



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

National Policy

**ORDER
8620.2A**

Effective Date:
11/5/07

SUBJ: Applicability and Enforcement of Manufacturer's Data

1. Purpose of This Order. This order provides information and guidance to aviation safety inspectors (ASI) regarding the applicability and enforcement of Original Equipment Manufacturer's (OEM) data listed on the Federal Aviation Administration's (FAA) type certificate data sheet (TCDS). Information and guidance is also provided regarding OEM maintenance manual material, Service Letters (SL) and Service Bulletins (SB), and other maintenance or flight operations information including any material that has been identified or labeled by an OEM as "Mandatory."

2. Audience. The primary audience is Flight Standards District Office (FSDO) ASIs. The secondary audience includes Flight Standards regional and headquarters branch and division personnel.

3. Where You Can Find This Order. ASIs can access this order through the Flight Standards Information Management System (FSIMS) at <http://fsims.avr.faa.gov>. Operators and the public can find this order at <http://fsims.faa.gov>.

4. Background. Title 14 of the Code of Federal Regulations (14 CFR) part 43, §§ 43.13(a) and 43.13(b) outline the performance standards for accomplishing non-air carrier maintenance, preventive maintenance, and alterations on U.S.-registered aircraft. This order provides clarification and guidance about the applicability of those regulatory performance standards when maintenance documents and maintenance requirements have been identified and labeled as mandatory by the OEM.

5. Related Guidance (current editions).

- a. 14 CFR part 43;
- b. 14 CFR part 91; and
- c. FAA Order IR-M-8040.1A, Airworthiness Directives Manual.

Distribution: A-W(VR)-1; A-W(SI)-2; A-W(FS/IR/VN);
A-X(FS/SI/CD)-3; A-FFS/FIA/FAC-0(LTD);
AMA-200 (12 cys)

Initiated By: AFS-300

6. Applicability.

a. Section 43.13(a) states, in part, “Each person performing maintenance, alteration, or preventive maintenance on an aircraft, engine, propeller, or appliance shall use the methods, techniques, and practices prescribed in:

- 1) The current manufacturer’s maintenance manual or;
- 2) Instructions for Continued Airworthiness prepared by its manufacturer, or;
- 3) Other methods, techniques, and practices acceptable to the Administrator.”

b. The language of § 43.13(a) clearly provides a person with three permissible options when performing maintenance, alterations, or preventive maintenance on a product. Section 43.13(a) does not provide an order of precedence for these three options. Further, although § 43.13(a) does not specifically address SB’s or SL’s, an OEM may legitimately incorporate an SB or SL into one of its maintenance manuals by reference. If it does so, the data specified, and the method, technique, or practice contained therein, may be acceptable to the Administrator.

However, unless any method, technique, or practice prescribed by an OEM in any of its documents is specifically mandated by a regulatory document, such as Airworthiness Directive (AD), or specific regulatory language such as that in § 43.15(b); those methods, techniques, or practices are not mandatory.

7. TCDS. Consistent with 14 CFR, a TCDS is part of a product’s type certificate (TC). A TCDS is a summary of the product’s type design. It is used primarily by authorized persons during initial or recurrent issuance of a Standard Airworthiness Certificate. It is neither a regulation, a maintenance requirements document, or a flight manual document. As such, for aircraft holding a valid and current airworthiness certificate, a TCDS should not be used as a sole source to determine what maintenance is required or what the flight operations requirements are. Any language on a TCDS, by itself, is not regulatory and is simply not enforceable. There must be a corresponding rule to make any language on the TCDS mandatory. For example, there is a mention of “operating limitations” on most TCDS. The corresponding rule for “operating limitations” is 14 CFR § 91.9(a) which states, “Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without complying with the operating limitations specified in the approved Airplane or Rotorcraft Flight Manual, markings, and placards, or as otherwise prescribed by the certificating authority of the country of registry.” Without § 91.9, the TCDS requirement to comply with operating limitations would not be enforceable.

8. TCDS Notes. TCDS notes are intended primarily to provide information on the various requirements for issuing an airworthiness certificate as well as the type and location of various technical documents used to operate and maintain the product. Some OEM’s have placed mandatory language such as “shall,” “must,” and “will” on their TCDS that imply that compliance with TCDS notes is mandatory. However, in the absence of regulatory language, or an AD that makes such TCDS notes mandatory, compliance with such notes is not mandatory. It would mean that FAA regulations effectively authorize OEMs to issue “substantive rules,” i.e., it would enable an OEM to impose legal requirements on the public that differ from the 14 CFR requirements. This would be objectionable for two reasons. First, the FAA does not have the

authority to delegate its rulemaking authority to an OEM. Second, “substantive rules” can be adopted only in accordance with the notice and comment procedures of the Administrative Procedures Act (APA), which does not apply to an OEM.

9. Life Limits and Placarding. Adherence to component life limit retirement times listed on a TCDS is required by §§ 43.16 or 91.409(e), and a requirement to follow placard instructions is required by § 91.9(a).

10. Summary. Consistent with 14 CFR, a TCDS is part of a product’s TC. As such, for aircraft holding a valid and current airworthiness certificate, a TCDS should not be used as a sole source to determine what maintenance is required or what the flight operations requirements are. Any language on a TCDS, by itself, is not regulatory and is simply not enforceable.

11. Distribution. This order is distributed to the division levels at the Washington Headquarters of Flight Standards Service (AFS); to the branch levels at the Aircraft Certification Service; to the branch levels at the regional Flight Standards Divisions and Aircraft Certification Directorates; to all FSDOs; to all Aircraft Certification Offices (ACO), Aircraft Certification Field Offices, and all Satellite Offices and Manufacturing Inspection District Offices (MIDO); to the Aircraft Certification and Flight Standards Branches at the FAA Academy; to the Brussels Aircraft Certification and Flight Standards Staff; to applicable Representatives of the Administrator; and to all International Field Offices (IFO).

ORIGINAL SIGNED BY

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