NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.85

National Policy

Effective Date:
8/6/09

Cancellation Date:
8/6/10

SUBJ: Improper Maintenance and Alterations

1. Purpose of This Notice. This notice provides aviation safety inspectors (ASI) (maintenance and avionics) guidance in determining appropriate action when investigating cases of improper maintenance/alteration.

2. Audience. The primary audience for this notice is Flight Standards District Office ASIs (maintenance and avionics) who have certificate management oversight responsibilities. The secondary audience includes Flight Standards regional and headquarters branch and division personnel.

3. Where You Can Find This Notice. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators and the public can find this notice on the Federal Aviation Administration's (FAA) Web site at http://fsims.faa.gov/.

4. Background. In July of 2007, the FAA issued FAA Notice N 8900.12, Processing Reports of Unapproved Parts, thereby canceling FAA Order 8120.10A, Suspected Unapproved Parts Program. The notice was subsequently incorporated into FAA Order 8120.16, Processing Reports of Suspected Unapproved Parts, and became effective in July of 2008. The notice realigned the Suspected Unapproved Parts (SUP) Program Office's responsibilities within the Flight Standards Service (AFS) and Aircraft Certification Service (AIR). During the realignment and review of the SUP policy contained in Order 8120.10A, we realized that we defined and categorized improperly maintained or altered parts as unapproved parts.

5. Guidance. When ASIs conduct an investigation of allegations of improper maintenance/alteration, the following guidance applies:

a. Approved Parts. We consider parts produced under an approval according to the procedural requirements of Title 14 of the Code of Federal Regulations (14 CFR) part 21 "approved parts." Parts eligible for installation on type-certificated aircraft, but excepted from the FAA's approval requirements, are also considered "approved parts." You can find examples of FAA exceptions to the approval requirements in 14 CFR § 21.303(b). Improper maintenance/alteration of an approved part does *not* render the part *unapproved.* It can render the part ineligible for installation because the part was not maintained or altered in accordance with the provisions of 14 CFR part 43. Under this circumstance, an installer can no longer verify that

installation of the improperly-maintained/altered part in a type-certificated product would return that product to a condition at least equal to its original or properly altered condition. Such a verification is a necessary condition in determining installation eligibility under part 43, § 43.13(b).

b. Approved for Return to Service. There is a difference between "approved," as understood in part 21, and the term "approved for return to service" as understood under part 43. The appropriate person may return *approved parts* (produced under the provisions of 14 CFR part 21) to service if the parts are maintained/altered in accordance with the provisions of part 43. An approval for return to service is limited in scope and indicates only that the mechanic performed the work described in the maintenance record satisfactorily (see 14 CFR § 43.9(a)(4)). An approval for return to service may not indicate that the part is eligible for installation if it requires additional maintenance or alteration.

c. Investigation. Inspectors must thoroughly investigate cases alleging improper maintenance/alteration using the guidance provided in the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program. In addition, the investigating inspector must record these investigations in the Program Tracking and Reporting Subsystem using activity codes 3776 or 5776 as appropriate.

d. Criminal Activity. If, during an investigation involving allegations of improper maintenance/alteration, the inspector suspects criminal activity, then the inspector should notify his or her office manager and the regional SUP Coordinator point of contact (POC) immediately. The regional POC will make initial contact with the appropriate Law Enforcement Agency (LEA) regarding evidence of criminal activity and will also work with regional counsel to coordinate initial investigation efforts as set forth in Order 2150.3.

> **Note:** An inspector's role in any criminal investigation is limited to providing technical assistance, when requested, and within the scope of normal job functions, after the LEA has secured the area.

6. Action. If the investigation discloses evidence showing that one or more parts were approved for return to service but that these parts were not maintained/altered in accordance with the provisions of part 43, the inspector will refer to the guidance provided in paragraph 5c and/or d above. In addition, the following actions should be considered:

a. Addressing Safety-Related Issues. The applicable Aircraft Certification Office (ACO) should review an airworthiness assessment of the improper maintenance/alteration for a determination of any safety-related issues. Handle imminent safety of flight concerns in coordination with that ACO.

b. Addressing Other Issues. Inspectors must address the issue of parts that do not meet regulatory requirements, but are not considered an imminent safety concern. Therefore, ASIs should encourage the responsible party (person who performed the improper maintenance/alteration) to notify recipients or end users of the maintenance or alteration deficiency, and, if appropriate, to secure and/or recall the parts. Upon completion of the investigation, the investigating inspector must confirm that the responsible party has addressed

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parts not meeting regulatory requirements. If not previously accomplished through self-notification or recall by the responsible party, then the ASI may elect to use another method such as a Special Airworthiness Information Bulletin or Safety Alerts For Operators. Failure to meet regulatory requirements represents a legal finding that may require the due process associated with an enforcement action.

Note: If you need assistance in determining what, if any, additional methods of notification are necessary, contact your regional SUP coordinator for guidance.

c. Notification. The inspector should encourage the responsible party to notify all applicable recipients that those parts do not meet regulatory requirements when:

- The responsible party does not dispute the investigating inspector's conclusion that aircraft parts have been improperly maintained/altered, and

- The 14 CFR part 65, 119, or 145 certificate holder who performed improper maintenance/alteration has records identifying all persons who received the parts that failed to meet regulatory requirements.

Note: The inspector should record all details, regarding recall letters, notices, or bulletins, and include copies of the letter/notice initiated by the responsible party, along with associated documentation, when he or she has completed the investigation. Documentation should include a letter from the responsible party identifying the action taken to notify all recipients, a list of the recipients, and a copy of the letter/notice or bulletin sent.

7. Disposition. We will permanently incorporate the information in this notice into FSIMS before the notice expires. Direct questions regarding this notice to the General Aviation Branch, AFS-350, at (202) 385-6402.

ORIGINAL SIGNED by
Chester D. Dalbey for
John M. Allen
Director, Flight Standards Service

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