Civil Aeronautics Administration — U. S. Department of Commerce

REGULATIONS OF THE ADMINISTRATOR

PART 410 -- DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES, GLIDERS, ENGINES, AND PROPELLERS

(Revised effective Nov. 2, 1956)

Part 410 of the regulations of the Administrator is revised in its entirety to extend delegation option procedures to airplanes and gliders having less than 12,500 pounds maximum weight and small aircraft engines and propellers up to 1,000 cubic inches displacement. Provisions have been made for CAA participation in preliminary and final review of projects prior to certification.

Part 410 appeared as a notice of proposed rule making in 21 F. R. 5508–5510 on July 21, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument and consideration has been given all relevant data presented.

Part 410 is adopted to read as follows:

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AUTHORITY: §§ 410.1 to 410.38 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended, sec. 310, 64 Stat. 1080; 49 U. S. C. 553, 460.

SUBPART A—GENERAL

§ 410.1 *Definition of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "CAA" shall mean Civil Aeronautics Administration.

(c) "DMCR" shall mean Designated Manufacturer's Certification Representative.

(d) "Product" shall mean an airplane, a glider, an aircraft engine, or propeller.

(e) "Secretary" shall mean Secretary of Commerce.

§ 410.2 *Basis and purpose.* (a) Section 603 of the Civil Aeronautics Act of 1938 (52 Stat. 1009; 49 U. S. C. 553) authorized the Civil Aeronautics Authority to conduct inspections and tests necessary to the issuance of type, production, and airworthiness certificates, and to issue such certificates. Section 7 of Reorganization Plan III of 1940 (54 Stat. 1233) transferred the functions to the Administrator. Section 2 of Reorganization Plan 5 of 1950 (15 F. R. 3174) transferred the functions to the Secretary. Section 3 of Department of Commerce Order 115 (15 F. R. 3195) retransferred the functions to the Administrator. Section 310 of the Civil Aeronautics Act of 1938 (60 Stat. 1070, 49 U. S. C. 460) authorized the Secretary to delegate the functions to properly qualified private persons. Amendment 7 to Department of Commerce Order 86 (16 F. R. 554) authorized the Administrator to exercise the powers vested in the Secretary by section 310 (a) of the Civil Aeronautics Act of 1938.

(b) Under delegation option procedures, type, production, and airworthiness certification of airplanes and gliders having maximum weight of less than 12,500 lbs., and type and production certification of piston engines of less than 1,000 cubic inches displacement and propellers for use on such engines, may be accomplished by manufacturers utilizing a DMCR. Standard procedures will be used by manufacturers who are not eligible to use, or do not elect to use, the delegation option procedures.

SUBPART B—DELEGATION OPTION AUTHORIZATION

§ 410.11 *Application.* Application for an authorization from the Administrator to use the delegation option procedures shall contain the information specified in appendix A[1] to this part, and shall be submitted to the CAA regional office for the region in which the manufacturer is located.

§ 410.12 *Authorization.* Upon receiving an application and finding that the applicant meets the eligibility requirements, the Administrator will issue an authorization to the applicant to use the delegation option procedures in accordance with the provisions of this part. A sample authorization is shown in appendix B[1] to this part.

§ 410.13 *Eligibility.* To be eligible for an authorization to use the delegation option procedure, the applicant shall:

(a) Hold a current type certificate under the same part of the Civil Air Regulations and a production certificate, issued to the applicant under the standard procedure,

(b) Employ a competent staff of engineering, flight test, production, and inspection personnel adequate to maintain compliance with the applicable certification requirements of Parts 1, 3, 4a, 5, 8, 13, and 14 of this title, and

(c) Have requested the appointment of an individual by the Administrator as a Designated Manufacturer's Certification Representative in accordance with § 410.14.

§ 410.14 *Designated manufacturer's certification representative (DMCR).* (a) A Designated Manufacturer's Certification Representative is an individual who:

(1) Holds a responsible position in a manufacturer's organization with respect to the design and manufacture of the pertinent product,

(2) Upon request by the manufacturer, has been issued a certificate by the Administrator, and has been listed on the delegation option authorization issued to the manufacturer.

