

**VOLUME 8 GENERAL TECHNICAL FUNCTIONS****CHAPTER 7 EVALUATE MAINTENANCE OF ARTICLES USED ON MILITARY COMMERCIAL DERIVATIVE AIRCRAFT OR CIVIL AIRCRAFT THAT HAVE OPERATED AS PUBLIC AIRCRAFT****Section 1 Evaluate Maintenance, Preventive Maintenance, or Alteration of Articles Used on Military Commercial Derivative Aircraft or Civil Aircraft That Have Operated as Public Aircraft****8-578 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.**

**A. Maintenance:** 3460, 3601.

**B. Avionics:** 5460, 5601.

**8-579 OBJECTIVE.** This section provides guidance for evaluating articles previously installed on military commercial derivative aircraft (MCDA) or civil aircraft that the United States (U.S.) declares or operates as public aircraft for eligibility of installation on United States (U.S.) civil aircraft.

**8-580 GENERAL.**

**A. Department of Defense (DOD) Requirements.** The Federal Property and Administrative Services Act of 1949 (Public Law 81-152), as amended, requires the DOD to dispose of its surplus property. The DOD must, to the greatest extent possible, utilize products and parts from design approval holders (DAH)/Production Approval Holders (PAH) that the Federal Aviation Administration (FAA) certifies. The DOD is also interested in *parts pooling* and *parts sharing* with operators and maintenance providers of civil aviation articles.

**B. Airworthiness Certification.** Aircraft operated as a public aircraft, that have an FAA type certificated (TC) counterpart, (and articles of those aircraft) may be eligible for standard airworthiness certification under Title 14 of the Code of Federal Regulations (14 CFR) part 21, § 21.183(d), or be eligible for installation under 14 CFR part 43, § 43.13.

**8-581 STATUTORY PROVISIONS.**

**A. Definition of MCDA.** For the purposes of this chapter only, MCDA are defined as DOD aircraft that have been operated, or are proposed to be operated, as public aircraft in accordance with Title 49 of the United States Code (49 U.S.C.) § 40102 and § 40125.

**B. Considerations for Eligibility.** When determining whether an aircraft is eligible for an FAA-issued airworthiness certificate or whether an article installed on a public aircraft is eligible for installation on a civil aircraft, you need to consider previous use of the aircraft. Certain military and public aircraft operations may impact the ability to determine the airworthiness of an aircraft or of the articles removed from such aircraft. There are many articles

that may not be appropriate for use on civil aircraft, such as multiband radios, laser systems, weapon systems, etc.

**8-582 REGULATORY CONSIDERATIONS.** Section 43.1, titled “Applicability,” prescribes rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any of the following:

- Aircraft having a U.S. airworthiness certificate;
- Foreign-registered civil aircraft used in common carriage or carriage of mail under the provisions of 14 CFR part 121 or part 135; and
- Airframe, aircraft engines, propellers, appliances, and component parts of such aircraft.

NOTE: Section 21.1 Applicability and Definitions - defines “article” to mean a material, part, component, process, or appliance.

**A. Provisions of Part 43.** Many MCDA that the DOD operates as public aircraft may have held or may currently hold an appropriate and current civil airworthiness certificate. As such, these MCDA (including their airframes, engines, propellers, appliances, and component parts) may undergo maintenance, preventive maintenance, rebuilding, and alteration under the provisions of part 43. Part 43 also prescribes the minimum standard that a maintenance provider must meet when performing maintenance, preventive maintenance, rebuilding, and alteration of aircraft identified in § 43.1.

**B. Maintenance of Other Products/Articles.** Part 43 doesn’t prohibit the use of this standard (requirements of part 43) when the maintenance, preventive maintenance, or alteration of other products or articles not meeting the applicability requirements of § 43.1 are preferred, provided the performance standards of this part are upheld. The Office of the Chief Counsel (AGC-200) issued legal interpretations dated December 17, 2003, and August 24, 2010, titled “Request for Policy Interpretation of 14 C.F.R. Parts 43 and 145 for FAA-Certificated Repair Stations Working on Foreign-Registered Aircraft,” pertaining to this subject.

