation of 14 CFR 91.403(c) which requires owners or operators to comply with mandatory replacement times and inspection intervals that are contained in an Airworthiness Limitations section (ALS) of a manufacturer's maintenance manual or instructions for continued airworthiness. In addition, I am requesting an interpretation of 14 CFR 43.16 which requires maintenance providers comply with the same ALS as 14 CFR 91.403(c). My question specifically relates to a recent revision by Cessna Aircraft Company of their Service Manual for the Cessna 210 in which a new FAA Approved section 2B was added (titled "Airworthiness Limitations") containing mandatory inspection intervals and component replacement times.

*14 CFR 91.403(c) which reads:*

*(c) No person may operate an aircraft for which a manufacturer's maintenance manual or instructions for continued airworthiness has been issued that contains an airworthiness limitations section unless the mandatory replacement times, inspection intervals, and related procedures specified in that section or alternative inspection intervals and related procedures set forth in an operations specification approved by the Administrator under part 121 or 135 of this chapter or in accordance with an inspection program approved under § 91.409(e) have been complied with.*

*14 CFR 43.16 which reads:*

*Each person performing an inspection or other maintenance specified in an Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness shall perform the inspection or other maintenance in accordance with that section, or in accordance with operations specifications approved by the Administrator under part 121 or 135, or an inspection program approved under §91.409(e).*

If a manufacturer's maintenance manual for a small piston engine airplane is amended by the addition of an FAA approved airworthiness limitations section (ALS), are the mandatory replacement times and inspection intervals contained therein retroactively mandatory for aircraft operated prior to the publication date of the ALS, or would it require the issuance of an Airworthiness Directive to make those times and intervals retroactively mandatory for operators of such aircraft?

If you determine the ALS is retroactively mandatory to aircraft operated prior to the publication date, wouldn't that effectively constitute a substantive rulemaking action by the FAA without benefit of the notice-and-comment procedures mandated by the Federal Administrative Procedures Act?

If you determine the addition of an ALS to a manufacturer's maintenance manual does not make compliance with that ALS retroactively compulsory for an owner who owned the aircraft prior to the publication date of the ALS, then please explain what happens if the aircraft is subsequently sold. Is compliance with the ALS compulsory for the new owner?

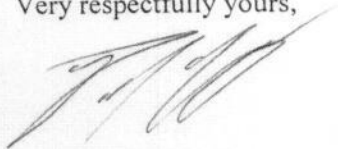
A letter of interpretation from AGC-200 dated July 9, 2010 addressed a similar question with regard to the issuance of SIDs for the Cessna Conquest which concluded they are not retroactively mandatory unless the FAA issues an AD making them retroactively mandatory.

A difference with the questions presented herein concerning the ALS vs the Conquest SID is the maintenance manual amendment is an FAA approved ALS where SIDs are not FAA approved. Also, there is no regulation calling for compliance with SIDs but 14CFR 91.403(c) specifically does require compliance with ALS with no stated regard to whether the ALS is "current" relative to the particular subject aircraft or component.

Does the fact that the revised maintenance manual ALS is FAA approved and/or that ALS are required compliance items according to 14 CFR 91.403(c) change the application of the reasoning applied to term "current" as in the referenced letter of interpretation on the Cessna Conquest SIDs?

I found at least 3000 Cessna 210 models with the affected cantilever style wing on the US registry. The aircraft was last produced in 1986 and most are past the 3500 hour initial time limit for compliance with the ALS. If it is determined the ALS is required retroactively, then there are many aircraft flying non-compliant with the ALS due to an unaware owner group and maintenance providers. Your assistance in this matter is greatly appreciated.

Very respectfully yours,



Paul New A&P IA  
President  
Tennessee Aircraft Services, Inc.