UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Part 1
Interpretation No. 1
Adopted: June 20, 1958

CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

EXPERIMENTAL CERTIFICATES

The Board has been asked to resolve a problem pertaining to the indoctrination by a manufacturer of its flight crews on aircraft possessing an experimental certificate and being submitted to the Civil Aeronautics Administration for type certification. The Board considers that the provisions of § 1.73 of Part 1 of the Civil Air Regulations are relevant to the problem. This section reads as follows:

> 1.73 Experimental certificates. Experimental certificates are issued for amateur-built aircraft and for aircraft which are to be used for experiment, for exhibition, for air racing, and to show compliance with the regulations in this subchapter for the issuance of type certificates and related purposes.

Recently the Administrator of Civil Aeronautics established new policies regarding the conditions on the use of aircraft possessing experimental certificates. The new policies are contained in Flight Operations and Airworthiness Memorandum No. 52 issued on April 17, 1958. In studying these policies in the light of the petition on hand, the Board finds that a clarification of one of the provisions of § 1.73 is advisable.

The specific point for clarification is whether or not § 1.73 can be construed to include crew training as one of the operations permitted under the conditions of an experimental certificate issued ". . . to show compliance with the regulations in this subchapter for the issuance of type certificates and related purposes."

It is quite obvious that the showing of compliance with the regulations applicable to the issuance of a type certificate almost invariably requires flight testing by the manufacturer's personnel. Unless adequate personnel are first trained on the aircraft submitted for type certification, showing of compliance may be impossible. The Board considers, therefore, that the pertinent provision of § 1.73 is intended to permit training of the manufacturer's personnel on an aircraft possessing an experimental certificate for the purpose of complying with regulations applicable to the type certification of the aircraft. A question might arise as to whether or not such training should include personnel who although not involved directly in the flight tests prior to type certification of the aircraft, nevertheless would later conduct flight tests on production aircraft to show conformity of such aircraft with the relevant type design. The Board considers that the intent of § 1.73 is also to include the latter flight tests because their purpose is to permit the issuance of airworthiness certificates and these are directly related to the issuance of type certificates.

The Board is aware of other problems which may require re-evaluation of the provisions of § 1.73. These are being studied separately. In the meantime, because of the need for immediate action on the petition received, the Board makes the following interpretation based on the foregoing considerations:

INTERPRETATION

The Board interprets and construes § 1.73 of Part 1 of the Civil Air Regulations as permitting the training by the manufacturer of its flight crews in an aircraft possessing an experimental certificate issued for the purpose of showing compliance with the regulations for the issuance of type certificates and airworthiness certificates.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U.S.C. 551, 553)

By the Civil Aeronautics Board:

/s/ Marvin Bergsman

Marvin Bergsman
Acting Secretary

(SEAL)

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