U.S. Department of Transportation
Federal Aviation Administration

Office of the Chief Counsel

800 Independence Ave., SW.
Washington, DC 20591

JUL 8 2009

Ms. Sarah MacLeod
Regulatory Counsel for Phoenix Heliparts, Inc.
Obadal, Filler, MacLeod & Klein, P.L.C.
117 North Henry Street
Alexandria, VA 22314-2903

Re: **Determining Life Status of Life-Limited Parts**

Dear Ms. MacLeod:

This responds to your letter dated May 22, 2009, in which you asked the Federal Aviation Administration (FAA) to clarify its position on the regulatory requirements for determining the life status of life-limited parts. You expressed concern that the FAA's Scottsdale Flight Standards District Office (FSDO) was improperly requiring your client, Phoenix Heliparts, Inc., to produce "back to birth" records to establish the life status of life-limited parts to meet the maintenance and recordkeeping requirements of 14 C.F.R. § 43.10. We agree with you that the regulations do not require "back to birth" records in order to determine the life status of life-limited parts. This was clarified in the 1992 Office of the Chief Counsel interpretation letter addressed to Senator Heflin that you referenced in your inquiry. Nothing in § 43.10, regulating the disposition of life-limited aircraft parts (adopted in 2002 and referenced below) changes that interpretation.

Existing regulations, specifically 14 C.F.R. § 91.417(a)(2)(i), require each owner or operator to keep records containing the total time in service of the airframe, each engine, each propeller, and each rotor. This is accomplished by the owner or operator recording and tracking in some form and manner the time in service of the airframe, engines(s), propeller(s), and rotor(s) from the moment the aircraft leaves the surface of the earth until it touches it at the next point of landing, as referenced in 14 C.F.R. § 1.1. In addition, § 91.417(a)(2)(ii), and similar provisions in 14 C.F.R. §§ 121.380(a)(2)(iii) and 135.439(a)(2)(ii), require owners or operators (certificate holders) to keep records that show the current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

The FAA adopted § 43.10 in response to a newly added section 44725 in title 49, United States Code, that required the agency to require the safe disposition of life-limited parts removed from an aircraft. The regulation applies directly to maintenance providers who remove and install life-limited parts. It was intended to provide the necessary

information to installers of previously removed parts to ensure "they know the life remaining on a part and prevent the part being used beyond its life limit." [1] The records obtained from the owner or operator must be sufficient to show, with a high degree of certainty, the current status of those life-limited parts.

Section 43.10 also defines (for the purpose of that rule) *life status* as "the accumulated cycles, hours, or any other mandatory replacement limit of a life-limited part." These times would be derived from the requirement in § 91.417(a)(2)(ii). The FAA would expect a maintenance provider to comply with § 43.10 by having a system in place that meets the acceptable methods noted in the rule.

As we noted above, our answer to your inquiry is found in the 1992 interpretation. The two pertinent paragraphs from that interpretation follow:

> "Under these sections, the operator needs to maintain a recordkeeping system that will substantiate the time that has accrued on the life-limited part. A complete audit trail to the origin is not needed for all life-limited parts. However, it is the *responsibility of the operator to substantiate that its recordkeeping system produces sufficient and accurate data to determine how the current status was obtained.* The requirement is merely to show with a *sufficient degree of certainty* that the time elapsed is correct. [Emphasis added.]
>
> An audit trail tracing a life-limited part back to its origin would be required only in those situations where the operator's *records are so incomplete* that an accurate determination of the time elapsed on the life-limited part could not be made. We would expect a request for such records to be the exception rather than the norm." (Emphasis added.)

We have discussed your inquiry with officials in the Scottsdale FSDO. The FSDO does not require *back to birth/origin* records for a particular part unless, as stated above, that is the only way to demonstrate its current life status. The regulatory requirement is that the records for any life-limited part show with a sufficient degree of certainty the part's current life status and, therefore, the allowable time remaining.

Our response offers no opinion on the adequacy of the inspection system Phoenix Heliparts, Inc., uses to establish the status of life-limited parts the company receives. The adequacy of that system, and the sufficiency of the life status records for life-limited parts in the company's inventory, are matters to be addressed between Phoenix Heliparts, Inc., and its local FSDO.

We acknowledge that industry advisory material and handbook guidance should be updated to reflect the requirements brought about by § 43.10. The Aircraft Maintenance Division (AFS-300) in the Office of Flight Standards, has agreed to make the necessary revisions.

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[1] Safe Disposition of Life-Limited Aircraft Parts, Final rule (67 FR 2110, Jan. 15, 2002).

This response was prepared by Edmund Averman, an attorney in the Regulations Division in the Office of the Chief Counsel and coordinated with AFS-300. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations, AGC-200