

1991 WL 11663129 (D.O.T.)

Department of Transportation (D.O.T.)

Federal Aviation Administration

Legal Interpretation

Interpretation 1991-62

November 26, 1991

J. E. Murdock III

\*1 The Chief Counsel has asked me to respond to your letter of June 18, 1991, concerning the Federal Aviation Administration's interpretation of the word “overhaul” as it is used in the Federal Aviation Regulations (FAR), generally, and specifically at FAR section 43.2(a), [14 C.F.R. § 43.2\(a\)](#). We will also address the interpretation of the word “overhaul” contained in the March 25, 1991, letter to the Pratt & Whitney Overhaul & Repair Center from our Flight Standards District Office in Windsor Locks, Connecticut.

As your letter noted, FAR [section 43.2\(a\)](#), on “Records of overhaul and rebuilding,” presently reads, in pertinent part:

(a) No person may describe in any required maintenance entry or form an aircraft, airframe, aircraft engine, propeller, appliance, or component part as being overhauled unless—

(1) Using methods, techniques, and practices acceptable to the Administrator, it has been disassembled, cleaned, inspected, repaired as necessary, and reassembled; and

(2) It has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Administrator ....

Your concern was directed to the interpretation of the term *overhaul* as it applies to items or parts that are incapable of nondestructive disassembly. You noted, as examples, parts such as spacers, blades, vanes, cases, and shafts, which typically undergo cleaning, inspecting, repairing, and testing during their overhaul. Such parts also typically undergo those processes during the overhaul of larger products of which they are components.

Your letter also points out that the Preamble to the rule ([47 FR 41076](#), Sept. 16, 1982) included a paragraph that provides guidance useful in interpreting the section. That paragraph stated:

Several commenters state the term “completely disassembled” is inappropriate because in numerous instances “complete” disassembly would damage the product beyond further service. The word “complete” is deleted. However, it is intended that disassembly should be to the extent required to make a complete determination of conformity with the product's original qualities.

We agree that the quoted language from the Preamble aids in interpreting the regulation. Both logic and the Preamble's language compel the conclusion that complete disassembly and reassembly of certain parts are not necessary if, in their normal state, they can be examined to determine with certainty their conformity with their original qualities. Indeed, while you observed that one could theoretically further disassemble such parts (*e.g.*, by

cutting the material), such analysis would actually damage the part. A part need not be disassembled to this extent to be eligible for a determination that it has been overhauled if it has been subjected to inspections, examinations, or tests capable of accurately determining its airworthiness.

\*2 When a part, component, or subassembly of a product has been disassembled (to the extent contemplated by the above Preamble language), cleaned, inspected, repaired, and tested in accordance with standards or data approved by or acceptable to the Administrator, it may be deemed overhauled within the context of FAR [section 43.2](#). Consequently, a part, component, or subassembly of that larger assembly or product should also be deemed overhauled if it can be shown to be airworthy by inspection, examination, or tests that do not require disassembly beyond its normal state. Indeed, such disassembly would, in effect, destroy the part. Accordingly, it is our opinion that the interpretation of the word “overhaul” advanced by the Windsor Locks Flight Standards District Office in its March 25, 1991, letter is too narrow in the context of the above-mentioned circumstances.

It is also our opinion that any part that is deemed overhauled within the meaning of FAR [section 43.2](#), also meets the intent of the term “newly overhauled” as that term is used in FAR section 21.331(a)(1), with respect to the issuance of airworthiness approval tags for Class II products.

I hope this response has addressed your concerns and that it is helpful to you.

Donald P. Byrne  
Assistant Chief Counsel  
Regulations and Enforcement Division

1991 WL 11663129 (D.O.T.)

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.