(b) The Designated Manufacturer's Certification Representative may be replaced by another individual upon request by the holder of the delegation option procedure authorization and the listing of such replacing individual by the Administrator on the authorization.

(c) A DMCR will be furnished CAA forms, and instructions on the use thereof, under the delegation option procedures.

§ 410.15 *Duration.* An authorization to use the delegation option procedure

[1] Not filed with the Federal Register Division.

For Sale by Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Price cents.

shall remain in effect for 1 year unless suspended, canceled, or revoked by the Administrator. An authorization may be renewed upon application if the Administrator finds the record of the applicant to be satisfactory. (See § 410.16.) The holder of such authorization shall request the CAA to cancel it if he no longer desires to use the delegation option procedure.

§ 410.16 *Maintenance of eligibility.* The holder of an authorization to use the delegation option procedure shall continue to comply with the initial requirements for issuance. To be eligible for renewal the holder must have a record over the previous year which shows he is competent, willing, and able to carry out the responsibilities delegated.

§ 410.17 *Transfer.* An authorization to use the delegation option procedure is not transferable.

§ 410.18 *Inspections.* At any time, upon request, the applicant for a delegation option procedure authorization or the holder of such authorization shall permit authorized employees of the Administrator to inspect his organization, facilities, product, and records.

SUBPART C—DELEGATION OPTION PROCEDURES

§ 410.31 *Limits of applicability.* (a) The delegation option procedures shall be applied only to products which are manufactured by the holder of a delegation option authorization, and which:

(1) Are eligible for certification under the type, production, and airworthiness requirements of Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, and

(2) Are airplanes or gliders having a maximum weight of less than 12,500 pounds, or

(3) Are piston engines having a displacement of less than 1,000 cubic inches, or

(4) Are propellers designed for use on engines having a displacement of less than 1,000 cubic inches.

(b) Within the limitations prescribed in paragraph (a) of this section, the delegation option procedure may be applied to:

(1) Type certification,

(2) Changes in the type design of products for which the manufacturer holds or obtains a type certificate,

(3) The amendment of the production certificate held by the manufacturer, to include additional models or additional types for which he holds or obtains type certificates,

(4) The issuance of airworthiness certificates for airplanes and gliders of any type for which the manufacturer holds a type certificate and holds or is in the process of obtaining a production certificate. For this privilege to be continued, the production certificate shall be obtained within 6 months from the date of issuance of the type certificate.

(c) The delegation option procedures may be applied to one or more types as selected by the manufacturer, who shall notify the CAA of each model, and the first serial number of each model manufactured by him under the delegation option procedures. Other types or models may remain under the standard procedures.

§ 410.32 *Type certificates.* (a) When a manufacturer desires to obtain a type certificate for a new type under the delegation option procedures:

(1) The DMCR for such manufacturer shall submit to the CAA an Application for Type Certificate (Form ACA-312) together with a statement listing particular airworthiness requirements of this title by part and date, which the DMCR considers applicable, plus a three-view drawing, a description of the salient characteristics of the design, an outline of the method to be used to substantiate compliance, and an estimated time schedule involved. After reviewing the application, the CAA will notify the DMCR in an acceptance letter that the Administrator finds such requirements, or other specified requirements, applicable.

(2) The CAA will verify compliance with standards, rules, and regulations for unconventional designs and/or design features having a substantially significant effect on safety, and will determine that there are no apparent unairworthy features. An initial review will be made by the CAA of new type designs including discussions with the manufacturer concerning any unconventional design features, interpretations of the regulations, or means of determining compliance. Following this review the CAA will notify the manufacturer concerning the extent to which the CAA will verify compliance, and the extent to which the CAA will participate in test programs. Also, the CAA will counsel and advise manufacturers upon request or indicated need.

(3) After determining that the applicable airworthiness requirements are met, the DMCR shall request the Administrator to issue a type certificate. The request shall include a Statement of Compliance and the information prescribed in appendix C[1] to this part. The proposed specification and, if required by the applicable airworthiness requirements, a copy of the Airplane Flight Manual as approved by the DMCR, shall be transmitted with the request. If the results of his own participation in the process of determining compliance with the regulations have revealed no failure of compliance, the Administrator will issue the type certificate and publish the specification.

