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Mr. Samuel Kovitch
Aerospace Safety Engineer
Atlanta ACO Branch
Federal Aviation Administration
1701 Columbia Avenue
College Park, GA 30337-2714

RE: Authority for Issuance of Airworthiness Directive; Docket No. FAA–2021–0336

Dear Mr. Kovitch,

On April 22, the FAA [issued](#) an Airworthiness Directive (AD) for certain Uninsured United Parachute Technologies, LLC Parachutes, which became effective on May 7. This letter seeks more information regarding the agency’s authority to mandate the action required.

According to [14 CFR § 39.3](#), “FAA’s airworthiness directives are legally enforceable rules that apply to the following products: aircraft, aircraft engines, propellers, and appliances.”

It seems that determining applicability of [14 CFR](#) part [39](#) depends upon the general definitions set forth in [§ 1.1](#) for those named items. Section [1.1](#) states—

Aircraft means a device that is used or intended to be used for flight in the air.

Aircraft engine means an engine that is used or intended to be used for propelling aircraft. It includes turbosuperchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers.

Appliance means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

Propeller means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

Parachute means a device used or intended to be used to retard the fall of a body or object through the air.

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In addition to the definitions in § [1.1](#), neither § [91.307](#) or part [105](#) classify a parachute as a product to which part [39](#) is applicable. Though § [105.3](#) explains “[a]pproved parachute means a parachute manufactured under a type certificate or a Technical Standard Order,” the applicability of part [39](#) does not include all articles for which a TC or TSO exists, only those that fit the definition of appliance from § [1.1](#).

Considering the fact part [39](#) does not include parachutes in its applicability, please explain the FAA’s authority to issue the subject AD.

Sincerely,



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