**C. Performing Maintenance.** An FAA-certificated maintenance provider described in § 43.3 may perform maintenance, preventive maintenance, and alteration, and approve that work for return to service (RTS) under the provisions of § 43.7, even if the product or article isn’t an aircraft as described in § 43.1.

**D. FAA Enforcement Jurisdiction.** No current regulation prohibits a maintenance provider from completing an airworthiness release, or from completing any other form to record activities that the FAA regulates, or that falls under FAA jurisdiction. Additionally, when a maintenance provider approves work on an article for RTS using its FAA certificate number, and that article gets installed on an aircraft not identified in § 43.1, the certificate holder doesn’t bring itself under the FAA’s enforcement jurisdiction for that maintenance. However, if the article gets installed on an aircraft identified in § 43.1, the maintenance provider is subject to the FAA’s enforcement jurisdiction for that maintenance (reference the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program”).

**E. Approval of Products and Articles.** Part 21 contains the certification procedures for products and articles. As such, the FAA considers products and articles produced in accordance with part 21 approved.

1) **TCs.** The FAA issues a TC when it approves a product's design and may issue the TC in the following categories (see §§ 21.21, 21.24, 21.25, 21.27, and 21.29):

- Normal, Utility, Acrobatic, Commuter, and Transport Category;
- Primary Category;
- Restricted Category,
- Surplus Aircraft of the Armed Forces, and
- Import Products.

2) **Articles.** For articles that require approval, the FAA may approve them as follows (refer to § 21.8):

- Under a Parts Manufacturer Approval (PMA);
- Under a Technical Standard Order (TSO);
- In conjunction with TC procedures for a product; or
- In any other manner the FAA approves.

**F. Dual-Use Products/Articles.** A dual-use product/article is one that a PAH manufactures for civil application, the FAA authorizes, and is procured under a U.S. military contract. A dual-use product/article has the identical Part Number (P/N) and configuration as its civil counterpart and is manufactured using the same FAA-approved design and production processes. A dual-use product/article also includes any product/article originally produced for the military and that currently holds a normal, utility, acrobatic, or transport TC issued under § 21.27.

**G. Flight Safety Critical Aircraft Parts (FSCAP).**

1) A FSCAP is any article that contains a critical characteristic whose failure, malfunction, or absence could cause a catastrophic failure. This failure could result in loss of, or serious damage to, the aircraft or an un-commanded engine shutdown resulting in an unsafe condition. FSCAPs require special attention due to the possible operational differences in the tracking of total-time and cycles.

NOTE: After April 15, 2001 each person who removes a life limited part from a TC'd product must ensure that the part is controlled in accordance with § 43.10.

2) The FAA may consider a new or used dual-use FSCAP as eligible for installation on TC products if it's accompanied by applicable DOD historical records detailing the following:

- Part identification, P/N, DOD National Stock Number (NSN), and serial number;
- Manufacturer, DOD cage code, and date of manufacturer;

- Total time-in-service (Comparison of military time and/or cycles for accumulated operational time versus civil; e.g., Did the military use a different method than the civil operators to account for accumulated operational time?);
- Current status of life-limited parts;
- Time since last overhaul of each part that's required to be overhauled on a specified time basis;
- Identification of current inspection status, including the time since the last required inspection or maintenance performed;
- Current status of applicable Airworthiness Directives (AD) and DOD directives (i.e., engineering change, technical order, maintenance work order, etc.). This includes the method of compliance, AD number, and revision date. If the AD requires recurring action, the status must include the time and date when the next action is due;
- A list of current major alterations, repairs, or modifications for each part;
- Date the work was accomplished; and
- Work authentication (including the current airworthiness status of the part or assembly).

