Affects Part: 18

Regulation No. SR-377D

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UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Effective: November 1, 1963
Issued: October 30, 1963

[Reg. Docket No. 955; Reg. No. SR-377D]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

Special Civil Air Regulation; Mechanical Work Performed on U.S. Registered Aircraft by Certain Canadian Mechanics

Special Civil Air Regulation No. SR-377C, effective from November 1, 1962, to November 1, 1963, extended the provisions of SR-377B, which provided an implementation of a reciprocal arrangement between Canada and the United States. The purpose of this Special Civil Air Regulation is to extend the provisions of SR-377C for an additional one-year period.

Section 610(a) of the Federal Aviation Act of 1958 provides, in pertinent part, that, "It shall be unlawful * * * for any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity * * *" The term "airman" as defined in section 101(7) of the Act includes "* * * (except to the extent the Administrator may otherwise provide with respect to individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances * * *" Under the provisions of this latter section, the Administrator is authorized, in effect, to exempt certain persons employed outside the United States from the requirements of holding a United States airman certificate.

The current provisions of SR-377C permit maintenance, repair, and alteration operations on aircraft of United States registry to be performed in Canada by or under the direct supervision of a mechanic holding a certificate of competence and appropriate ratings issued by the Canadian Government, subject to the condition that such operations performed are listed and certified by him in a manner and on a form prescribed by the Administrator, and subject to the further condition that all such operations are performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

As indicated in the preamble to SR-377C, at the time of the issuance of that special regulation, the Agency had initiated a study into the matter of the maintenance and alteration of U.S. registered aircraft outside the United States. It was anticipated that this study would result in regulatory action covering maintenance and alteration on U.S. registered aircraft in Canada as well as in other countries.

Subsequent to the adoption of SR-377C, the Agency completed its study and published as a notice of proposed rule making (28 F.R. 2049) and circulated as Civil Air Regulations Draft Release No. 63-9 dated March 2, 1963, a proposal to amend Part 18 of the Civil Air Regulations to permit qualified individuals and maintenance organizations in certain foreign countries to perform maintenance and alterations on U.S. certificated aircraft without the necessity of obtaining FAA certification of the individual or the organization for such purposes.

Upon further consideration and in light of the comments received in response to the draft release, the Agency now finds that additional study into this matter is necessary before final action can be taken on the proposed amendments. In the meantime, the Agency considers it desirable and necessary, in order to prevent interruption of the reciprocal arrangement, to extend the provisions of SR-377C for an additional period of one year.

Since the provisions contained herein extend the provisions of a previous regulation and impose no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and good cause exists for making this regulation effective on less than 30 days' notice.

This regulation is issued under the authority of sections 101(7), 313(a), 601, 605, and 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1301, 1354, 1421, 1425, 1430).

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective November 1, 1963:

1. An individual holding a valid mechanic certificate of competence and appropriate ratings issued by the Canadian Government shall not be deemed an airman within the meaning of section 101(7) of the Federal Aviation Act of 1958, with respect to inspection, maintenance, overhaul, or repair operations conducted in Canada in connection with aircraft of United States registry, and such individual, notwithstanding any contrary provisions of the Civil Air Regulations, may perform such operations in connection with United States aircraft in Canada: *Provided*, That, in the case of repair, alteration, and maintenance, each operation performed is listed and certified to by him in a manner and on a form prescribed by the Administrator: *And provided further*, That all such repairs, alterations, and maintenance operations shall be performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

2. An aircraft, aircraft engine, or propeller on which any major repair or major alteration has been performed as authorized herein shall not be flown in air commerce until examined, inspected, and approved by a Canadian Department of Transport Inspector of Aircraft. Such approval shall be indicated in a manner and on a form prescribed by the Administrator.

This regulation supersedes Special Civil Air Regulation No. SR-377C, and shall terminate November 1, 1964, unless sooner superseded or rescinded by the Federal Aviation Agency.

Issued in Washington, D.C., on October 30, 1963.

N. E. HALABY,
Administrator.

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