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U.S. Department of Transportation  
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Washington, D.C. 20590-0001

Subject: FAA Docket No. FAA-2000-8017; Notice No. 00-11; Safe Disposition of Life-Limited Aircraft Parts.

These comments are submitted on behalf of the Aeronautical Repair Station Association, the Aircraft Electronics Association, the Airline Suppliers Association, Helicopter Association International, the National Air Carrier Association and the Professional Aviation Maintenance Association to the above referenced rulemaking docket.

The Aeronautical Repair Station Association (ARSA) represents entities certificated under Part 145 of the Federal Aviation Regulations (FARs) and under similar regulations issued by National Aviation Authorities (NAAs) around the world. The Association membership includes entities that distribute parts to international civil aviation businesses, as well as air carriers and manufacturers. These entities are directly impacted by the proposed rule.

The Aircraft Electronics Association represents the interests of the civil aviation avionics business community. The Association's membership includes manufacturers, repair stations and distributors of, among other things, civil aviation parts and components. Members handle life-limited parts during manufacturing, maintenance and distribution operations. As such, the Association represents all aspects of the civil aviation parts industry -- from initial manufacture, through distribution, to the installers.

The Airline Suppliers Association (ASA) represents the civil aviation parts distribution industry. Many of ASA's member businesses routinely handle life-limited aircraft parts. ASA strongly supports efforts to improve controls over the handling and disposition of life-limited parts, but favors an approach that will improve safety without imposing a potentially debilitating burden on parts distributors by indirectly making their employees subject to certification requirements that now apply only to FAA-certificated mechanics,

repairmen, and entities such as air carriers and repair stations. Several of the proposed provisions would place a burden on parts distributors that would not be commensurate with any safety benefit, and that is not required by the statute.

Helicopter Association International (HAI) is the professional trade association for the civil helicopter industry. Its 1,500-plus member organizations and 1,400-plus individual members safely operate more than 5,000 helicopters approximately 2 million hours each year. HAI is dedicated to the promotion of the helicopter as a safe, effective method of commerce and to the advancement of the civil helicopter industry. No other aircraft have more dynamic and life-limited parts than modern helicopters. In times past, civilian helicopter parts stores on occasion have been commingled with surplus military parts, sometimes with catastrophic results for unwary operators. For these and other reasons, HAI would welcome a workable rule to reduce the probability that a life-exhausted part may find its way through commerce onto a civil helicopter. However, HAI joins with other aviation associations who are signatories to this document in expressing concern that the FAA's current proposal may not be sufficiently workable to achieve that laudable objective, and may unreasonably burden industry in the process.

The National Air Carrier Association (NACA) represents passenger and cargo airlines, certificated by the Federal Aviation Administration in accordance with 14 CFR Part 121 and as an adjunct to their core business, may hold certification as a repair station in accordance with 14 CFR Part 145. As owners and operators of aircraft, NACA's members own, maintain and transfer life-limited parts. Our members are directly impacted by the proposed rule and support the issuance of a Supplemental Notice of Proposed Rulemaking that incorporates the alternative language submitted as Appendix A.

The Professional Aviation Maintenance Association (PAMA) represents the interests of individual aviation maintenance and avionics professionals. The mission of the association is to enhance professionalism and recognition of aviation maintenance professionals through communication, education, representation and support, for continuous improvement in aviation safety. The Association membership includes aviation maintenance professionals from every segment of the industry and numerous companies that employ and train them. PAMA's membership will be directly and adversely impacted by many facets of the proposed rule.

After due consideration of the legislative language directing the Federal Aviation Administration (FAA) to promulgate its Notice of Proposed Rulemaking (NPRM) and the language of the proposed rule, the undersigned submits the following comments.

1. The proposed rule incorrectly interprets the legislative directive. The legislative language states:

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deters installation on an aircraft of a life-limited part that has reached or exceeded its life limits. (Emphasis added.)

The first sentence establishes the general subject of the Congressional directive, while the second sentence orders the agency to take specific action in its rulemaking procedure. The rulemaking must establish a procedure for the safe disposition of a life-limited part that has reached or exceeded its life-limit, thereby preventing it from being installed on civil aviation products. However, the proposed rule focuses on the removal of the part, not on the installation. Therefore, the proposed rule does not accomplish the Congressional directive.

