

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 183

[Docket No. 16622; Amdt. 183-6]

Designated Manufacturing Inspection Representatives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment permits use of designated manufacturing inspection

representatives to perform authorized functions for the manufacturer, or its supplier, at any location authorized by the Administrator. It is intended to meet the need for greater flexibility and efficiency in the manufacturing process.

EFFECTIVE DATE: January 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

This amendment to Part 183 of the Federal Aviation Regulations expands the use of designated manufacturing inspection representatives (DMIR). These representatives of the FAA are qualified private persons who have been delegated authority by the Administrator to issue certain certificates and to perform inspection functions for the FAA. Delegation of these functions to properly qualified private persons is contemplated and authorized by section 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1355).

A manufacturer or its suppliers may recommend that any employee be designated a DMIR by the FAA. Only manufacturers with approved production inspection systems, parts manufacturing approvals, production certificates, or technical standard order authorizations, and suppliers of these manufacturers, may have DMIR's. The qualifications of each recommended employee are carefully reviewed by the

FAA, and designations are made with limitations appropriate to the representative's training and knowledge.

DMIR's conduct inspections necessary to determine that production products and related parts conform to the approved type design and are in a condition for safe operation, and that prototype products and related parts submitted for FAA approval conform to design specifications. They issue original airworthiness certificates for aircraft, airworthiness approvals for engines, propellers, and product parts, export certificates of airworthiness, airworthiness approval tags, and special flight permits for export aircraft and related parts. DMIR's also issue experimental certificates for aircraft for which the manufacturer holds the type certificate and which have undergone changes to the type design requiring a flight test.

Notice

Interested persons have been afforded an opportunity to participate in the making of this regulation by Notice of Proposed Rule Making No. 77-5, issued March 30, 1977, and published in the *Federal Register* on April 7, 1977 (42 FR 18407). Editorial and clarifying changes have been made in the proposal based upon relevant comments received and upon further review by the FAA. Except for the changes discussed below, this amendment and the reasons for its adoption are the same as those contained in Notice 77-5.

A total of 6 public comments were received in response to the Notice. Three comments were in favor of the proposal. The remaining three favored it generally but expressed reservations about specific provisions.

Discussions of Comments

Several commenters strongly objected to proposed § 183.31(b)(2) which would have expanded the authority of DMIR's to permit them to evaluate a manufacturer's quality control system to determine whether it complies with Part 21 of the Federal Aviation Regulations and with the manufacturer's approved quality control procedure. The objections were based on: (1) The financial burden imposed on manufacturers having to hire a DMIR to replace FAA personnel; (2) the lack of

credibility given to aircraft produced without FAA surveillance; (3) the increased vulnerability of manufacturers to produce liability suits; and (4) the increased possibility of conflict of interest which would arise if, for example, a DMIR were to participate in an enforcement action against his or her employer.

Part 183 does not require manufacturers to use a DMIR. Also, there is no indication that the proposed § 183.31(b)(2) would work an undue burden on manufacturers. However, the FAA recognizes the commenter's concern over the possibility of conflict of interest, lack of credibility, and product liability suits. These comments have highlighted the distinction between the functions currently performed by a DMIR and the proposed additional evaluation function. Under the current rule, it is unlikely that a DMIR would become involved in an enforcement action against the manufacturer. However, a DMIR's evaluation of a manufacturer's quality control system would most likely result in an enforcement action against the manufacturer were a DMIR to determine that the approved system was not being followed. Thus, whenever a DMIR would find the manufacturer's quality control system to be in noncompliance, the DMIR would be placed in a possible enforcement context. The FAA agrees with the concerns expressed in this area. It is essential that those involved in the inspection process not be placed in any situation which might affect their responsibility. This would be inconsistent with the interest of safety. Therefore, DMIR's will not be allowed to evaluate quality control systems and, as a result, proposed § 183.31(b)(2) has not been adopted.

Three commenters suggested revising proposed § 183.31(c) to allow a DMIR to perform inspection functions for the manufacturer's supplier, as well as for the manufacturer. The FAA agrees that such a revision will promote greater flexibility and efficiency in the manufacturing process. Accordingly, a DMIR will be allowed to perform his or her function for the manufacturer or its supplier at any location authorized by the FAA. Any necessary limitation on a representative's authority based on his or her knowledge and training will be specified at the time of designation by the FAA.

(As published in the Federal Register (45 F.R. 1415) on January 7, 1980)

Editorial Changes

The NPRM proposed deletion of current § 183.31(b) because the term "export ferry permits" is obsolete. Instead of these permits, special airworthiness certificates are now issued for exporting aircraft. Accordingly, a new § 183.31(a)(4) has been added which allows a DMIR to issue "special flight permits to export aircraft."

An additional clarifying change has been made in § 183.31 by adding the words "and are in a condition for safe operation" at the end of paragraph (a)(1). This change incorporates into this rule the standard required under § 21.183 for the issuance of an airworthiness certificate.

Review of proposed § 183.31(b)(1), which is substantially similar to § 183.3(c) and (d) of the current rule, revealed a need to distinguish between prototype and production articles. Prototype products and related parts are inspected for conformity to design specifications, which are the basis upon which an applicant seeks design approval. Production products and related parts are inspected for conformity to the approved type design and to ensure that they are in a condition for safe operation. The rule as adopted distinguishes between these two inspection functions and the different standards applied to each.

Cost Evaluation

This amendment will result in a cost savings to manufacturers. Since it

permits DMIR to be used at locations other than their employers' immediate facilities, manufacturers will be able to avoid costly delays by conducting with persons already in their employ, inspections that would otherwise require the use of an FAA employee. For this reason, manufacturers will be better able to plan and expedite inspections.

In addition, by providing for more efficient use of each DMIR, it is expected that this amendment will lessen the demand for inspections by FAA employees. Thus, it will also result in a cost saving for the Federal Government.

Adoption of the Amendment

Accordingly, Part 183 of the Federal Aviation Regulations (14 CFR 183.31) is amended, effective January 28, 1980, by revising § 183.31 to read as follows:

§ 183.31 Designated manufacturing inspection representatives.

A designated manufacturing inspection representative (DMIR) may, within limits prescribed by, and under the general supervision of, the Administrator, do the following:

(a) Issue—

(1) Original airworthiness certificates for aircraft and airworthiness approvals for engines, propellers, and product parts that conform to the approved design requirements and are in a condition for safe operation;

(2) Export certificates of airworthiness and airworthiness approval tags in accordance with Subpart L of Part 21 of this chapter;

(3) Experimental certificates for aircraft for which the manufacturer holds the type certificate and which have undergone changes to the type design requiring a flight test; and

(4) Special flight permits to export aircraft.

(b) Conduct any inspections that may be necessary to determine that—

(1) Prototype products and related parts conform to design specifications; and

(2) Production products and related parts conform to the approved type design and are in condition for safe operation.

(c) Perform functions authorized by this section for the manufacturer, or the manufacturer's supplier, at any location authorized by the FAA.

(Secs. 313(a), 314, 601, 603, 608, and 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1423, 1428, and 1429) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the individual listed above as the information contact.

Issued in Washington, D.C., on December 26, 1979.

Langhorne Bond,
Administrator.

[FR Doc. 80-468 Filed 1-4-80; 8:45 am]
BILLING CODE 4910-13-M

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Washington, D.C. 20591

Official Business

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
FEDERAL AVIATION
ADMINISTRATION
DOT 515

