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

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

MAY 21 2014

Doug Hereford
Kansas Avionics, LLC
601 Lou Holland Drive
Kansas City, MO 64116

Re: Request for Legal Interpretation on the Legal Sufficiency of an Airworthiness Limitations Section Paragraph in the Cirrus Airplane Maintenance Manual that Restricts Who May Service and Maintain the Cirrus Airframe Parachute System (CAPS)

Dear Mr. Hereford:

This responds to your December 19, 2013, request for a legal interpretation concerning the enforceability of a section in the Airworthiness Limitations section of the Cirrus Airplane Maintenance Manual for Models SR22 and SR22T (dated June 15, 2010) that restricts who may service and maintain the Cirrus Airframe Parachute System (CAPS) to only "Cirrus Design trained and authorized parachute system technicians." You referred specifically to the text in the second bullet paragraph under **A. Maintenance Limitations** in section 04-00, on page 2, which states:

- Cirrus Airframe Parachute System (CAPS)

  CAPS must be serviced and maintained by Cirrus Design trained and authorized parachute system technicians only. Airframe and Powerplant license alone is not sufficient credentials for performing maintenance on CAPS. Licensed Airframe and Powerplant mechanics may visually inspect the parachute installation and activation handle installation only as specified in 5-20. (Refer to 05-20)

Your specific question is: "If an airframe rated mechanic is in compliance with the referenced rules (43.3, 43.7, and 65.81), and performs the Airworthiness Limitation required maintenance contained within the attached section in accordance with FAR 43.13 and FAR 43.16, would he/she be in violation of any rule if this person did not comply with the second bullet requirement to have the specified Cirrus Design training and authorization?" In our opinion the answer is **no**—the mechanic would not be in violation of any regulation so long as he or she was properly qualified to perform the work at issue, and the work was done in accordance with the

applicable Airworthiness Limitations section, as required by 14 C.F.R. §§ 43.16 and 91.403(c), and the other requirements set forth in § 43.13 were met.

As you observed, the Airworthiness Limitations section of a manufacturer's maintenance manual is FAA-approved, and § 43.16 requires that inspections or other maintenance specified in the Airworthiness Limitations section must be done in accordance with that section. If the *who may perform maintenance* requirements of the CAPS paragraph were enforced literally, it would restrict properly rated mechanics who were not both trained and authorized **by Cirrus** from activities such as repacking the parachute itself, which would include disassembling the parachute, inspecting it, and then reassembling it. Although §§ 43.16 and 91.403(c) require compliance with the Airworthiness Limitations sections, those regulations are directed to the proper performance of maintenance, not to who may perform it. Section 43.16 states, in pertinent part, that the *inspection or other maintenance* must be done in accordance with that section, and § 91.403(c) requires that the mandatory replacement times, inspection intervals, and related procedures specified in that section be complied with.[1] Accordingly, the Cirrus paragraph at issue contains requirements that go beyond what is required and intended by the FAA's regulations.

The FAA's regulations specify who may perform maintenance on an aircraft, airframe, aircraft engine, propeller, appliance, or their component parts. Of relevance here, § 43.3(b) authorizes the holder of a mechanic certificate to perform maintenance *as provided in Part 65* (emphasis added). For mechanics, § 65.81 sets forth general privileges and limitations. Section 65.81(a) provides, in pertinent part:

> A certificated mechanic may perform or supervise the maintenance, ... of an aircraft or appliance, or a part thereof, for which he is rated . . . . However, he may not supervise the maintenance . . . , or approve and return to service, any aircraft or appliance, or part thereof, for which he is rated unless he has satisfactorily performed the work concerned at an earlier date. If he has not so performed that work at an earlier date, he may show his ability to do it by performing it to the satisfaction of the Administrator or under the direct supervision of a certificated and appropriately rated mechanic, . . . who has had previous experience in the specific operation concerned.

And § 65.81(b) provides, in pertinent part:

> A certificated mechanic may not exercise the privileges of his certificate and rating unless he understands the current instructions of the manufacturer, and the maintenance manuals, for the specific operation concerned.

Based on those limitations, the portion of the Cirrus Maintenance Limitations paragraph stating that an "Airframe and Powerplant license *alone* is not sufficient credentials for performing maintenance on CAPS (emphasis added)," is valid to the extent that, in addition to being FAA-certificated, a mechanic would also have to meet the specific experience requirement or

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[1] *See, e.g.*, 14 C.F.R. part 23, app. G at para. G23.4 *Airworthiness Limitations section*, for the requirements of what the section must contain.

demonstrate the ability to perform the specific work to the satisfaction of the FAA. In addition, the mechanic would have to understand the manufacturer's current instructions and the applicable maintenance manuals.

To the extent the Cirrus Maintenance Limitations paragraph attempts to limit who can perform maintenance on CAPS to only "Cirrus Design trained and authorized parachute system technicians . . . . ," the paragraph is not enforceable from an FAA regulatory perspective. If an FAA-certificated mechanic who met the specific experience or ability requirements of § 65.81(a) and the specific comprehension requirements of § 65.81(b), were to perform maintenance on CAPS, and performed the maintenance in accordance with part 43, he or she would not run afoul of the FAA's maintenance regulations. Similarly, the paragraph may not restrict properly trained and qualified mechanics to only the referenced visual inspection.

This opinion takes no position on how or where a mechanic could obtain the necessary knowledge and/or experience to be qualified to work on the Cirrus Design ballistic parachute systems. These are specialized and potentially dangerous systems that contain an explosive device that launches the parachute when activated. These systems are not covered in most airframe mechanic training. Training and qualification in these systems by Cirrus Design would be prudent for anyone intending to maintain them. However, that advice does not presuppose that the training could not be provided by another person who has been properly trained and qualified.

This response was prepared by Edmund Averman, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and was coordinated with the Aircraft Maintenance Division (AFS-300) of the Flight Standards Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation, and Regulations