63-15

Amdt to CAR Pt 1

FEDERAL AVIATION AGENCY
FLIGHT STANDARDS SERVICE

[14 CFR Part 1]
[Regulatory Docket No. 1695; Notice No. 63–15]

NOTICE OF PROPOSED RULE MAKING

Export Airworthiness Approval Procedures

Notice is hereby given that there is under consideration a proposed amendment to Part 1 of the Civil Air Regulations as hereinafter set forth.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue, N.W., Washington 25, D.C. All communications received on or before June 17, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 1102 of the Federal Aviation Act of 1958 requires the Administrator to exercise and perform his powers and duties under the Act consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or countries. The United States has concluded reciprocal agreements with a number of foreign countries governing the import and export of aeronautical products with regard to airworthiness. These agreements provide for the mutual validation or acceptance of export certificates of airworthiness issued for aeronautical products which are manufactured in and meet the airworthiness requirements of the country of export and any special requirements of the importing country. Special requirements of many foreign countries will be inserted in the appropriate appendix to this part upon adoption of this proposal as a final rule.

For many years, export airworthiness approval procedures were published in a Manual of Procedures. Although this manual has been made available to the public, it is not adequate in many respects and it has become obsolete in others. To provide the public with up-to-date information on export airworthiness approval procedures, it is proposed to amend Part 1 to provide for rules and procedures governing the issuance of export certificates of airworthiness and other export airworthiness approvals.

The export airworthiness approval procedures proposed herein implement the reciprocal agreements, but the proposal does not limit the use of such procedures to foreign countries with which the United States has a reciprocal agreement concerning the import and export of aerronautical products. It should be noted that an export certificate or approval of airworthiness does not constitute an airworthiness certificate under the Act and, therefore, does not authorize the operation of an aircraft for which it is issued.

Moreover, an export airworthiness approval issued by the FAA is not to be confused with nor does it take the place of an export license which is required and issued by the United States Department of Commerce or the United States Department of State.

Three classes of aeronautical products have been established insofar as export airworthiness approvals are concerned. Class I and II products are eligible for export airworthiness approval, but Class III products are not because of the nature of these products. In lieu of such an approval for Class III products, exporters may utilize a certified statement, packing sheet, invoice, or bill of lading containing information required by the particular country. This exporter's certificate is acceptable in many foreign countries for Class III products. However, it is the responsibility of the exporter to determine the countries in which such certificates are acceptable and the requirements of the importing countries with respect to the particular product. An example of a certified statement which may be used by exporters of Class III products will be inserted in the appropriate appendix to this part upon adoption of this proposal as a final rule.

This proposal is subject to the FAA Recodification Program. The final rule, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

In consideration of the foregoing, it is proposed to amend Part 1 of the Civil Air Regulations as follows:

1. By amending § 1.0 to read as follows:

1.0 Applicability of this part. This part establishes administrative requirements for the issuance of type,

production, airworthiness certificates, export airworthiness approvals, and for the identification and marking of aircraft and related products.

2. By amending § 1.1 by adding a new paragraph (a)(9) and by amending paragraph (b)(4) to read as follows:

1.1 Definitions. * * *

(a) *Administration.* * * *

(9) *Newly overhauled.* Newly overhauled when used to describe a product, means that the product has not been operated or placed in service, except for functional testing, since having been completely repaired, reconditioned, inspected, and approved for return to service, in accordance with the applicable Civil Air Regulations.

(b) *Design.* * * *

(4) *Product.* * * *

(i) *Class I product.* With respect to export airworthiness approvals, a Class I product is a complete product which has been type certificated in accordance with the Civil Air Regulations and for which Federal Aviation specifications or type certificate data sheets have been issued.

(ii) *Class II product.* With respect to export airworthiness approvals, a Class II product is a major component of a Class I product (e.g., wings, fuselages, empennage assemblies, landing gear, power transmissions, control surfaces, etc.), the failure of which would jeopardize the safety of a Class I product; or any part, material, or appliance approved and manufactured under the Technical Standard Order (TSO) system in the "C" series.

(iii) *Class III product.* With respect to export airworthiness approvals, a Class III product is any part or component which is not a Class I or Class II product and includes standard parts, i.e., those designated as AN, NAS, SAE, etc.

3. By adding a new center heading preceding § 1.80 to read as follows: "Export Airworthiness Approvals."

4. By adding new §§ 1.80, 1.81, 1.82, 1.83, 1.84, and 1.85, to read as follows:

1.80 Aeronautical products eligible for export airworthiness approval. The following products are eligible for export airworthiness approval:

(a) Class I products which are located in the United States. Only aircraft which have been type certificated under Part 3 or Part 5 of the Civil Air Regulations and have been manufactured under a production certificate are eligible for export airworthiness approval without having been assembled and flight tested.

(b) Aircraft possessing currently valid U.S. airworthiness certificates, or other Class I products which have been maintained in accordance with the applicable Civil Air Regulations which are located in a foreign country, provided that no undue burden is created in administering the provisions of this regulation.

