FEDERAL AVIATION AGENCY
FLIGHT STANDARDS SERVICE
Washington 25, D. C.

May 14, 1962

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 62-25

SUBJECT: Privileges of the Manufacturer to Perform Maintenance.

The Flight Standards Service of the Federal Aviation Agency has under consideration amendments to Parts 18 and 24 of the Civil Air Regulations to authorize a manufacturer to perform and approve for return to service, maintenance and repair work on products he has manufactured. The reasons therefor are set forth in the explanatory statement of the attached proposal which is being published in the Federal Register as a notice of proposed rule making.

The Flight Standards Service desires that all persons who will be affected by the requirements of this proposal be fully informed as to its effect upon them and is therefore circulating copies in order to afford interested persons ample opportunity to submit comments as they may desire.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comment will be given careful consideration.

It should be noted that comments should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, and in order to insure consideration should be received on or before July 26, 1962 .

George C. Prill

Director,
Flight Standards Service

FEDERAL AVIATION AGENCY
FLIGHT STANDARDS SERVICE

[14 CFR Parts 18, 24]
[Regulatory Docket No. 1221; Draft Release No. 62–25]

NOTICE OF PROPOSED RULE MAKING

Privileges of the Manufacturer to Perform Maintenance

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 18 and 24 of the Civil Air Regudations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue, N.W., Washington 25, D.C. All communications received on or before July 26, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Section 610(a) of the Federal Aviation Act of 1958 provides 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. In addition, the Act further provides that it shall be unlawful for any person to employ for service in connection with any civil aircraft used in air commerce an airman who does not have a certificate authorizing him to serve in the capacity for which he is employed. In this respect, section 101(7) of the Federal Aviation Act of 1958 defines an "airman" as any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances.

In accordance with the foregoing provisions of the Act, currently effective Part 18 of the Civil Air Regulations defines maintenance as a function which includes preventive maintenance, and is the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts. The current provisions of the Civil Air Regulations authorize certain persons to perform maintenance on aircraft and aircraft components. These persons are: (a) a certificated mechanic or a person who works under his direct supervision; (b) an appropriately certificated repair station which employs appropriately certificated repairmen or mechanics; (c) a certificated pilot who is limited to such preventive maintenance as may be authorized by the Administrator; (d) a manufacturer subject to the requirement that he employs certificated mechanics in direct charge of maintenance and repairs, or that he performs such work under the terms of a repair station certificate with appropriate ratings, except that a manufacturer is not subject to the airman or repair station requirements when he rebuilds or alters any product manufactured by him; and (e) an appropriately certificated air carrier or commercial operator as prescribed by its continuous maintenance and inspection program and maintenance manual when appropriately certificated repairmen or mechanics are employed.

Historically, the Civil Aeronautics Act of 1938 contained airman requirements for the accomplishment of maintenance that were identical to those now in the Federal Aviation Act of 1958. Part 18 of the Civil Air Regulations, effective May 31, 1938, and as amended to November 15, 1940, authorized manufacturers to alter, repair, or overhaul aircraft manufactured by them. These old regulations promulgated under the provisions of the Act of 1938 did not require a manufacturer to employ certificated airmen. This oversight was corrected during 1941 by amending Part 24 to establish a factory mechanic rating, and also by the issuance of an amended Part 18, whereunder a manufacturer was required to employ certificated airmen in order to perform maintenance.

On December 9, 1949, Civil Air Regulations Draft Release No. 49–7 proposed a number of concurrent changes to Parts 18, 24, and 52 to restate and clarify the standards for the performance of maintenance, repairs, and alterations. The proposal also set forth the classification of persons authorized to perform maintenance functions. One of the proposed changes included the requirement that a manufacturer must secure a repair station certificate with appropriate ratings and employ certificated airmen in order to perform maintenance. The proposal indicated the

belief that such a requirement would not place any undue burden upon manufacturers because, in most instances, such persons already would meet the standards proposed in the revision to Part 52. Another of the concurrent changes proposed at this time, which later was adopted into the regulations, deleted the factory mechanic rating and other specialized mechanic certificates from the provisions of Part 24, and instituted a new certificate for repairmen.

After consideration of the comments received in response to Draft Release 49–7, major changes in the regulatory plan were made, and Draft Release 51–4 was issued on April 27, 1951. This draft release contained a proposal to authorize manufacturers to rebuild and alter their own product without the need to obtain repair station certificates, or to employ certificated airmen. Part 18, as revised effective June 15, 1952, contained most of the proposed changes. However, the privileges of rebuilding were accorded only to those manufacturers of products manufactured by them under a type or production certificate, Technical Standard Order, or Product and Process Specification. Additional regulations adopted under Part 18 prescribed that a manufacturer must hold an approved repair station rating, or employ properly certificated mechanics in order to perform maintenance work. In this respect, a person holding a repair station certificate with appropriate rating is authorized to perform and approve for return to service major and minor repairs. A certificated mechanic is authorized to perform major and minor repairs to aircraft, aircraft components, and related appliances, but is not authorized to perform major repairs to propellers or any repairs to instruments. However, only a certificated mechanic with an inspection authorization is authorized to approve for return to service any major repair or major alteration.

