



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

Memorandum

Subject: **ACTION:** AIR-200 Policy Memorandum #99-11,
Identification Marking of Replacement and
Modification Parts Produced Pursuant to the
Enhanced Enforcement Program as published in
The Federal Register Notice, February 27, 1995

Date: November 19, 1999

From: Manager, Production and Airworthiness
Certification Division, AIR-200

Reply to
Attn. of:

To: All Aircraft Certification Offices
All Manufacturing Inspection Offices
District/Satellite Offices
All Certificate Management Offices/Units
All Flight Standards Regional/District Offices

1. **PURPOSE.** The purpose of this policy memorandum (PM) is to clarify the identification marking requirements for replacement and modification parts produced in accordance with Title 14 Code of Federal Regulations (14 CFR) part 21, Certification Procedures for Products and Parts (part 21), 14 CFR part 45, Identification and Registration Marking (part 45), and the established guidelines of the Enhanced Enforcement Program (EEP). This memorandum also addresses post-certification activities (e.g., part marking) of parts produced under the EEP, prior to the issuance of PMA or TSO authorization.

2. **BACKGROUND.** Part 21, §21.303 states that no person may produce a replacement or modification part for sale for installation on a type certificated product, unless the part is produced pursuant to a Parts Manufacturer Approval (PMA).

On February 27, 1995, Federal Register Notice (FRN), Replacement and Modification Parts; Enhanced Enforcement, was published to ensure industry-wide awareness of the FAA's intent to enforce the regulations governing all persons who produce modification or replacement parts for sale for installation on type certificated products.

On April 13, 1995, FAA Notice 8120.17, Procedures for Processing Application for Parts Manufacturer Approval as a Result of the Federal Register Notice Dated February 27, 1995, was issued to provide guidance to FAA aviation safety inspectors and aviation safety engineers for processing PMA applications received subsequent to the issuance of the FRN.

On March 5, 1997, the standard parts interpretation was issued in the Federal Register. Shortly thereafter, a series of Technical Standard Orders (TSO's) were issued covering aircraft mechanical fasteners (TSO-C148, dated September 26, 1997), aircraft bearings (TSO-C149, dated April 24, 1998), and aircraft seals (TSO-C150, dated April 24, 1998).

On August 21, 1998, AIR-200 issued PM 98-10, Additional Instructions for Processing Parts Manufacturer Approval Applications subsequent to the issuance of Technical Standard Orders (TSO's) TSO-C148, TSO-C149, and TSO-C150. PM 98-10 stated that PMA applications received under the EEP that were deferred (pending publication of the standard parts interpretation and issuance of the three TSO's) could be processed. Applicants were then given the option of either withdrawing their applications for PMA and submitting an application for TSO authorization, or continuing to seek a PMA. Both options, TSO authorization and PMA, required that the applicant submit a plan of action to the ACO/MIDO by October 30, 1998, detailing future steps along with their associated dates of completion.

PM 98-10 also stated that if a manufacturer was still producing parts without submitting a plan of action or failed to meet the actions stated in their plan, the ACO/MIDO shall pursue appropriate action in accordance with FAA Orders 2150.3, Compliance and Enforcement Program, and 8120.10, Suspected Unapproved Parts Program.

All EEP actions were required to be completed by October 30, 1999. The EEP, Notice 8120.17, nor any other issued policy permitted the identification marking of parts, produced under the guidelines of the EEP, as if they were produced in accordance with an FAA production approval (i.e., FAA-PMA, TSO, etc.).

CONCLUSION. Part 45, §45.15 states that each person who produces a replacement or modification part under a PMA issued under §21.303 shall permanently and legibly mark the part. Parts produced without a PMA, such as parts produced under the EEP, were not produced under §21.303 and therefore **are not eligible** for marking in accordance with §45.15. This also applies to parts produced under the EEP that subsequently were issued TSO authorization. These parts were not eligible at the time of production and remain ineligible for marking in accordance with 21.607(d). Although parts produced under the authority of the EEP are not eligible for part marking, these parts were considered acceptable for sale/installation under the provisions of §21.305(d) which allows parts to be approved in any manner approved by the FAA Administrator, and will continue to be acceptable subsequent to the expiration of the EEP.

3. **ACTION.** All Aircraft Certification Offices, Manufacturing Inspection District Offices and/or Certificate Management Offices shall provide a copy of this policy memorandum to all EEP applicants.

This memorandum has been coordinated with the Aircraft Engineering Division (AIR-100), Continuous Airworthiness Maintenance Division (AFS-300), and the Suspected Unapproved Parts Program Office (AVR-20). If there are any questions, please contact a member of the Production and Airworthiness Certification Division (AIR-200) at 202-267-8361.

/s/

Frank P. Paskiewicz