(c) Class II products which are manufactured and located in the United States.

NOTE: Class III products are not eligible for export airworthiness approval. A certified statement may be acceptable for such products in many foreign countries. An example of such a statement is set forth in Appendix ——.

1.81 Application.

(a) Any person may apply for issuance of an export airworthiness approval for either a Class I or Class II product.

(b) Export airworthiness approvals consist of:

(1) Export Certificates of Airworthiness, Form FAA-26, which are issued for Class I products, and

(2) Airworthiness Approval Tags, Form FAA-186, which are issued for Class II products.

NOTE: Export airworthiness approvals are not airworthiness certificates. They do not authorize the operation of aircraft nor do they attest to any agreement between the exporter and importer.

(c) Except as otherwise provided in this paragraph, application for an export airworthiness approval shall be made by completing Part I or Part II, as appropriate, of Form FAA-306, Application for Export Certificate of Airworthiness, and submitting it to the FAA District Office or International Office of Flight Standards Service nearest the applicant. A manufacturer holding a production certificate may make oral application for export airworthiness approval of a Class II product approved under his production certificate. A separate application is made for:

(1) Each aircraft;

(2) Each engine, propeller, and applicance, except that one application may be made for more than one engine, propeller, or appliance if all are of the same type and model, and are exported to the same purchaser and country; and

(3) Each Class II product, except that one application may be used for more than one kind or quantity of such products if they are exported to the same purchaser and country and those Class II products which are related to more than one Class I product are clearly separated and identified in the application by type and model of the Class I product.

(d) The following must be submitted with each written application for export airworthiness approval:

(1) A statement in writing from the importing country that it will validate the export airworthiness approval if the product is:

(i) An aircraft manufactured outside the United States being exported to a country with which the United States has a reciprocal agreement concerning the validation of export certificates of airworthiness; or

(ii) An unassembled and unflight tested aircraft; or

(iii) A product which does not meet the special requirements of the importing country.

(e) The following additional information must be submitted with each application for an export certificate of airworthiness for Class I products:

(1) A Statement of Conformity, Form FAA-317, for each new Class I product which has not been manufactured under a production certificate.

(2) A weight and balance report with loading schedule, when applicable, for each aircraft in accordance with the provisions of Part 18 of the Civil Air Regulations. For transport category airplanes and all

rotorcraft, this report must be based on an actual weighing of the aircraft within the preceding twelve months, but subsequent to any major repairs or alterations to the aircraft. Equipment changes not classed as major which occur subsequent to the actual weighing may be accounted for on a "computed" basis and the report revised accordingly. Manufacturers of new non-transport category type airplanes may submit "computed" reports in lieu of an actual weighing of the aircraft if fleet weight control procedures approved by the FAA have been established for such airplanes. In such cases, the following statement is placed in each report: "This is a computed report prepared on the basis of Federal Aviation Agency approved procedures for the establishment of fleet weight averages." The weight and balance report must include an equipment list showing weights and moment arms of all required and optional items of equipment which are included in the certificated empty weight.

(3) A maintenance manual for each new product when such a manual is required by the applicable airworthiness rules. (A manual for each used aircraft and each newly overhauled engine or propeller should also be submitted, when practicable.)

(4) Copies of manufacturer's service bulletins which affect the safe or proper operation of the product and its related equipment when such bulletins have not been complied with. A suitable notation shall be made under Item 10 of the application form when service bulletins have not been fully complied with.

(5) When temporary installations are incorporated in an aircraft for the purpose of export delivery, the application shall contain under item 10 of the application a general description of the installation together with a statement that the installations will be removed and the aircraft restored to the approved configuraion upon completion of the delivery flight.

(6) Historical records such as aircraft and engine log books, repair and alteration forms, periodic inspection reports, etc., for used aircraft and newly overhauled products.

(7) For products intended for overseas shipment, a statement under item 10 of the application setting forth the methods used, if any, in the preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. Such statement shall also indicate the duration of the effectiveness of any such methods.

(8) The Airplane or Rotorcraft Flight Manual when such a manual is required for the particular aircraft.

(9) A statement as to the date when title to an aircraft passed or is expected to pass to a foreign purchaser. If title has passed at the time the application is filed, the applicant shall, unless already accomplished:

(i) Submit a request for cancellation of the United States registration and airworthiness certificates giving the effective date of transfer of title and the name and address of the foreign purchaser;

(ii) Forward the Registration and Airworthiness Certificates, Form FAA–500 Part A, and FAA–1362 with his application; and

(iii) Certify that the United States registration numbers have been removed from the aircraft.

1.82 Class I and Class II export airworthiness approvals; requirements for issuance.

(a) *Export certificates of airworthiness for Class I products.* An applicant for the issuance of an export certificate of airworthiness for Class I products may be issued such certificate upon a showing that the product is eligible for such approval and meets the following requirements, as applicable:

(1) New or used aircraft manufactured in the United States meet the airworthiness requirements for a standard U. S. airworthiness certificate under provisions of § 1.67 or meet the airworthiness certification requirements for a "restricted" airworthiness certificate under provisions of § 1.68 subject to the special requirements of the importing country.

