

November 22, 2000
Docket Number FAA-2000-8017

Reply to request for comments on changes to 14 CFR Part 43

Proposed section 43.1

Part 43 is titled Maintenance, Preventive Maintenance, Rebuilding, and Alteration. Inclusion of regulations pertaining to "segregation" and "disposition" of parts would in effect change the definition of maintenance contained in Part 1. This paragraph changes the applicability of Part 43 to include persons who segregate and disposition parts. These functions are outside the scope and definitions of maintenance, preventive maintenance, rebuilding and alteration.

Proposed section 43.10(a)

These definitions do not apply only to this section, Parts 21, 45, and other Parts of the regulations would be affected. All definitions should be contained in Part 1.

Proposed section 43.10 (b)

Control of parts does not meet the definitions of maintenance, preventive maintenance, rebuilding or alteration contained in Part 1 and therefore should not be included in Part 43. The installation of a part that has exceeded its life limit or has unknown status is already effectively excluded from being eligible for installation on all U.S. registered aircraft by section 91.417(a)(2), by Operations Specifications, or both. Installation on any type certificated product used in civil aviation is prohibited by Part 21, the products type certificate, and/or instructions for continued airworthiness.

Proposed section 43.10 (b)(1)

Segregation of parts does not meet the definitions of maintenance, preventive maintenance, rebuilding or alteration contained in Part 1 and therefore should not be included in Part 43. According to this proposed section, for a part to be legally "segregated" both (i) and (ii) must be met. However, if a part is otherwise serviceable, and the part has some life remaining according to the record kept under paragraph (i), it would be considered a serviceable part. Why then must it be segregated from other serviceable parts as required by (ii)?

Proposed section 43.10 (b)(2)

Marking of parts does not meet the definitions of maintenance, preventive maintenance, rebuilding or alteration contained in Part 1 and therefore should not be included in Part 43. Any additional requirements for the marking of parts should be added to Part 45. The requirement for to mark the part in accordance with the manufacturer's instructions is too ambiguous. This paragraph says the marking of the removed part is the responsibility of the person who removes the part, this is unreasonable and not practical in a typical shop environment. The applicability paragraph, proposed section 43.1, says this also applies to anyone who segregates or dispositions the part. Must they all mark the part? If during FAA surveillance a part is found that is improperly marked, how will the regulation be enforced? The only person required to make a written record of their actions is the person who removed the part, they are required to make a maintenance record entry per current section 43.9. If the fraudulent or erroneous mark was made by someone else who would be responsible? Will the remover of the part be held

accountable for the fraudulent or erroneous markings made by others simply because they are the ones who left a written record?

Proposed section 43.10 (b)(3)

Destroying an unserviceable part does not meet the definitions of maintenance, preventive maintenance, rebuilding or alteration contained in Part 1 and therefore should not be included in Part 43. If used, the term destroy should be defined. A part can be rendered unusable without being destroyed, in fact it could be argued that matter cannot be destroyed, only altered. The use of unserviceable parts as demonstration or training aids should be allowed under the regulations. In addition, the proposed rule would not allow the use of expired life limited parts on type certificated products that are not used in civil aviation. Example of these uses are aircraft, engines, and other products used in training, museum displays, airboats, etc.

Proposed section 43.10 (b)(4)

The marking of parts does not meet the definitions of maintenance, preventive maintenance, rebuilding or alteration contained in Part 1 and therefore should not be included in Part 43. This paragraph simply repeats what is stated in paragraph (b)(2) except for the requirement for a "permanent and legible" mark, and the exception for a part being "permanently removed from service". See above comments for paragraph (b)(2).

Proposed section 43.10 (b)(5)

Tagging of life limited parts with information to include life status has been an accepted industry practice for years, and should be allowed to continue regardless of whether or not other types of identification are considered "practical". When a tagged part is installed the tag is typically made a part of the maintenance records in order to show compliance with section 91.417 (a)(2) and/or Operations Specifications. When the part is subsequently removed, a new tag is generated. It is unreasonable to require that the tag be "updated" each time the part is removed.

Proposed section 43.10 (b)(6)

Other possible methods, if necessary, should be explained in the preamble or in a proposed Advisory Circular.

Proposed section 43.10 (c)

The removal of a part from segregation does not meet the definitions of maintenance, preventive maintenance, rebuilding or alteration contained in Part 1 and therefore should not be included in Part 43. This paragraph places the burden for future control of the part on the person who removes it from segregation. If the part is subsequently sold or otherwise transferred to another person and the tag or mark is removed or altered, who is then responsible? Is it the person who removed it from the aircraft, the person who removed it from segregation, or someone else that is responsible? Maybe it is the person who installs that part on a type certificated product who should have the final responsibility. This final authority and responsibility for determining airworthiness is what the current regulations provide.

Conclusion

The proposed changes will do nothing to stem the problem of "unapproved parts". They will serve only to further frustrate the well intentioned mechanics and repair stations that we depend on to maintain our aging fleet. Current regulations provide an acceptable

standard for aircraft parts. The problems we face come from unscrupulous individuals and companies who seek to intentionally defraud others. This problem can and should be addressed by proper enforcement of existing criminal statutes. This is not a subject for the Federal Aviation Regulations. It is my recommendation that this proposal be withdrawn.

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