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

Office of the Chief Counsel

800 Independence Ave., SW.
Washington, DC 20591

OCT 22 2008

Kent Horton
Air Tran Airways
Director of Quality Services
1340 North Outer Loop Road
Atlanta, GA 30337

Re: Request for Interpretation of 14 C.F.R. § 21.607(d)

Dear Mr. Horton:

By letter to the U.S Department of Transportation (Federal Aviation Administration's (FAA)) Office of the Assistant Chief Counsel for Regulations, dated January 8, 2008, you requested an interpretation of section 21.607(d) of the Federal Aviation Regulations, 14 C.F.R. § 21.607(d), General rules governing holders of TSO authorizations, as it applies to Part 121 air carriers.

As provided in section 21.601(a), a Technical Standard Order (TSO) is a minimum performance standard issued by the Administrator for specified articles (in this case, seat belts) used on civil aircraft. Moreover, under paragraph (b)(4) of that regulation, an article manufactured under a TSO authorization is an approved article for purposes of meeting the regulations that require the article to be approved. As you know, the air carrier operating rules, specifically section 121.311(a)(2), prohibit the operation of an airplane unless it has an approved safety (seat) belt for each person on board the airplane. The applicable TSO for the seat belt approved for a specific aircraft is specified in the aircraft's type design.

As you observed, section 21.607(d), which applies directly to the holders of Technical Standard Order (TSO) authorizations, provides that the manufacturer shall:

> (d) Permanently and legibly mark each article to which this section applies with the following information:
>
> (1) The name and address of the manufacturer.
>
> (2) The name, type, part number, or model designation of the article.
>
> (3) The serial number or the date of manufacture of the article or both.
>
> (4) The applicable TSO number.

You stated that Air Tran is currently being required by its Certificate Management Office (CMO) to maintain its seat belt TSO tags in accordance with the above TSO marking regulation. Apparently, through seat belt use over time, some of the TSO tag information is missing or illegible, and the FAA inspectors are requiring replacement with legible tags. You indicate that that procedure is time consuming and costly. Also, you note that Air Tran has long employed a comprehensive receiving inspection program that ensures that all materials and parts (including seat belts) accepted for aircraft use have gone through a "thorough inspection to verify their standards, quality, and authenticity." In addition, Air Trans' seat belts are thereafter maintained within Air Trans' FAA-approved "Continuous Airworthiness Maintenance Program (CAMP) which also ensures that rogue parts are excluded from aircraft use."

You opine that Air Trans' maintenance programs ensure the required level of safety for its seat belts, and that the FAA's "imposing the mandate to maintain TSO tag legibility does not enhance the inherent safety of the respective seat belt, and consequently should not be a requirement imposed by regulatory authorities."

While we understand Air Trans' concerns that costs are associated with replacing seat belt TSO tags on belts on which the tag has become illegible, especially where the air carrier has properly maintained the belt, it is imperative that FAA inspectors are able to confirm that each belt they inspect is an approved belt. For that they need to be able to read the applicable TSO information. Seat belts that meet the requisite requirements of 14 C.F.R. part 21, subpart O (Technical Standard Order Authorizations), are approved for meeting the regulations that require them to be approved (for example, 14 C.F.R. § 121.311(a)(2), as noted above). Moreover, the aircraft's type design that specifies the applicable TSO-authorized seat belt contemplates that all TSO requirements are met. As a consequence, an airplane with a seat belt that did not meet all TSO requirements would not be in compliance with its type design, and would not be considered airworthy. While § 121.311 does not explicitly reference seat belt labeling requirements, we note that § 121.153(a)(2) does provide that no certificate holder may operate an aircraft unless that aircraft "[i]s in an airworthy condition and meets the applicable requirements of this chapter, including those related to identification and equipment."

Based on the above, it is our opinion that the FAA may legitimately require that seat belts on airplanes operated in air carrier service be maintained to the original design standards, and this includes meeting all TSO requirements. Accordingly, Air Trans' CMO may continue to require that Air Tran maintain its seat belt tags in accordance with the requirements in 14 C.F.R. § 21.607(d).

Your letter did not indicate the nature of the TSO tags or otherwise describe their fragility. If it is Air Trans' position that the "permanent" marking is not sufficiently permanent, the company may wish to negotiate with its supplier for a more robust permanency for the TSO tags.

This response was prepared by Edmund Averman, an Attorney in the Regulations Division of the Office of the Chief Counsel and coordinated with the aircraft Maintenance Division of the Office of Flight Standards. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200