2. The proposed rule must be rewritten. The legislative language defines “safe disposition” of a part that has reached or exceeded its life-limit as any of the following:

- (1) The part may be segregated under circumstances that preclude its installation on an aircraft.
- (2) The part may be permanently marked to indicate its used life status.
- (3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.
- (4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.
- (5) Any other method approved by the Administrator.

However, the proposed rule directs these possible actions at the removal, segregation and disposition of a life-limited part. The agency states that the majority of these actions will be taken by the maintenance provider, not the owner or operator of the part. In directing the regulation to persons providing maintenance services, the agency has requested entities that may have no legal ownership rights, interest or authority in the life-limited part to take “possession” of that article.

By requiring the owners or operators of life-limited parts that have reached or exceeded their life-limit to direct their “safe disposition,” the agency would ensure fulfillment of the Congressional mandate. The owners and operators of life-limited parts have the legal right and authority to direct their safe disposition after they have reached or exceeded their life-limit. Maintenance providers could thereafter be specifically prevented from installing any life-limited part that has reached or exceeded its life-limit through this rulemaking.

The undersigned have provided alternative language for this NPRM in Appendix A. The alternative language directs owners and operators under Part 91 of the Federal Aviation Regulations (FARs) to ensure “safe disposition” of life-limited parts that have reached or exceeded their life-limit. Further, it prevents the installation of life-limited parts that have reached or exceeded their life-limit under Part 43 of the FARs. Finally, it requires manufacturers to provide instructions on how to mark life-limited parts by making appropriate changes to Parts 23, 25, 27, 29, 31, 33 and 45.

3. Specific concerns with the NPRM. (The undersigned organizations have set forth the proposed rule in *italics* and their specific concerns in **bold**.)

A. *Addition to 43.1 **Applicability:** (c) This part applies to each person who removes, segregates, or dispositions a life-limited part from a type-certificated product as provided in § 43.10.*

**According to the legislation and the preamble to the Notice of Proposed Rulemaking (NPRM), the proposed rule requires the safe disposition of life-limited parts that have reached or exceeded their life-limits. However, the actual language of the proposed rule encompasses each person removing, segregating or positioning any life-limited part from any type-certificated product.**

Part 43 is currently directed at the performance of maintenance, preventive maintenance, rebuilding and alteration of aircraft that carry airworthiness certificates issued by the FAA.<sup>1</sup> While the current rule also covers foreign-registered civil aircraft used in common carriage under Parts 121 and 135, it does not apply to all civil aircraft holding FAA-issued type certificates. The current regulation is limited to those aircraft over which the FAA has direct authority. The proposed language would exceed the enforcement authority of the FAA.

Currently, the FARs do not consider the removal of parts as “maintenance.”<sup>2</sup> The proposed language makes not only the removal of all life-limited parts “maintenance,” but includes the segregating and disposition of those parts. This will, in essence, prevent any person from performing those functions unless they are appropriately certificated and rated by the FAA.<sup>3</sup> This result would clearly not be justified by the legislative mandate that is only directed at the safe disposition of life-limited parts that have reached or exceeded their life-limit. Congress mandated that the FAA promulgate a rule that ensures that such parts are not installed, *i.e.*, replaced, in aircraft.

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<sup>1</sup> See 14 CFR § 43.1(a).

<sup>2</sup> Maintenance is defined in Part 1.1 as “inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.” (Emphasis added.)

<sup>3</sup> See 14 CFR § 43.3.

Today, many persons, other than those authorized by Part 43, remove parts from type-certificated aircraft. Aircraft are purchased and “parted out” by distributors who do not need to employ or hire certificated persons to perform part removal operations. These activities are not (nor do they need to be) regulated by the FAA for the agency to fulfill its Congressional mandate. Please refer to Appendix A where the undersigned have suggested alternative language to 14 CFR § 43.16 which would specifically prevent the installation of a life-limited part that has reached or exceeded its life-limit from being installed on the aircraft covered by Part 43.