(2) New or used aircraft manufactured outside the United States have a currently effective U. S. standard airworthiness certificate at the time of application for an export certificate of airworthiness.

(3) Used certificated aircraft have undergone a periodic inspection and are approved for return to service in accordance with the applicable provisions of Part 18. Such inspection must have been performed and properly documented within 30 days prior to the date application is made for export airworthiness certification.

(4) Used engines, propellers, and appliances have been newly overhauled.

(5) Special requirements are met which have been imposed by the country to which the product is to be exported. (See Appendix ——.)

(b) *Airworthiness approval tag for Class II products.* An applicant for the issuance of an airworthiness approval tag for Class II products may be issued such approval tag upon a showing that the product is eligible for such approval and meets the following requirements, as applicable:

(1) The products are new or have been newly overhauled and conform to approved design data.

(2) The products are in a condition for safe operation.

(3) The products are identified with at least the manufacturer's name, part number, model designation, when applicable, and serial number or equivalent.

(4) Special requirements are met which have been imposed by the country to which the product is to be exported. (See Appendix ——.)

1.83 Performance of inspections and overhauls. Unless otherwise provided for, all inspections and overhauls required for export airworthiness approval of Class I and Class II products shall be performed and approved by:

(a) The manufacturer of the product;

(b) An appropriately certificated domestic repair station:

(c) An appropriately certificated foreign repair station having adequate overhaul facilities, and maintenance and inspection organization appropriate to the type of product involved, when the product is a Class I product located in a foreign country and an Interna-

tional Office of Flight Standards has approved the use of such foreign repair station; or

(d) A certificated air carrier possessing adequate overhaul facilities and having a maintenance and inspection organization appropriate to the type of product involved.

1.84 Responsibilities of exporters holding an export airworthiness approval. The exporter holding an export airworthiness approval shall:

(a) Forward to the air authority of the importing country all documents and information necessary for the proper operation of the products being exported: e.g., Flight and Maintenance Manuals, Service Bulletins and assembly instructions. Other material must be forwarded when and as stipulated in the special requirements of the importing country.

NOTE: FAA Specifications and Type Certificate Data Sheets for type certificated products are normally furnished by the FAA directly to the importing country. However, when a sufficient length of time has not elapsed since type certification of a product for the publication of such documents, the FAA will furnish Preliminary Type Certificate Data Sheets to the exporter for forwarding to the air authority of the importing country.

(b) When unassembled aircraft are being exported, forward to the authority of the importing country the manufacturer's assembly instructions and FAA approved flight test checkoff form with the aircraft. Such instructions shall be in sufficient detail to permit whatever rigging, alignment, and ground testing is necessary to insure that the aircraft will conform to the approved configuration when assembled.

(c) Remove any temporary installation incorporated on the aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight by the exporter.

(d) When conducting sales demonstration or delivery flights, secure all proper foreign entry clearances from all the countries involved.

(e) When title to an aircraft passes to a foreign purchaser:

(1) Request cancellation of the United States registration and airworthiness certificates giving the date of transfer of title, and the name and address of the foreign owner;

(2) Return the Registration and Airworthiness Certificates, Forms FAA-500 Part 1 and FAA-1362 to the FAA; and

(3) Submit a statement certifying that the United States identificaion and registration numbers have been removed from the aircraft in compliance with § 1.110.

1.85 Special export airworthiness approval for aircraft.

(a) An export certificate of airworthiness may be issued for an aircraft located in the U. S. which is to be flown to several foreign countries, for the purpose of sale, without returning the aircraft to the U. S. for such certificate, if—

(1) The aircraft possesses a Standard U. S. Certificate of Airworthiness, Form FAA-1362;

(2) The owner files application Form FAA-306 as required by § 1.81 (c), (d), and (e) except that items 3 and 4 of the application need not be completed, and in such case item 8 shall be checked "yes".

(3) The aircraft is inspected prior to leaving the U. S., by a Federal Aviation Agency Inspector, a Designated Manufacturer's Certification Representative (DMCR), or a Designated Manufacturing Inspector Representative (DMIR), and is found to comply with all applicable requirements.

(4) A list of the foreign countries in which it is intended to conduct sales demonstrations together with the expected dates and duration of such demonstrations, is included under item 10 of the application;

(5) When title to an aircraft passes to a foreign purchaser, the U. S. holder of the export certificate of airworthiness requests that items 3 and 4 on the application Form FAA-306 be completed;

(6) Special requirements are met which may have been imposed by each of the prospective importing countries; and

(7) All other requirements for the issuance of an export certificate of airworthiness for a Class I product are met.

(b) A special export airworthiness approval shall remain effective for a period not exceeding 60 days and shall expire upon transfer of title to a foreign citizen.

These amendments are proposed under the authority of sections 313 (a), 601, 603, of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U. S. C. 1354 (a), 1421, 1423).

Issued in Washington, D.C., on April 10, 1963.

Director,
Flight Standards Service