(b) Under these delegation option procedures, the manufacturer may change the type design for which he holds a type certificate, when the DMCR finds that the changes comply with the applicable airworthiness requirements. If such changes would alter the information in the specification or Airplane Flight Manual, the manufacturer shall promptly submit proposed specification revisions or Airplane Flight Manual revisions to the CAA.

(1) The DMCR shall furnish a statement to the CAA, briefly describing major changes to the type design and listing the particular airworthiness requirements of this title which the DMCR considers applicable. Upon receiving such a statement, the CAA will notify the DMCR that the Administrator finds such requirements, or other specified requirements applicable. The CAA will verify compliance as considered necessary and will counsel and advise manufacturers upon request or indicated need.

(c) As a part of determining compliance with the applicable airworthiness requirements, the DMCR shall conduct a type inspection and complete a Type Inspection Report (Form ACA-283), or applicable portions thereof, which he shall sign and include in the manufacturer's technical data file.

(d) The manufacturer or the DMCR may request the advice of the CAA concerning interpretation of the certification requirements in Parts 1, 3, 4a, 5, 8, 13, and 14 of this title. The DMCR shall request the advice of the CAA on any interpretation which requires application of the equivalent safety provisions contained in the certification requirements. CAA rulings will be confirmed in writing.

(e) The manufacturer shall prepare and maintain a technical data file for each product type under the delegation option procedure, in accordance with § 410.38 (a) (1). Authorized employees of the CAA shall have access to the file at any time. In the event the manufacturer goes out of business or no longer operates under the delegation option procedure the file becomes the property of the CAA.

§ 410.33 *Production certificates.* (a) When a manufacturer desires to list a new model or a new type certificate on his production certificate, the DMCR for such manufacturer shall, after finding that the manufacturer meets the production certificate requirements of Part 1 of this title with respect to the new model or type, submit a request therefor to the Administrator. (See § 410.31 (b) (4).) This request shall be accompanied by:

(1) A Statement of Compliance containing the information prescribed in appendix D[1] of this part, and,

(2) A properly executed application for an amendment to the manufacturer's production certificate (Form ACA-332).

Upon receipt of these documents the Administrator will add the new model designation and/or type certificate number to the production certificate and forward to the manufacturer an amended production limitation record.

(b) In determining that the manufacturer meets the applicable production certificate requirements, the DMCR shall, for each new model or type added to the production certificate under the delegation option procedure, conduct an inspection of the manufacturer's organization, facilities, methods, and procedures for manufacturing and controlling the quality and conformity of the product. The CAA shall be notified in advance of such inspections and will participate as considered necessary. The DMCR shall complete and sign a Manufacturing Inspection Report (Form ACA-314) for inclusion in the manufacturer's records.

(c) At least once each year while the manufacturer holds a delegation option procedure authorization, the DMCR shall conduct an inspection of the manufacturer's facilities, methods, and procedures. The CAA will participate as considered necessary.

(d) The manufacturer shall prepare and maintain a production certification file and make reports covering changes in organization and procedures and special processes, as required by the production certificate requirements of Part 1 of this title. He shall include such reports and inspection records for each model produced under the delegation option procedure in his records as specified in § 410.38 (a) (2).

§ 410.34 *Airworthiness certificates.* (a) A DMCR shall issue an airworthiness certificate for an airplane or glider manufactured under the delegation option procedure when he finds, on the basis of the inspection and production flight check, that the aircraft conforms to a type design for which the manufacturer holds a type certificate and is in a condition for safe operation.

[1] Not filed with the Federal Register Division.

(b) The DMCR may authorize other employees of the manufacturer to sign such airworthiness certificates for him, over his name and designee number: *Provided*, That:

(1) Such employees perform or are in direct charge of the inspections specified in paragraph (a) of this section, and

(2) Such employees have been listed on the manufacturer's application to use the delegation option procedures (see appendix A [1] to this part), or on amendments thereto.

(c) A DMCR shall issue and attach an approval tag, Form ACA-186, to each new engine or propeller manufactured under the delegation option procedure when he finds, on the basis of the inspection and operational tests, that the engine or propeller conforms to a type design for which the manufacturer holds a type certificate and is in condition for safe operation.

After the new model has been included on the Production Limitation Record, the production certification number shall be stamped on the engine or propeller identification data plate in lieu of the issuance of the approval tag, Form ACA-186.