Although the preamble states that the person removing the part need not be the same person implementing the requirements, the plain language of the rule applies to EACH person removing, segregating and dispositioning life-limited parts. The proposed language is confusing and excessively broad. Congress has only required the FAA to promulgate a regulation that would prevent the installation of life-limited parts that have reached or exceeded their life-limit. This can be accomplished without applying a rule to persons who remove, segregate or disposition such parts.

In order to ensure that parts that have reached or exceeded their life-limits are not installed in aircraft covered by Part 43, the persons who must have information on the status of the part are those installing the part. Please refer to Appendix A where the undersigned have suggested the introduction of language to Part 91 requiring the owner/operator of a life-limited part to provide its current status to those who will be performing maintenance and/or dispositioning the part as required by legislation.

*B. Addition of § 43.10 **Disposition of life-limited aircraft parts.** (a) For the purposes of this section the following definitions apply.*

*Life-limited part means any part for which a mandatory replacement time is specified in the Airworthiness Limitation section of a type-certificate holder’s maintenance manual or Instructions for Continued Airworthiness.*

*Life status means the accumulated cycles, hours, or any other mandatory replacement time of a life-limited part.*

The Associations strongly oppose placing definitions in Part 43 that define terms used in other Parts of Title 14 CFR. The term life-limited part is currently used throughout the regulations in a uniform manner. There is no reason to define it for one Part without defining it for the other Parts of this chapter.

The FAA’s proposed rule clearly contemplates application of this regulation to persons other than those performing maintenance, preventive maintenance,

**rebuilding and alteration of civil aircraft. The NPRM contemplates new regulations for manufacturers, owners, operators and distributors. In order to ensure consistent application of the definitions, they must be applied to all other regulations in which the term is used, particularly to the regulations that apply to operators under Parts 91, 121, 125, 129, 133, 135 and 137.**

**If the operators responsible for continually tracking the life status of a life-limited part are not required to compile and transfer the same information that is contemplated by the proposed rule, the validity of the information becomes suspect. Considering the Congressional mandate and the use of these terms in other regulations, these definitions must be moved to Part 1.1 and applied to all persons responsible for establishing, tracking, compiling and transferring the life status of a life-limited part.**

*C. (b) After [the effective date of the final rule], each person who removes a life-limited part from a type-certificated product must ensure that the part is controlled using one of the methods in paragraphs (b)(1) through (6) of this section. The method must prevent the part from being installed after it has reached its life-limit. Approved methods include:*

**As stated above, the undersigned believe the FAA has misdirected the application of the legislation. The agency's proposal is directed at the removal of the life-limited part from any type-certificated product. The legislation is directed at the installation of parts on civil aircraft that have reached or exceeded their life-limit.**

**The law passed by Congress specifically directs the agency to ensure that life-limited parts that have reached or exceeded their life-limits are prevented from being installed on civil aircraft. The proposed language to Part 43 does not include language that would prevent the installation of such parts during maintenance. Rather the language states that by some means, the segregation, marking or disposition must ensure that any life-limited part that has reached or exceeded its life-limit is not installed on any type-certificated aircraft. The language of the proposal indicates that even if a person followed the requirements of the regulation, if the life-limited part that has reached or exceeded its life-limit is ever installed in any type-certificated product, that person could be subjected to enforcement action.**

**Most life-limited parts removed from civil aircraft, engines and propellers have not reached or exceeded their life-limit. Normally, these parts undergo maintenance (inspection, overhaul or repair) or alteration (application of a Service Bulletin) and are reinstalled in the same or another type-certificated product.**

The most expeditious way for the agency to fulfill Congress' intent is to prevent the installation of a life-limited part that has reached or exceeded its life-limit. The Associations believe that the owner or operator of a type-certificated product being operated under Title 14 CFR must be responsible for ensuring that the parts that have reached or exceeded their life-limit are subject to a "safe disposition" as defined by Congress. To ensure that the proper life status is made available to persons performing maintenance, *i.e.*, replacing life-limited parts, or the safe disposition, *i.e.*, destruction or segregation, the owner or operator must be responsible for transferring the life-status of the life-limited parts. Please refer to Appendix A for our suggested language for accomplishing these objectives.

