



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

Memorandum

Subject: **ACTION:** Letter of Technical Standard Order
(TSO) Design Approval (LODA) Evidence of
Import to the United States

Date: JUN - 9 2005

From: Manager, Aircraft Engineering Division, AIR-100

Reply to
Attn. of:

To: Atlanta, Boston, Los Angeles and New York
Aircraft Certification Offices (ACOs)

This memo defines how the Federal Aviation Administration (FAA) will prioritize and process applications for a LODA, effective immediately. In light of our budget considerations, the FAA must prioritize how its limited resources will be used for new design approvals. This requires us to look more systematically at applications from foreign manufacturers seeking a FAA appliance approval to ensure that they meet the regulatory requirement for import.

Title 14 U.S. Code of Federal Regulations (14 CFR) section 21.617 states that the FAA may issue an approval for an appliance that is to be *imported* into the U.S. under the provisions of a bilateral agreement. Advisory Circular (AC) 21-23B (paragraph 2-1 c) advises how the FAA will establish its priorities for import product approvals. AC 21-23B states that appliance approvals may be granted for appliances "to be incorporated into the design of a U.S.-registered aircraft or U.S.-manufactured product." When either condition is met, the appliance is considered to meet the import requirement.

Foreign applicants should provide the FAA with evidence that the appliance will be installed on a U.S.- registered aircraft or installed on a U.S.- manufactured product. We are advising our bilateral partners that applications without such evidence will be accepted, but will not be given priority for processing. In our future agreements, we will make this evidence a mandatory requirement for a FAA LODA, but this is not currently specified in our bilateral agreements.

The FAA will give priority to applications with evidence of import to the U.S. Evidence can be in the form of a company document, e.g., order for delivery or contract/agreement demonstrating the appliance will be installed on a U.S. registered aircraft or U.S. manufactured product. Evidence can also be a statement by the LODA applicant specifying how either condition was met. The evidence must be included with the LODA application and must identify the FAA TSO appliance by model at a minimum. The applicant's civil aviation authority will be asked to review the evidence before making their certifying statement to the FAA as required by 14 CFR § 21.617a.

The applicant's statement that the criteria for import into the U.S. has been met must be valid at the time of application. As an example, it is not sufficient that a LODA applicant *expects* the airplane on which their FAA TSO appliances will be installed to enter into U.S. registry on future lease agreements. Evidence of the customer/operator having U.S.-registered aircraft must exist at the time of the LODA application in order to meet the import requirements.

ACOs should notify applicants whose applications lack evidence of import that no action will be taken on their application until evidence of the import criteria is met or future resources permit.

This policy has been coordinated with the Aircraft Certification Service International Policy Office, AIR-40.



FOR David W. Hempe