§ 410.35 *Certification of airworthiness for export.* A certificate of airworthiness for export may be issued on the same basis as an airworthiness certificate, as specified in § 410.34.

§ 410.36 *Service difficulties and noncompliance.* Service difficulties and questions of compliance on articles produced under the delegation option procedure will be handled as follows:

(a) *Routine reports.* The CAA will collect information on service difficulties in accordance with standard procedures. Where service difficulties are deemed of sufficient importance, the CAA will forward copies of the reports to the manufacturer for his information and any action he deems appropriate. The CAA will not request replies or action on such reports, except as indicated in paragraph (b) of this section.

(b) *Serious defects.* If accidents or service difficulty reports indicate unsafe features or characteristics caused by defect in design or manufacture, the CAA will transmit such reports to the manufacturer with a request that it be informed of the results of his investigation and of the action, if any, taken or proposed by him (e. g., service bulletins, design changes, etc.). If the nature of the defect is of such importance that mandatory corrective action by the user of the product is necessary for safety, the CAA will require the manufacturer to submit the information necessary for the issuance of an airworthiness directive in accordance with the standard procedures.

(c) *Investigation of product or manufacturing facilities.* The manufacturer shall, at any time upon request, permit the CAA to inspect and test his product, and investigate his technical data files and manufacturing facilities when reports indicate that a serious defect exists, and when the CAA finds that:

(1) The manufacturer's investigation and action are deemed inadequate to correct the unsafe condition, or

(2) There is substantial evidence that products of the type may not, in fact, comply with the applicable airworthiness requirements.

[1] Not filed with the Federal Register Division.

Prior to conducting such an investigation, the CAA will communicate with the manufacturer, citing the evidence in the case, and, time permitting, will request the manufacturer to submit comments and any additional pertinent information.

(d) *Maintenance of files.* The manufacturer shall maintain a file of information on service difficulties received from all sources, which will be available to the CAA at all times.

(e) *Noncompliance.* When investigation is made by the CAA, and the findings indicate that a serious safety hazard exists because of the manufacturer's failure to comply with Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, the CAA will take such action as is deemed necessary to require correction of the defect in existing models and to assure compliance in articles subsequently produced.

(f) *Revocation of delegation option authorization.* If the number or importance of established cases of noncompliance warrants, or if the manufacturer is found not to comply with the requirements of this part, the CAA may request the manufacturer to show cause why his privileges under the delegation option procedures should not be withdrawn. These privileges may be withdrawn until the manufacturer re-establishes his eligibility to the satisfaction of the Administrator.

(g) *Suspension and revocation of certificates.* Any action against type or production certificates held by the manufacturer will be processed in accordance with the standard procedures. (See § 408.26 of this chapter.)

§ 410.37 *Maintenance, repair, and alteration of products.* Aircraft, engines, and propellers manufactured under the delegation option procedures shall be maintained, repaired, and altered in accordance with Part 18 of this title and the following provisions:

(a) *Approval of major repairs and alterations performed by the manufacturer.* For types included under the manufacturer's delegation option authorization:

(1) The DMCR may, after finding that the major repair or alteration complies with the applicable requirements, approve such repair or alteration under the provisions of § 18.11 of this title.

(2) A completed Repair and Alteration Form (Form ACA-337) shall be furnished to the owner and a copy forwarded to the CAA in accordance with established procedures. Technical data covering the design change shall be included in the manufacturer's records. The Form ACA-337 shall contain a description of the repair or alteration and a statement that it was accomplished under the delegation option procedures.

(3) The DMCR may authorize other employees of the manufacturer to execute and sign Forms ACA-337 and make required logbook entries over his name and designee number: *Provided*, That:

(i) Such employees perform or are in direct charge of inspecting the repair or alteration, and

(ii) They have been listed on the manufacturer's application for the delegation option (see appendix A [1] to this part), or on amendments thereto.

(b) *Approval of major repairs and alterations performed by agencies other than the manufacturer.* Anyone performing a major repair or alteration to a product certificated under the delegation option procedure must either:

(1) Obtain the necessary technical data or advice from the manufacturer, or

(2) Conduct the technical investigations and tests necessary to demonstrate compliance with the applicable airworthiness requirements.