Additionally, under the proposal, the last person to "remove a life-limited part" that has reached its life-limit will be subject to enforcement action if the part is ever installed in a type-certificated product. It appears that this applies even if that product isn't used in civil aviation. Please refer to Appendix A where the Associations' alternative proposal will ensure that parts that have reached or exceeded their life-limit will be prevented from being installed on civil aviation products while allowing for an alternative use outside civil aviation (e.g., use in industrial power plants) without fear of punishment from the FAA.

D. (1) *The part may be segregated under circumstances that preclude its installation on a type-certificated product. These circumstances must include, at least:*

- (i) Keeping a record of the serial number and current life status of the part, and*
- (ii) Ensuring the part is stored separately from serviceable parts.*

The Associations believe that this language is not consistent with the legislative purpose or intent. The proposal does not contemplate the life-limited parts that are removed with time remaining. Further, the term "serviceable" has no regulatory meaning. Indeed, most life-limited parts that are removed from type-certificated products are themselves "serviceable" as that term is used in the industry.

As has been emphasized above, Congress only required the agency to promulgate a rule that would prevent the installation of life-limited parts that have reached or exceeded their life-limits in civil aircraft. To require those parts that have not reached their life-limit to be "segregated to prevent their reinstallation" or to be "stored separately from serviceable parts" is beyond the Congressional mandate. Current industry practice is to tag ALL parts that are "removed" from a type-certificated product with their part number, serial number and life status, as applicable. These parts are then maintained as required and reinstalled in the same component or product, installed in a different component or product, or

properly stored in a “serviceable” parts storage area. An equal amount of care is exercised in determining the “serviceability” of parts that have no life-limit as those that do. The process is the same. To require the segregation of “serviceable” life-limited parts from other “serviceable” parts is unnecessary and therefore burdensome.

D. (2) *The part may be permanently and legibly marked, if practical, to indicate its life status. The life status must be updated each time the part is removed from service. Unless the part is permanently removed from service, this marking must be accomplished in accordance with the manufacturer’s marking instructions, in order to maintain the integrity of the part, as required under § 45.14 of this chapter.*

**The Associations object to this proposed section for several reasons and believe that if the agency does not contemplate our alternative language, it must adjust its proposal dramatically.**

**The agency’s proposal requires that marking be accomplished in accordance with instructions from the manufacturer, yet the proposed change to Part 45 does not require the manufacturer to create the instructions unless requested. We would strongly recommend that the paragraphs in the Appendices regarding Instructions for Continued Airworthiness be changed to require manufacturers of life-limited parts to include instructions on marking or prohibitions on marking these parts in their maintenance or overhaul manuals.<sup>4</sup> Although this would only be applicable to products type-certificated after the effective date of the rule, at least those new products would have instructions on the appropriate method of marking life-limited parts. Additionally, this change would ensure that only persons with the appropriate certification and equipment would be performing this operation on parts that have not reached their life-limit.<sup>5</sup> This proposed change would also ensure that all life-limited parts that could be marked would be marked because maintenance providers must comply with the manufacturer’s Instructions for Continued Airworthiness or potentially face violations of the current regulations.<sup>6</sup>**

**The agency has failed to take into consideration the myriad manufacturers that are no longer supporting their products. If those products have life-limited parts,**

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<sup>4</sup> See Part 23, Appendix G, G23.4, Part 25, Appendix H, H25.4, Part 27, Appendix A, A27.4, Part 29, Appendix A, A29.4, Part 31, Appendix A, A31.4, Part 33, Appendix A, A33.4, Part 35 and Appendix A, A35.4.

<sup>5</sup> Marking a life-limited part is a delicate and sensitive operation. Only those persons possessing the correct equipment and knowledge should be allowed to perform this operation. Part 43 of the FARs only allows appropriately certificated persons to perform and/or approve for return to service an aircraft after maintenance is performed. By making the part marking instructions or prohibitions part of the manufacturer’s maintenance instructions, the FAA can be assured that the operations will be performed correctly, and if they are not performed correctly, the agency can take appropriate enforcement action.