#### **H. Verification of Approval.**

1) You can verify an article's approval by various means. This can include visually inspecting the equipment manufacturer's data plate or part marking and/or reviewing applicable records (e.g., component cards, equipment lists, previous maintenance records, etc.) An article that a PAH produces under the provisions of part 21 may be eligible for installation.

2) The remaining requirement is determining the article's airworthiness before it's installed. Maintenance providers identified in § 43.7 identifies may approve an aircraft, aircraft engine, propeller, appliance, or component part for RTS after it undergoes maintenance, preventive maintenance, rebuilding, or alteration. This authority allows the maintenance provider to determine airworthiness with respect to the installation of the article since replacing a part is within the definition of maintenance in 14 CFR part 1, § 1.1.

### **8-583 PREREQUISITES AND COORDINATION REQUIREMENTS.**

#### **A. Prerequisites.**

- Knowledge of the regulatory requirements of 14 CFR parts 21, 39, 43, 65 and 145, as applicable; and
- Successful completion of the Airworthiness Inspector Indoctrination course(s), or equivalent.

**B. Coordination.** This task may require coordination with the Certificate Management Aircraft Certification Office (CMACO) when you need assistance regarding conformity verification, DAH interface, or other assistance in determining a product or article's eligibility.

**8-584 REFERENCES, FORMS, AND JOB AIDS.****A. References (current editions):**

- Title 14 CFR parts 21, 23, 25, 27, 29, 33, 43, 65, 91, 121, 125, 133, 135, and 137;
- Advisory Circular (AC) 20-62, Eligibility, Quality, and Identification of Aeronautical Replacement Parts;
- AC 20-142, Eligibility and Evaluation of U.S. Military Surplus Flight Safety Aircraft Parts, Engines, and Propellers;
- AC 20-169, Guidance for Certification of Military and Special Mission Modifications and Equipment for Commercial Derivative Aircraft (CDA);
- AC 21-13, Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft built from Spare and Surplus Parts; and
- FAA Order 8900.1, Flight Standards Information Management System (FSIMS).

**B. Forms.** None.**C. Job Aids.** None.**8-585 PROCEDURES.**

**A. Review the Applicable Regulations.** Determine approval basis of the article maintained.

**B. Verify the Article's Status.**

1) Similar to any other civil aviation article that a maintenance provider receives, an article's status and condition must be determined before performing maintenance, preventive maintenance, or alteration. A public-use or MCDA article is no different. Verifying the approval basis of an MCDA article (and therefore its installation eligibility) is a critical step in this process. The maintenance provider should be able to provide evidence that the FAA had approved the article in question and that it's eligible for installation on a type certificated (TC) product. This is particularly important when verifying life-limited articles. You must also consider historical records, operational usage, and a comparison of accumulated times and cycles before determining civil aviation eligibility.

2) To help determine eligibility, the customer's work order may provide valuable information, such as P/N, serial number, manufacturer, total-time, total-cycles, etc. Additionally, the work order generally includes the desired work scope requested.

3) If the article isn't eligible for installation or its status is unknown, the maintenance provider should clearly indicate that fact on the parts tag, work order, or article's maintenance record. This ensures the unserviceable article receives appropriate maintenance before it's approved for RTS.

NOTE: There is nothing that prohibits a maintenance provider authorized under § 43.3 from working on public-use or MCDA articles under the general requirements of part 43. Even though the installer is responsible for determining

installation eligibility, maintenance providers should provide as much information as possible to the installer to assist in making the appropriate determination.

4) Once the maintenance provider determines the article is eligible for installation on a TC'd product, the maintenance provider may maintain the article in accordance with its procedures.

**8-586 TASK OUTCOMES.**

**A. Complete the PTRS Records.**

**B. Complete the Task.** Completing this task could result in a letter describing any discrepancies noted during the inspection.

**C. Document the Task.** File all supporting paperwork in the air agency's office file.

**8-587 FUTURE ACTIVITIES.** Follow-up activity, as required.

**RESERVED.** Paragraphs 8-588 through 8-602.