§ 410.38 *Data and records.* (a) A manufacturer shall maintain at his factory, for all models certificated under the delegation option procedures, current records containing the following:

(1) A technical data file for each type. This data shall include the type design drawings, specifications, and reports on tests prescribed by Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, the original type inspection report (Form ACA-283), and amendments thereto. This file shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(2) A complete inspection record for each model produced according to serial number and data covering the processes and tests to which materials and parts are subjected. These records shall be retained for 2 years.

(3) The report required to be submitted with the original application for the production certificate and amendments thereto. This report shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(4) The factory inspection reports specified in § 410.33 (b) and (c). These factory inspection reports shall be retained for 2 years.

(5) A record of all major repairs and alterations performed under the delegation option procedure. This record shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(6) A record of all reported service difficulties. These records shall be retained for 2 years.

(b) The records and data specified in paragraph (a) of this section shall be:

(1) Made available, upon request, for examination at any time by authorized employees of the Administrator,

(2) Identified and transferred to the CAA in the event the manufacturer goes out of business or no longer operates under the delegation option procedure.

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APPENDIX A

INFORMATION REQUIRED IN APPLICATION FOR DELEGATION OPTION AUTHORIZATION

_____ hereby makes application for authorization
(name of manufacturer)
to use the delegation option procedure for type, production, and airworthiness certification under the provisions of Part 410 of the Regulations of the Administrator of Civil Aeronautics, and requests that the following individual, who holds a responsible position with this company in respect to the design and manufacture of _____
to be produced under the delegation option procedure, be appointed as a CAA Designated Manufacturer's Certification Representative:

_____ _____
(name) (title)

If authorization to use the delegation option procedure is granted, the following individuals will be authorized to sign airworthiness certificates, repair and alteration forms, and inspection forms for the Designated Manufacturer's Certification Representative:

_____ _____

_____ _____
(name) (title)

This company holds the following currently effective type and production certificates obtained under the standard certification procedures:

Model	Type Certificate No.	Production Certificate No.

Signed _____

Date _____ Title _____

APPENDIX B

SAMPLE AUTHORIZATION TO USE THE DELEGATION OPTION PROCEDURE

(date)

(Address to manufacturer)

In consideration of an application made on _____ (date),
_____ (name of manufacturer) has been found eligible and is hereby authorized to use the delegation option procedure for the type, production, and airworthiness certification of _____ in accordance with the provisions of Part 410 of the Regulations of the Administrator of Civil Aeronautics.

_____ is hereby appointed a Designated Manufacturer's Certification Representative and is issued a Certificate of Authority, Number _____.

APPENDIX C

INFORMATION REQUIRED IN STATEMENT OF COMPLIANCE
AND
REQUEST FOR ISSUANCE OF A TYPE CERTIFICATE

The undersigned hereby certifies that _____, designed
(model designation)
and manufactured by _____, complies with the applicable airworthiness requirements listed below and all mandatory CAA rules published thereunder, and requests the issuance of a type certificate for this model under the delegation option authorization issued to the manufacturer on _____.
(date)

APPLICABLE REQUIREMENTS: CAR _____, in effect on _____,
CAR amendments _____, effective _____.

The required technical data and type inspection report dated _____ have been completed and included in the technical data file for this model.

The following documents are transmitted herewith:

Proposed Specification

Airplane Flight Manual (if applicable)

Signed _____

DMCR No. _____

Date _____

APPENDIX D

INFORMATION REQUIRED IN STATEMENT OF COMPLIANCE AND REQUEST FOR ISSUANCE OF AN AMENDED PRODUCTION CERTIFICATE

The undersigned hereby certifies that _____
(name of manufacturer)
meets the applicable production certificate requirements with respect to _____, manufactured under Type Certificate No. _____
(model designation)
and requests the addition of this model and Type Certificate No. _____
to production certification No. _____,
(Production certificate held by the mfr.)
under the delegation option authorization issued to the manufacturer on _____.
(date)

The required data on procedures, methods, and processes, and the factory inspection report, dated _____, for this model have been completed and included in the manufacturer's records.

An Application for Production Certificate is transmitted herewith.

Signed _____

DMCR No. _____

Date _____

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