<sup>6</sup> See 14 CFR § 43.13(a).

there will be no manufacturer to provide marking instructions, so this option will not be available.

The proposal contemplates allowing different methods to be used each time the part is “removed from service.” For instance, under (b)(1), the part may be segregated and under (b)(2) the part may be marked with its “life status.” However, if (b)(2) is ever used, the ability to segregate and tag the part will be lost because (b)(2) requires that the status be updated each time the part is removed from service. This must be reconciled with the legislative language that states:

*(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service. (Emphasis added.)*

If the FAA is going to issue a final rule that would apply the options presented by Congress to all life-limited parts, the marking of the “current status” every time the part is removed from service must be reconciled with both the “or” in the legislation and the option of tagging in the NPRM.

Although the maintenance provider will be required to mark the “life status,” there is no corresponding requirement that the owner/operator provide the “life status.” As a practical matter the information may be available, but there is no requirement that it be complete or accurate when provided. This puts maintenance providers in an untenable regulatory position.

The current regulations require owner/operators to transfer the status of life-limited parts upon sale of an aircraft. The Associations propose in Appendix A to expand the current regulation to require the owner/operator to transfer the current status of life-limited parts to subsequent purchasers or to persons performing maintenance or other “safe dispositions” of those parts. This would “enact” the current practice and ensure that persons performing maintenance would not install life-limited parts that have reached or exceeded their life-limit – the intent and directive of Congress.

Under the Associations’ proposal, the life-status of a life-limited part would become a “required record” under Part 43 and if a person falsified that document, they could be subject to regulatory and criminal sanctions. We believe this would further enhance the ability of the agency to fulfill the Congressional mandate of ensuring that life-limited parts that have reached or exceeded their life-limit are prevented from being installed on civil aircraft.

E. *(3) The part may be destroyed in any manner that prevents installation in a type-certificated product.*

**By directing the proposal at all type-certificated products, The Associations believe that the agency has exceeded its authority. Aircraft, engines and propellers type-certificated by the United States are used in many foreign countries over which the FAA has no jurisdiction. Additionally, engines that have received a type-certificate from the FAA are used in industrial applications over which the FAA has no jurisdiction. If the agency issues this proposal in a final rule, it should limit its application to type-certificated products operated under its jurisdiction.**

*F. (4) The part may be marked, if practical, to include the life status. The life status must be updated each time the part is removed from service. This marking must be accomplished in accordance with the pertinent manufacturer's marking instructions, in order to maintain the integrity of the part, as required by § 45.14 of this chapter.*

**The undersigned do not understand the difference between this proposed section and the section discussed under D above. Other than the removal of the words "permanently and legibly," the sections are the same. Therefore, the Associations comments in D above also apply to this section of the NPRM.**

*G. (5) If it is impractical to mark the part, a tag may be attached to the part to include the life status. The tag must be updated to reflect life status each time the part is removed from service.*

**The agency's discussion in the preamble of what it means by "if it is impractical to mark the part" is not particularly helpful. The agency states that marking would be the preferred way of tracking the life status and that the manufacturer "may" provide "assistance." Does this mean that if the manufacturer provides part-marking instructions upon request, they become part of the maintenance manuals or Instructions for Continued Airworthiness and thereby "mandatory" under 14 CFR § 43.13(a)?**

**If the manufacturer provides instructions on how to mark a life-limited part, but limits the number of times it can be marked, the life of the part may too long for it to be marked at each removal making tagging the only option after the space for marking is filled. The FAA's proposal does not contemplate the use of both marking and tagging as practical options once marking is chosen by a particular maintenance provider. The Associations believe that this is an indication that Congress was only directing the "safe disposition" portion of its legislation towards parts that have reached or exceeded their life-limit.**

**The definition of life status in the proposed rule only contemplates "accumulated" time. However, if (b)(5) is used, the tag must be "updated" each time the part is removed, thus creating a historical record rather than merely**

accumulated time. Under current practice, life-limited parts are “tagged” with “life status” upon removal, but that tag is usually not “updated,” rather a new tag is issued at each subsequent removal. To expect that the same tag can be used repeatedly to update this historical record is unrealistic. Storing the tag each time the part is installed and recovering it when the part is removed is logistically impractical and the risk of misplacing it is high. It is also unlikely that after several removals and replacements the tag will continue to be readable or usable. Changing the definition of “life status” to mean “historical record” would create a burden on the industry which was surely not contemplated by the agency or Congress.

