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

800 Independence Ave., S.W.
Washington, D.C. 20591

MAR 2 0 2008

Mr. Vince Carapellotti
QA Manager – Supplier Surveillance
Delta Air Lines
6119 Windflower Drive
Powder Springs, Georgia 30127

Re: Request for Interpretation Regarding Owner Fabrication of Multiple Parts

Dear Mr. Carapellotti:

On February 6, 2008, you requested, via E-mail, an interpretation regarding Delta Air Lines' (Delta) fabrication of parts that are used in the course of repairs to aircraft in its fleet. You stated that Delta has a fabrication inspection program and that all work is performed to approved data. You also stated that the fabricated parts are for Delta's use only and are used in the course of repairs.

Your specific question concerned the fabrication and storing of multiple parts for future use. You indicated that, in Delta's performance of maintenance on its fleet, it sometimes finds the need for a certain part on a continuing basis. You asked whether Delta could legally fabricate multiples and store them until needed.

The answer to your question is yes, and can be found in the Federal Aviation Administration's (FAA) Advisory Circular (AC) No. 43-18, **"Fabrication of Aircraft Parts by Maintenance Personnel"** (Change 1; 2/29/08) at Paragraph 6(d)(5), **Fabrication of Multiple Parts**. The text of that paragraph follows for your convenience.

> (5) **Fabrication of Multiple Parts**. A quantity of identical parts bearing the same part number may be fabricated at the same time, providing they will be consumed in later repairs by the certificate holder that fabricated those parts. Controls should be in place to prevent separate sales of these specific parts (i.e., sales to other persons independent of the repair). If a certificate holder desires to sell its fabricated part(s) separately, it must obtain a PMA. The fabrication of multiple parts is not to be used as a means to circumvent the requirements of 14 CFR part 21, § 21.303(a).

As you know, except for the limited exceptions provided in its paragraph (b), section 21.303(a) prohibits the production of a modification or replacement part for sale for installation on a type-certificated product unless it is produced pursuant to a Parts Manufacturer Approval (PMA). The exception found in section 21.303(b)(2), "Parts produced by an owner or operator for maintaining or altering his own product," is the exception at issue in Delta's circumstances. AC 43-18, referenced above, was published to address this exception.

So long as Delta fabricates the multiple parts for consumption in repairs to its own fleet, and properly controls the parts so they are not sold for installation on another person's type-certificated product, Delta will not be in violation of section 21.303(a).

This response was prepared by Edmund Averman, an Attorney in the Regulations Division of the Office of the Chief Counsel. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200