

**CHANGE**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATIONORDER 8130.2F  
CHG 5

National Policy

1/15/2010

**SUBJ:** Airworthiness Certification of Aircraft and Related Products

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**1. Purpose.** This change encompasses policy revisions necessary to implement the recent regulatory changes to Title 14, Code of Federal Regulations (14 CFR) part 1, Definitions and Abbreviations, part 21, Certification Procedures for Products, Articles, and Parts, and part 45, Identification and Registration Marking, was published on October 16, 2009. Specifically, this change accommodates the 180-day compliance requirement for the associated changes to 14 CFR part 1; part 21, subparts H, I, L, and N; and, part 45, §§ 45.11 and 45.13. A subsequent change or revision to this order will be made at a later date to accommodate the 18-month compliance requirement associated with all other 14 CFR part or subpart changes introduced during that rulemaking activity.

**2. Who This Change Affects.** All Washington headquarters branch levels of the Aircraft Certification Service, Flight Standards Service, and the Regulatory Support Division; the Aviation System Standards office; the branch level in the Aircraft Certification Service directorates and regional Flight Standards Service divisions; all aircraft certification offices; all manufacturing inspection district offices and manufacturing inspection satellite offices; all flight standards district offices; the Aircraft Certification Branch and Flight Standards Branch at the Federal Aviation Administration (FAA) Academy; all applicable representatives of the FAA; and all international field offices.

**3. Explanation of Changes.** This change:

- a. Removes class I, II, and III export classification and replaces them with “products or articles.”
- b. Removes the requirement of 100-hour inspections when exporting products.
- c. Removes the word “only” from production under type certificate only.
- d. Global changes of shall to must, Administrator to FAA.
- e. Removes the word “newly” from newly overhauled.

**4. Effective Date:** This order is effective April 14, 2010.

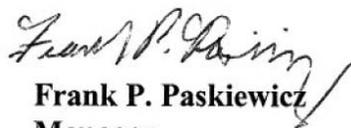
**5. Disposition of Transmittal Paragraph.** Retain this transmittal sheet until the directive is canceled by a new directive.

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**Frank P. Paskiewicz**  
**Manager**

**Production and Airworthiness Division, AIR-200**



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## CHAPTER 1. INTRODUCTION

- 1. PURPOSE.** This order establishes procedures for accomplishing original and recurrent airworthiness certification of aircraft and related products. The procedures contained in this order apply to Federal Aviation Administration (FAA) manufacturing aviation safety inspectors (ASI), to FAA airworthiness ASIs, and to private persons or organizations delegated authority to issue airworthiness certificates and related approvals.
- 2. DISTRIBUTION.** This order is distributed to the Washington headquarters branch levels of the Aircraft Certification Service, Flight Standards Service, and the Regulatory Support Division; to the Aviation System Standards office; to the branch level in the Aircraft Certification Service directorates and regional Flight Standards Service divisions; to all aircraft certification offices; to all manufacturing inspection district offices and manufacturing inspection satellite offices; to all flight standards district offices; to the Aircraft Certification Branch and Flight Standards Branch at the FAA Academy; to the Brussels Aircraft Certification Division and Flight Standards staff; to applicable representatives of the Administrator; and to all international field offices.
- 3. CANCELLATION.** FAA Order 8130.2E, Airworthiness Certification of Aircraft and Related Products, dated January 23, 2003, is cancelled.
- 4. AUTHORITY TO CHANGE THIS ORDER.** The issuance, revision, or cancellation of the material in this order is the responsibility of the Aircraft Certification Service, Production and Airworthiness Division, AIR-200. All changes, as required, will be accomplished by this division to carry out the agency's responsibility to provide for original and recurrent airworthiness certifications and related approvals for eligible aeronautical products.
- 5. DEVIATIONS.** Adherence to the procedures in this order is necessary for uniform administration of this directive material. Any deviations from this guidance material must be coordinated and approved by AIR-200. If a deviation becomes necessary, the FAA employee involved should ensure the deviations are substantiated, documented, and concurred with by the appropriate supervisor. The deviation must be submitted to AIR-200 for review and approval. The limits of Federal protection for FAA employees are defined by Title 28, United States Code § 2679.
- 6. FORMS.** Examples of forms referenced in this order are found at the end of the section or chapter in which they are referenced.
- 7. ACRONYMS.** The following acronyms are used in this order:
- |             |                                       |
|-------------|---------------------------------------|
| <b>AC</b>   | Advisory Circular                     |
| <b>ACO</b>  | Aircraft Certification Office         |
| <b>AD</b>   | Airworthiness Directive               |
| <b>APIS</b> | Approved Production Inspection System |
| <b>ASI</b>  | Aviation Safety Inspector             |
| <b>BAA</b>  | Bilateral Airworthiness Agreement     |
| <b>BASA</b> | Bilateral Aviation Safety Agreement   |
| <b>CAA</b>  | Civil Aviation Authority              |
| <b>CAGE</b> | Commercial and Government Entity      |
| <b>CAM</b>  | Civil Aeronautics Manual              |