H. (6) *Any other method approved by the Administrator.*

Congress enacted legislation to prevent the installation of parts that have reached or exceeded their life-limit in civil aircraft operated under the jurisdiction of the United States. In its current form, the Notice of Proposed Rulemaking does not create an important link explaining how the controls it requires during the removal, segregation and disposition of all life-limited parts implements the ultimate intent of the Congressional directive to the Administrator. Without this link, it is difficult to determine what “other methods” may be appropriate.

I. (c) *Each person who removes a life-limited part from segregation as identified in paragraph (b)(1) of this section, other than for immediate installation on a type-certificated product, must ensure that the part is controlled using one of the methods in paragraphs (b)(2) through (6).*

The Associations assert that it is unreasonable to require that a life-limited part that has not reached or exceeded its life-limit be segregated. Unless they have reached or exceeded their life-limit, parts must be able to undergo appropriate maintenance and alteration processing without creating a “chain-of-custody” protocol for their handling. The owner is already required to have and maintain a “current status” record of the life-limited parts on the aircraft. These parts only become a liability when they have reached or exceeded their life-limit. Once that limit has been reached, and only then, should it be required that they are appropriately marked, segregated or destroyed.

J. Revised § 45.14 **Identification and disposition of critical components.** *Each person who produces a part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of a manufacturer’s maintenance manual or Instructions for Continued Airworthiness must permanently and legibly mark that component with a part number (or equivalent) and a serial number (or equivalent). When requested by a person required to comply with § 43.10 of this chapter, each person who produces a life-limited part must provide detailed marking*

*instructions or must state that the part cannot practicably be marked without compromising its integrity.*

**Under the agency's NPRM, the definition of life-limited part and life-status would be set forth in Part 43 and would not apply to Part 45. The Associations strongly recommend that the definitions of these terms be placed in Part 1.1 so that they would apply to the entire chapter relating to civil aviation. This would ensure that no other definition could be applied to those terms. If other definitions were allowed to apply, it would create inconsistencies in the application of any rule relating to life-limited parts and the Congressional mandate could not be assured by the agency.**

**Under the agency's proposal, the producer, as defined in Part 21, is not required to provide information on marking (or the inability to mark) in the Airworthiness Limitations section of its maintenance manual or Instructions for Continued Airworthiness after the effective date of the final rule. Rather, the agency would apply the requirement to provide information on marking (or the prohibition of marking) to each person who produces a life-limited part. This will create confusion since the "person"<sup>7</sup> who actually makes the life-limited part may not be the "person" responsible for the design and production of those parts under the FARs. Although the language in 14 CFR § 45.14 has been in existence for some time, the amended application will include "persons" who produced life-limited parts for products that are no longer being supported by the type or production certificate holder. These manufacturers may have no ability to provide information on marking of these critical parts. Improper marking of life-limited parts can reduce their life-limit or create stress-risers or otherwise render the parts unintentionally unairworthy. This would obviously be contrary to the purpose of the legislation.**

**Under the agency's proposal, persons required to comply with the new section to Part 43 would include anyone removing, segregating or disposing of life-limited parts. These persons may not have the knowledge, expertise or tooling required to mark the life-limited part, yet manufacturers would be required to develop and provide them this information. The undersigned strongly recommend that the agency make it clear that marking a life-limited part that has not reached its life-limit **MUST** be performed under the maintenance standards set forth in Part 43. Persons removing such parts should not be performing this service unless they are appropriately certificated.**

4. Conclusion. The undersigned request that the agency issue a Supplemental Notice of Proposed Rulemaking (SNPRM) embodying the language set forth in

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<sup>7</sup> Part 1.1 defines person as "an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them."

