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

Civil Air Regulations Amendment 10-1
Effective: October 10, 1963
Issued: October 2, 1963

[Reg. Docket No. 1995; Amdt. 10-1]

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

Clarification of the Provisions Dealing With Type Certification

This amendment clarifies the provisions of § 10.11 of Part 10 of the Civil Air Regulations by adding a new § 10.12 which affirms that a product type certificated under the provisions of Part 10 is considered by the Agency to be type certificated also under the provisions of that part of the Civil Air Regulations which is invoked by the terms of § 10.11.

Currently effective § 10.11 states that a type certificate under the provisions of Part 10 shall be issued to an applicant when the Government of the country in which the product was manufactured certifies that the product has been examined, tested, and found to comply with either: (a) The airworthiness requirements prescribed in the Civil Air Regulations applicable to the product involved; or (b) the applicable airworthiness requirements of the Government of the country in which the product was manufactured together with such other requirements as may be prescribed by the Administrator to provide a level of safety equivalent to the airworthiness requirements in the Civil Air Regulations that are applicable to the product.

Whatever alternative is selected by the applicant, a specific part of the Civil Air Regulations is invoked by the terms of § 10.11 and compliance with the airworthiness requirements of that part, or equivalence to those requirements, must be certified by the Government of the country in which the product is manufactured. The Agency, therefore, considers that any product type certificated under the provisions of Part 10 is, in addition, type certificated under the provisions of that part of the Civil Air Regulations which was invoked when showing compliance with § 10.11; and has administered the Civil Air Regulations accordingly. This means, for example, that when a provision of the Civil Air Regulations is applicable to products that are type certificated under the provisions of Part 4b, it is made equally applicable to products that are type certificated under the provisions of Part 10 if, in accordance with § 10.11(a), a compliance with the airworthiness requirements of Part 4b is certified, or if, in accordance with § 10.11(b), equivalence to these requirements is certified.

The Agency recognizes, however, that there is a need to clarify the Civil Air Regulations on this point. To avoid misunderstanding, as has occurred in one recent instance when applying the provisions of Special Civil Air Regulation No. SR-450A, a new § 10.12 is being added to Part 10 to specifically set forth the connection between this part and other parts of the Civil Air Regulations with respect to the type certification of products.

The format of this amendment will be subject to such change as may be necessary for its recodification under the Agency's Recodification Program, announced in Draft Release No. 61-25 (26 F.R. 10698).

Since this amendment is clarifying in nature, and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and it may be made effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 601, 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, Part 10 of the Civil Air Regulations (14 CFR Part 10, as amended) is hereby amended by adding a new § 10.12 to read as follows, effective October 10, 1963.

§ 10.12 Type certificated products.

A product type certificated under the provisions of this part is considered to be type certificated also under the provisions of that part of the Civil Air Regulations containing the airworthiness requirements with which compliance is certified in accordance with § 10.11(a) or to which equivalence in level of safety is certified in accordance with § 10.11(b).

Issued in Washington, D.C., on October 2, 1963.

N. E. HALABY,
Administrator.

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