<b>CAR</b>	Civil Air Regulation
<b>CFR</b>	Code of Federal Regulations
<b>14 CFR</b>	Title 14, Code of Federal Regulations
<b>CG</b>	Center of Gravity
<b>CHDO</b>	Certificate Holding District Office
<b>CMACO</b>	Certificate Management Aircraft Certification Office
<b>CMO</b>	Certificate Management Office
<b>CMU</b>	Certificate Management Unit
<b>C of A</b>	Certificate of Airworthiness
<b>CO</b>	Certificating Office
<b>DA</b>	Department of the Army
<b>DAR</b>	Designated Airworthiness Representative
<b>DD 1427</b>	DOD Form 1427, Notice of Award, Statement, and Release Document
<b>DER</b>	Designated Engineering Representative
<b>DGAC</b>	Direction Générale de l'Aviation Civile
<b>DMIR</b>	Designated Manufacturing Inspection Representative
<b>DOD</b>	Department of Defense
<b>DOT</b>	Department of Transportation
<b>DRMO</b>	Defense Reutilization Marketing Office
<b>EAA</b>	Experimental Aircraft Association
<b>EASA</b>	European Aviation Safety Agency
<b>ELSA</b>	Experimental Light-Sport Aircraft
<b>ELT</b>	Emergency Locator Transmitter
<b>ENAC</b>	Ente Nazionale per L'Aviazione Civile
<b>FAA</b>	Federal Aviation Administration
<b>FSCAP</b>	Flight Safety-Critical Aircraft Part
<b>FSDO</b>	Flight Standards District Office
<b>GPO</b>	Government Printing Office
<b>ICAO</b>	International Civil Aviation Organization
<b>ICAW</b>	Instructions for Continued Airworthiness
<b>ID</b>	Identification
<b>IFO</b>	International Field Office
<b>IFR</b>	Instrument Flight Rules
<b>IPA</b>	Implementation Procedures for Airworthiness
<b>IPC</b>	Illustrated Parts Catalog
<b>JAR</b>	Joint Aviation Requirements
<b>LBA</b>	Luftfahrt-Bundesamt
<b>LFV</b>	Luftfartsverket
<b>LSA</b>	Light-Sport Aircraft
<b>MCAI</b>	Mandatory Continuing Airworthiness Information
<b>MIDO</b>	Manufacturing Inspection District Office
<b>MIO</b>	Manufacturing Inspection Office
<b>MIP</b>	Maintenance Implementation Procedure
<b>MISO</b>	Manufacturing Inspection Satellite Office
<b>NAA</b>	National Aviation Authorities

<b>NTSB</b>	National Transportation Safety Board
<b>ODA</b>	Organization Designation Authority
<b>PAH</b>	Production Approval Holder
<b>PC</b>	Production Certificate
<b>PCA</b>	Primary Category Aircraft
<b>PI</b>	Principal Inspector
<b>PMA</b>	Parts Manufacturer Approval
<b>R&amp;D</b>	Research and Development
<b>RPM</b>	Revolutions Per Minute
<b>SFA</b>	Special Flight Authorization
<b>SFAR</b>	Special Federal Aviation Regulation
<b>SOC</b>	Statement of Compliance
<b>STC</b>	Supplemental Type Certificate
<b>49 U.S.C.</b>	Title 49, United States Code
<b>TC</b>	Type Certificate
<b>TCDS</b>	Type Certificate Data Sheet
<b>TPA</b>	Turbine-Powered Aircraft
<b>TSO</b>	Technical Standard Order
<b>U.S.</b>	United States
<b>VFR</b>	Visual Flight Rules
<b>VLA</b>	Very Light Aircraft

**8. DEFINITIONS.** Some of the definitions included in part 1 of Title 14, Code of Federal Regulations (14 CFR) and other publications are listed below.

