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

Office of the Chief Counsel

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Washington, D.C. 20591

FEB 23 2010

Mark L. Breese
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P.O. Box 3707 MC 63-73
Seattle, WA 98124-2207

Dear Mr. Breese:

Thank you for your letter dated November 20, 2009, requesting clarification of the term "date of manufacture" as used in various regulations in Title 14 of the Code of Federal Regulations and other guidance material from the Federal Aviation Administration (FAA).

As your letter notes, there are uses of the term date of manufacture that carry specific calculations, such as 14 CFR §21.183(f). That regulation defines date of manufacture "for purposes of this paragraph." We believe that usage is clear in its limitations, including the first phrase in that paragraph, "[n]otwithstanding all other provisions of this section...." That calculation is for purposes of that paragraph only.

Your reference to the Flammability Standards rule published in 2003 cites to the disposition of comments in the preamble that explains what date of manufacture means for purposes of that final rule. In that rule, date of manufacture means "the date on which inspection records show that an airplane is in a condition for safe flight." Your reference to the Flight Recorder rule published in 2008 quotes the preamble to that rule in which we state that "[i]n general, the date of manufacture is usually considered the date an aircraft receives its airworthiness certificate," but that "[t]here may be other circumstances that modify this date." Your reference to the 2005 *Improved Seats in Air Carrier Transport Carrier Airplanes* rule did not include any specific language in the rule or preamble.

The FAA's reference in the flight recorder rule to other circumstances was a reference to regulations that may specify how date of manufacture is established. Where an earlier date is required by another applicable regulation, the earlier date would control. It is only when there is no defined date required that we suggest something that is easily determined and recorded be used, such as the date the airworthiness certificate is issued.

Accordingly, we are not able to provide absolute calculation of date of manufacture "under Boeing's current production method" as you request. We cannot generalize as to all of the regulations that may be applicable to aircraft under production at Boeing.

Where two or more regulations apply, each with their own date of manufacture, our advice would be to use the earliest date required as compliance for all of the regulations under which a date of manufacture is specified. Compliance with a requirement before the required date is acceptable.

In your example, among the regulatory requirements that you use "the date on which the first flight of the airplanes occurs," that you use the "date the inspection records reflect that the airplane is complete," and the suggestion that you use the date airworthiness certificate as issued as date of manufacture, different dates of manufacture may be triggered by the varying regulatory requirements applicable to an individual airplane. More than one date of manufacture may occur when two or more applicable regulations have different triggers. The FAA does not presume that the same regulations apply to every airplane you produce.

We trust that this interpretation responds to the examples raised in your request. If you have any questions, please contact my staff at 202-267-3073. This response was prepared by Karen Petronis, Senior Attorney for Regulations in my office and coordinated with the Aircraft Certification Service at FAA headquarters. Any questions regarding this interpretation may be directed to her.

Sincerely,

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