Memorandum

U.S. Department of Transportation

Federal Aviation Administration

Subject: **ACTION**: Vision 100--Century of Aviation Reauthorization Act of 2003

Date: AUG 5 2004

From: Manager, Production and Airworthiness Division, AIR-200

Reply to Attn. of: Frank P. Paskiewicz 202-267-8361

To: All Aircraft Certification Directorates
All Manufacturing Inspection Offices, District/Satellite Offices, and Certificate Management Offices/Units
All Flight Standard Divisions
All Flight Standards District Offices
All Manufacturing and Maintenance Designees

Vision 100--Century of Aviation Reauthorization Act of 2003 (Pub. L. 108-176, 117 Stat. 2490) was signed into law December 12, 2003. This Act amends 49 U.S.C. 44704(a) by adding a requirements paragraph to the type certificates section. This new paragraph, Section 44704(a)(3) states:

> *"If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder."*

If you are presented an application for a Standard Airworthiness Certificate or are currently working with an applicant producing a new aircraft under § 21.183(d), and they are manufacturing/building/or assembling to another person's type certificate, they must provide written evidence of permission from the type certificate holder. Conduct of such activity without written evidence of permission may be a violation of 49 U.S.C. 44704(a)(3).

All Regulation & Certification (AVR) personnel and AVR designees, when presented with such an application or become aware of such a situation, are to immediately contact their Division Manager, Directorate Manager, or Managing Office, and the Production and Airworthiness Division Manager (AIR-200) for instructions.

Questions pertaining to this memorandum should be directed to AIR-200 at 202-267-8361.

Frank P. Paskiewicz

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