Appendix A. The language suggested in our Appendix is submitted to provide the FAA an alternative approach to its proposal. We believe that regulatory language similar to Appendix A will ensure that Congress' intent is fulfilled without undue burden on the industry.

In the alternative, the Associations request that the agency rewrite its own proposal to ensure that its regulations apply only to those life-limited parts that have reached or exceeded their life-limits.

Respectfully submitted,

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## APPENDIX A

### Proposed Replacement Regulatory Language

#### SEC. 1.1

A *life-limited part* is one for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness.

A *life status*, when referenced as an element of a life-limited part, means total time or cycles expended in relation to a replacement time, inspection interval, or related procedure specified in the Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness.

#### Part 23 App'x G 23.4

G23.4 Airworthiness Limitations section. The Instructions for Continued Airworthiness must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, structural inspection interval, and related structural inspection procedure required for type-certification. For each part subject to a mandatory replacement time, structural inspection interval, or related structural inspection procedure, this section shall provide detailed marking instructions or shall state that the part cannot practicably be marked without compromising its integrity. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§ 43.16 and 91.403 of the Federal Aviation Regulations unless an alternative program has been FAA approved."

#### Part 25 App'x H 25.4

H25.4 Airworthiness Limitations section. The Instructions for Continued Airworthiness must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, structural inspection interval, and related structural inspection procedure that is approved under § 25.571. For each part subject to a mandatory replacement time, structural inspection interval, or related structural inspection procedure, this section shall provide detailed marking instructions or shall state that the part cannot practicably be marked without compromising its integrity. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must

contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§ 43.16 and 91.403 of the Federal Aviation Regulations unless an alternative program has been FAA approved."

#### Part 27 App'x A 27.4

A27.4 Airworthiness Limitations section. The Instructions for Continued Airworthiness must contain a section, titled Airworthiness Limitations, that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, structural inspection interval, and related structural inspection procedure approved under § 27.571. For each part subject to a mandatory replacement time, structural inspection interval, or related structural inspection procedure, this section shall provide detailed marking instructions or shall state that the part cannot practicably be marked without compromising its integrity. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies inspections and other maintenance required under §§ 43.16 and 91.403 of the Federal Aviation Regulations unless an alternative program has been FAA approved."

#### Part 29 App'x A 29.4

A29.4 Airworthiness Limitations section. The Instructions for Continued Airworthiness must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, structural inspection interval, and related structural inspection procedure approved under § 29.571. For each part subject to a mandatory replacement time, structural inspection interval, or related structural inspection procedure, this section shall provide detailed marking instructions or shall state that the part cannot practicably be marked without compromising its integrity. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§ 43.16 and 91.403 of the Federal Aviation Regulations unless an alternative program has been FAA approved."

#### Part 31 App'x A 31.4

A31.4 Airworthiness Limitations section. The Instructions for Continued Airworthiness must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, structural inspection interval, and related structural

inspection procedure, including envelope structural integrity, required for type certification. For each part subject to a mandatory replacement time, structural inspection interval, or related structural inspection procedure, this section shall provide detailed marking instructions or shall state that the part cannot practicably be marked without compromising its integrity. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§ 43.16 and 91.403 of the Federal Aviation Regulations."

#### Part 33 App'x A 33.4

A33.4 Airworthiness Limitations section. The Instructions for Continued Airworthiness must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, inspection interval, and related procedure required for type-certification. For each part subject to a mandatory replacement time, structural inspection interval, or related structural inspection procedure, this section shall provide detailed marking instructions or shall state that the part cannot practicably be marked without compromising its integrity. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§ 43.16 and 91.403 of the Federal Aviation Regulations unless an alternative program has been FAA approved."

#### Part 35 App'x A 35.4

A35.4 Airworthiness Limitations section. The Instructions for Continued Airworthiness must contain a section titled Airworthiness Limitations that is segregated and clearly distinguishable from the rest of the document. This section must set forth each mandatory replacement time, inspection interval, and related procedure required for type certification. For each part subject to a mandatory replacement time, structural inspection interval, or related structural inspection procedure, this section shall provide detailed marking instructions or shall state that the part cannot practicably be marked without compromising its integrity. This section must contain a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§ 43.16 and 91.403 of the Federal Aviation Regulations unless an alternative program has been FAA approved."

