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TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

[Regulatory Docket No. 955; Regulation No. SR-377C]

[Affects Part 18]

SPECIAL CIVIL AIR REGULATION

Mechanical Work Performed on United States Registered Aircraft by Certain Canadian Mechanics

Special Civil Air Regulation No. SR-377B, effective from November 1, 1961, to November 1, 1962, extended the provisions of SR-377A, 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-377B 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-377B 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.

At the time of the adoption of SR 377B, it was anticipated that a notice of proposed rule making would be issued providing for certain amendments to that regulation as a further implementation of the reciprocal arrangement with Canada. Subsequently, however, the Agency initiated a similar study into the matter of the maintenance or alteration of aircraft of U. S. registry in other countries outside the United States. This study and any subsequent regulatory action thereon would include maintenance on U.S. registered aircraft in Canada as well as in other countries. Therefore, it was decided to withhold the anticipated amendments to SR 377B pending the outcome of such study.

In the meantime, since the circumstances which necessitated the adoption of SR 377B and its predecessor regulations continue to exist, the provisions of that regulation are hereby extended 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.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective November 1, 1962:

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-377B, and shall terminate November 1, 1963, unless sooner superseded or rescinded by the Federal Aviation Agency.

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

Administrator

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