Manufacturers and other persons have expressed the opinion that a manufacturer should be permitted to perform maintenance and repair on aircraft, aircraft engines, propellers, appliances, and parts thereof, manufactured by him, using qualified persons employed by such manufacturer without the necessity of obtaining mechanic certificates for such persons or of obtaining a repair station certificate as required under the current provisions of Part 18. These manufacturers have repeatedly asked the Agency for appropriate relief from the present requirements.

We believe that the opinion expressed by the manufacturers has merit. Therefore, it is proposed to amend the current requirements of Part 24 to provide for the issuance of repairman certificates to qualified individuals employed by manufacturers. Furthermore, the proposal would amend Part 18 to authorize a manufacturer, employing certificated repairmen, to perform maintenance, which includes preventive maintenance, inspection, overhaul, repair, upkeep, replacement of parts on aircraft, aircraft engines, propellers, appliances, or spare parts thereof, manufactured by him, and to approve such aircraft or components thereof for return to service. In addition, the proposal redefines the term "manufacturer" to include a person who manufactures appliances, or parts which are approved for use on certificated aircraft, but for which there is issued no specific type or production certificate, Technical Standard Order, or Product and Process Specification.

In consideration of the foregoing, it is proposed to amend Parts 18 and 24 of the Civil Air Regulations as follows:

1. By amending § 18.1 of Part 18 by revising the definition of "manufacturer" to read as follows:

18.1 Definitions. * * *

Manufacturer. A manufacturer is any person who:

(a) Holds a type or production certificate for and is the producer of an aircraft, aircraft engine, propeller, or appliance; or

(b) Produces appliances or parts of aircraft, aircraft engines, propellers or appliances which are approved under the terms of a Technical Standard Order, FAA-Parts Manufacturer Approval, Product and Process Specification, or in conjunction with the type certification of aircraft, aircraft engines, propellers, or appliances.

2. By amending § 18.10(d) to read as follows:

18.10 Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations. * * *

(d) A manufacturer may:

(1) Rebuild or alter any aircraft, aircraft engine, propeller or appliance produced by him under a type or production certificate;

(2) Rebuild or alter any appliance or part of aircraft, aircraft engines, propellers, or appliances produced by him and approved under the terms of a Technical Standard Order, a FAA-Parts Manufacturer Approval, a Product and Process Specification, or in conjunction with the type certification of aircraft, aircraft engines, propellers, and appliances; and

(3) Perform maintenance and repairs on aircraft, aircraft engines, propellers, appliances, and parts thereof, produced by him as provided in subparagraphs (1) and (2), when he employs a certificated repairman directly in charge of such maintenance and repairs.

3. By amending § 18.11(a)(4) to read as follows:

18.11 Persons authorized to approve maintenance, repairs, and alterations. * * *

(a) *Maintenance, minor repairs, and minor alterations.* * * *

(4) A manufacturer, if the aircraft, aircraft engine, propeller, appliance, or parts thereof have been rebuilt, altered, or maintained under the provisions of § 18.10(d); or

4. By amending § 18.11(b)(3) to read as follows:

18.11 Persons authorized to approve maintenance, repairs, and alterations. * * *

(b) *Major repairs and major alterations.* * * *

(3) A manufacturer, if the aircraft, aircraft engine, propeller, appliance, or parts thereof have been rebuilt, altered, or maintained under the provisions of § 18.10(d) and in accordance with a manual,

specification, or other technical data approved by the Administrator; or

5. By amending §§ 24.100(b), 24.101, 24.102, 24.112, 24.120, and 24.130 of Part 24 by deleting the terms "certificated repair station or an appropriately certificated air carrier", "repair station or air carrier", and "appropriately certificated United States air carrier or a certificated repair station", and inserting in lieu thereof the terms "certificated repair station, a manufacturer, or an appropriately certificated air carrier", "repair station, manufacturer, or air carrier", or "appropriately certificated United States air carrier, manufacturer or certificated repair station", as appropriate.

These amendments are proposed under the authority of sections 313(a), 601, 602, and 605 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, and 1425).

George C. Price

Director,
Flight Standards Service

Issued in Washington, D.C., on May 14, 1962.