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Regulation No. SR-377B

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

Effective: November 1, 1961
Issued: November 1, 1961

Special Civil Air Regulation No. SR-377B

[Reg. Docket No. 935; Reg. No. SR-377B]

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

Special Civil Air Regulation; Mechanical Work Performed on United States Registered Aircraft by Certain Canadian Mechanics

Special Civil Air Regulation No. SR-377A, effective from November 1, 1956, to November 1, 1961, extended the provisions of Special Civil Air Regulation No. SR-377, 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 basic provisions of SR-377A for an additional 1-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 such 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-377A, 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.

The circumstances which led to the adoption of Special Civil Air Regulations Nos. SR-377 and SR-377A continue to exist. Work operations conducted under the reciprocal arrangement for approximately ten years have proven satisfactory and have been accomplished without adversely affecting safety. Furthermore, Canadian standards in relation to maintenance, alterations, and repair operations are of a high caliber and compare favorably with those in force in the United States.

However, the Agency finds in examining the current provisions of SR-377A, and in light of past experience, that certain changes should be incorporated therein to assure a more uniform interpretation and administration of the reciprocal arrangement. In this respect, the Agency is presently preparing, in the form of a draft release, a notice of proposed rule making which would provide, among other things, for work operations performed on United States registered aircraft by Canadian approved maintenance organizations. It is anticipated that the draft release will be circulated for industry comment in the very near future.

Since the authority presently contained in SR-377A will terminate on November 1, 1961, sufficient time is not available in which to complete and circularize a draft release containing the proposed amendments to the regulation, nor to permit a reasonable period of time for reviewing industry comments prior to considering final adoption of the proposed amendments. Therefore, the Agency considers it desirable and necessary, in order to prevent interruption of the reciprocal arrangement, to extend the provisions of SR-377A pending final adoption of the contemplated amendments.

While the basic provisions of the regulation being adopted herein are the same as those contained in SR-377A, certain editorial changes are necessary for conformance with the provisions of the Federal Aviation Act of 1958.

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 amendment effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective November 1, 1961:

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-377A, and shall terminate November 1, 1962, unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 101(7), 313(a), 601, 605, 610, 72 Stat. 737, 752, 775, 778, 780; 49 U.S.C. 1301, 1354, 1421, 1425, 1430)

Issued in Washington, D.C., on November 1, 1961.

N. E. HALABY,
Administrator.

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