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

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

JAN -2 2015

Sammy D. Oakley
Vice President and General Manager
Piedmont Propulsion Systems, LLC
4400 Lansing Street
Winston Salem, NC 27105

Re: Request for Legal Interpretation of 14 C.F.R. § 21.50(b) Concerning Whether a Design Approval Holder (DAH) Must Furnish Complete Instructions for Continued Airworthiness (ICA) to the Operator of an FAA-Type Certificated Aircraft or Its Engine and/or Propeller for an Aircraft Operated as Public Aircraft Operations (PAO) If the Aircraft Has an FAA-Issued Standard Airworthiness Certificate

Dear Mr. Oakley:

This responds to your letter dated September 2, 2014, asking whether the provisions in 14 C.F.R. § 21.50(b) that require design approval holders (DAH) to furnish complete Instructions for Continued Airworthiness (ICA) to the owner of each type aircraft, engine, or propeller apply when the person seeking the ICA is "a Public Use operator of a FAA Type Certified aircraft, engine and/or propeller that has an airworthiness certificate?" The answer to your question is yes, provided the operator is the aircraft owner. You asked related questions of whether the operator of an aircraft originally delivered without an airworthiness certificate could "engage the services of an FAA DAR [Designated Airworthiness Representative] to obtain a standard airworthiness certificate" for the aircraft, and whether obtaining a standard airworthiness certificate in this manner obligates the DAH to furnish complete ICA to the PAO operator? Again, with the same clarification, our answer is yes.

Section 21.50(b) states, in pertinent part:

> The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller for which application was made after January 28, 1981, must furnish at least one set of complete Instructions for Continued Airworthiness to the owner of each type aircraft, aircraft engine, or propeller upon its delivery, or upon issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later. The Instructions must be prepared in

> accordance with §§ 23.1529, 25.1529, 27.1529, 29.1529, 31.82, 33.4, 35.4, or part 26 of this subchapter, or as specified in the applicable airworthiness criteria for special classes of aircraft defined in § 21.17(b), as applicable. . . . Thereafter, the holder of a design approval must make those instructions available to any other person required by this chapter to comply with any of the terms of those instructions. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person required by this chapter to comply with any of those instructions.

This regulation requires a DAH to furnish complete ICA to the *owner* of an aircraft that has an FAA-issued type certificate—either upon the aircraft's delivery, or upon issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later. In answering your question, we assume the delivery criteria is met because the aircraft has an operator; and we assume the aircraft has a *standard* airworthiness certificate.[1] Your question, however, asked whether a DAH is obliged to furnish the ICA to the *operator* of an aircraft that is operated in "Public Use" (as a public aircraft operation (PAO)). Under § 21.50(b), a DAH is not obligated to furnish ICA to an aircraft *operator* unless that operator is also the owner. Whether the aircraft is operated as a civil aircraft or as a PAO aircraft is not determinative as to whether the DAH must furnish the ICA to the owner. What does control is whether an aircraft that has been issued an FAA type certificate is delivered to the owner, or whether the aircraft has been issued an FAA standard airworthiness certificate, whichever occurs later in time.

In addition to inquiring about a DAH's obligation to furnish ICA to an operator of a type certificated aircraft having an airworthiness certificate, your question also asked about a DAH's obligation to provide ICA for type certificated engines and propellers of the affected aircraft. Under § 21.50(b), the engine and propeller DAH is obligated to furnish ICA for those engines and propellers to the owner of the type-certificated aircraft if the aircraft has a standard airworthiness certificate. Again, this obligation is limited to providing the ICA to the product owner, not the operator (unless they are the same person).

It is not uncommon for the aircraft owner and operator to be the same person, in which case the owner/operator would be entitled to receive ICA from the DAH. When they are not the same person, the owner may provide the ICA to an operator in order to facilitate proper maintenance of the aircraft. An FAA Policy Statement (PS-AIR-21-50-01) issued on March 23, 2012 (a copy of which is enclosed with this letter), by the Aircraft Certification Service's Aircraft Engineering Division makes clear that the FAA will not accept restrictive statements or terms in the ICA that attempt to limit a product owner's ability to distribute ICA to persons authorized by the FAA to implement the instructions, including operators or maintenance providers.

Your second question, also relating to an aircraft operated as a PAO aircraft, is similar to your first, except that it assumes a delivered aircraft that does not initially have an airworthiness certificate. Until the aircraft is issued a standard airworthiness certificate, the DAH is not obligated under § 21.50(b) to furnish ICA to the owner. If the owner or the operator later engages the services of a DAR to obtain a standard airworthiness certificate for the aircraft, and as a result the FAA issues that certificate, then the DAH (which would include the DAHs for the

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[1] Other types of airworthiness certificates (such as primary, restricted, limited, light-sport, and provisional airworthiness certificates) do not trigger the requirement § 21.50(b) to furnish ICA to owners.

engine and the propeller of the affected aircraft) is obligated under § 21.50(b) to furnish complete ICA to the owner. The requirement to furnish ICA is triggered by the issuance of the standard certificate of airworthiness without regard to whether the DAH or the aircraft owner or operator applied for the certificate. As before, the obligation is for the DAHs to furnish these ICA to the owner, and not to the operator, without regard to whether the operation of the aircraft is in civil or public use. As noted above, the aircraft owner may provide these ICA to the operator or to an authorized maintenance provider of the owner's choice.

This response was prepared by Edmund Averman, an attorney in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division (AFS-300) in the Flight Standards Service, and with the Aircraft Engineering Division (AIR-100) in the Aircraft Certification Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

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

Enclosure