

From: [Emily Bremer](#)
To: [Scott Cooper](#)
Subject: RE: Air worthiness directives
Date: Wednesday, July 25, 2012 3:28:00 PM

No, the recommendation doesn't address them all. Technically, because the incorporated service manuals/bulletins are generally copyrighted, the public access provisions of the recommendation related to copyrighted materials would apply. This is one of the reasons, actually, that the recommendation speaks of incorporated "materials" rather than "standards." But that's about it, I think.

Good to see you, too, as always!

Cheers,
Emily

From: Scott Cooper [mailto:SCooper@ansi.org]
Sent: Wednesday, July 25, 2012 3:20 PM
To: Emily Bremer
Subject: Air worthiness directives

Emily,

Good seeing you today. Where shall we meet tomorrow?

The FAA's air worthiness directives. You reference them in your research paper [below]. But there isn't a reference to them in the Recommendation is there? Did ACUS address them at all? (Even to dismiss them from the IBR consideration?)

Nongovernmental materials are also commonly incorporated by reference. FAA's incorporation of manufacturer service manuals into its airworthiness directives accounts for a substantial percentage of the incorporation by reference requests processed by OFR. Airworthiness directives, which FAA issues on a nearly daily basis, are —legally enforceable rules || regarding the proper maintenance of —aircraft, aircraft engines, propellers, and appliances. || 20 FAA regulations broadly require anyone who operates such a —product || to maintain it in a safe and airworthy condition. This general obligation finds specific expression in airworthiness directives,²¹ which the FAA issues when it finds —[a]n unsafe condition || 22 that —is likely to exist or develop in other products of the same type design. || 23 The directives specify inspections, maintenance actions, or repairs necessary to guard against the identified unsafe condition. In most cases, this information is already available in the repair manual published by the product's manufacturer. FAA incorporates the relevant provisions of the manual by reference to make the repair or inspection mandatory, while avoiding errors that might result if the agency attempted to paraphrase the manufacturer's instructions. Other agencies incorporate nongovernmental materials for radically different regulatory purposes. For example, NRC incorporates design specifications by reference as a means of approving —a final design for a nuclear power facility. ||

Best

Scott