Sec. 43.16 Airworthiness Limitations.

(a) 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 Parts 121, 125 or 135, or an inspection program approved under Sec. 91.409(e).

(b) A person shall not install a life-limited part that was removed under section 91.420 of this chapter, on an airframe, aircraft engine, propeller, appliance, or component part of an aircraft unless that person:

- (1) Has possession of or access to records, tags or markings containing the current status of the life-limited part; and,
- (2) Has verified through those records, tags or markings that the life-limited part has not exceeded the greater of
  - a. The replacement time, inspection interval, or related procedure specified in the Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness, or
  - b. An alternative replacement time, inspection interval, or related procedure that has been approved by the Administrator.

Sec. 45.14 Identification and disposition of critical components.

Each person who produces a life-limited part under this chapter must permanently and legibly mark that component with a part number (or equivalent) and a serial number (or equivalent). When requested by a person required to comply with this chapter, each person who produces a life-limited part under this chapter must provide detailed marking instructions, or must state that the part cannot practicably be marked without compromising its integrity.

Sec. 91.420 Maintenance and transfer of records for life-limited parts.

(a) When a life-limited part that has not reached or exceeded its life-limit is removed from an aircraft, aircraft engine, propeller or component part of such aircraft, aircraft engine or propeller after [the effective date of this rule], then the owner or operator, or that party's agent, shall ensure the safe disposition of that life-limited part. Safe disposition of a life-limited part that has not reached or exceeded its life-limit shall include but not be limited to one the following:

(1) A record may be created of the life-limited part's current life status and the life-limit part may be segregated under circumstances that require reference to the record prior to the installation on an aircraft, aircraft engine or propeller operated under this chapter. Compliance with this paragraph requires at least:

(i) Making and maintaining a record of the serial number and current life status of the part, and

(ii) Ensuring that the part is stored in a manner that makes it clear that reference to the record is a necessary precondition to installation; and

(iii) Providing the current life status record to a subsequent owner or person required to comply with Part 43 of the chapter of the life-limited part in accordance with the requirements of this section;

(2) A tag may be attached to the part to include its serial number, if any, and its current life status. The tag must be updated or replaced to reflect current life status each time the part is removed from service;

(3) The part may be marked, if practical, to indicate the current life status. This marking must be accomplished in accordance with Part 43 of this chapter. If the part is reinstalled according to methods, techniques and practices acceptable to the Administrator, then the life status may be updated each time the part is removed from service;

(4) Any method described in subsection (b) of this section;

(5) Any other method approved by the Administrator.

(b) When a life-limited part that has reached or exceeded its life-limit is removed from an aircraft, aircraft engine, propeller or component part of such aircraft, aircraft engine or propeller after [the effective date of this rule], the owner or operator of the aircraft, aircraft engine or propeller or component part from which it is removed, or that party's agent, shall ensure the safe disposition of that life-limited part. Safe disposition of a life-limited part shall include but not be limited to any one of the following:

(1) The part may be segregated under circumstances that preclude its installation on an aircraft, aircraft engine or propeller operated under this chapter. These circumstances must include, at least:

(i) Keeping a record of the serial number and current life status of the part; and

(ii) Ensuring that the part is stored separately from serviceable parts; and

(iii) Providing current life status records to any subsequent owner of the part in accordance with the requirements of this section;

(2) The part may be permanently and legibly marked to indicate that its useful life has been exhausted;

(3) A tag may be attached to the part to include the current life status, indicating that its useful life has been exhausted;

(4) The part may be destroyed in any manner that prevents installation in an aircraft, aircraft engine or propeller operated under this chapter;

(5) Any other method approved by the Administrator.

(c) Any owner or operator who sells or transfers a life-limited part that has been subject to a safe disposition under this section shall transfer to the transferee the current life status records of the life-limited part.

(d) Any owner or operator who provides, to a person required to comply with 43.16, a life-limited part that has been subject to a safe disposition under this section, shall transfer to the transferee the current life status records of the life-limited part.