**a. Aircraft Category.** The term “category,” as used with respect to the certification of aircraft, means a grouping of aircraft based on their intended use or operating limitations, for example, normal, utility, acrobatic, or primary. For purposes of this order, gliders and balloons will be referred to as categories rather than classifications.

**b. Aircraft Classification.** The term “classification,” as used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing, that is, airplane, rotorcraft, glider, or balloon.

**c. Amateur-Built Aircraft.** Sometimes referred to as home-built aircraft. These aircraft have been issued an experimental certificate under § 21.191(g).

**d. Authorized Instructor.** A person who holds a valid ground instructor certificate under 14 CFR part 61 or part 142, or a person who holds a current flight instructor certificate issued under part 61.

**e. Bilateral Agreement.** The term “bilateral agreement” means an executive agreement between the U.S. Government and the government of another country to facilitate the airworthiness approval or acceptance of civil aeronautical products exported from one country (contracting state) to the other. There are two types of bilateral agreements related to airworthiness: Bilateral Airworthiness Agreements (BAA) and Bilateral Aviation Safety Agreements (BASA). These agreements are not trade

agreements, but rather technical cooperation agreements. These agreements are intended to provide a framework for the airworthiness authority of the importing country to give maximum practicable credit to airworthiness certification functions performed by the airworthiness authority of the exporting country using its own certification system.

**f. Category of Special Airworthiness Certificates.** The term “category” also is used to identify the six specific certification processes and the seven types of special airworthiness certificates issued.

**g. Certification Office.** The FAA certification office at which the applicant applies for airworthiness certification or related approval: manufacturing inspection district office (MIDO), manufacturing inspection satellite office (MISO), flight standards district office (FSDO), international field office (IFO), certificate management office (CMO), certificate management unit (CMU), or the Brussels Aircraft Certification Division.

**h. Classification of Airworthiness Certificates.** The term “classification” also is used to distinguish between the standard and special airworthiness certification processes and certificates.

**i. Consensus Standard.** For the purpose of certificating light-sport aircraft (LSA), an industry-developed consensus standard that applies to aircraft design, production, and airworthiness. It includes, but is not limited to, standards for aircraft design and performance, required equipment, manufacturer quality assurance systems, production acceptance test procedures, operating instructions, maintenance and inspection procedures, identification and recording of major repairs and major alterations, and continued airworthiness.

**j. Critical Characteristic.** Any feature throughout the life cycle of a flight safety-critical aircraft part (FSCAP) which, if nonconforming, missing, or degraded, could cause a catastrophic failure resulting in loss or serious damage to the aircraft or an uncommanded engine shutdown resulting in an unsafe condition. A characteristic can be critical in terms of dimension, tolerance, finish, or material; an assembly, manufacturing, or inspection process; or an operation, field maintenance, or depot overhaul requirement. A manufacturing-critical characteristic is produced during the manufacturing process. An installation-critical characteristic, such as torque, is critical in terms of assembly or installation.

**k. DOD CAGE Code.** The Department of Defense Commercial and Government Entity (DOD CAGE) code identifies the manufacturer of the article or product produced under government contract.

**l. Dual-Use Product or Article.** Any product or article manufactured for civil application by a production approval holder (PAH) authorized by the FAA and produced under a U.S. military contract. The military product (or article thereof) has the same part number and configuration as its civil counterpart and is manufactured using the same FAA-approved design, materials, and manufacturing processes. This could also include any product or article originally produced for the military which currently holds a normal, utility, acrobatic, or transport type certificate (TC) issued under 14 CFR part 21, Certification Procedures for Products and Parts, § 21.27.

**m. Exception.** A case in which a rule, general principle, etc., does not apply.

**n. Exemption.** Approval to be free from current regulations in 14 CFR.

**o. Experimental Light-Sport Aircraft.** An aircraft issued an experimental operating light-sport category aircraft airworthiness certificate. Experimental light-sport aircraft applies to those aircraft for which the certificate is issued regardless of the purpose within § 21.191(i), Operating light-sport aircraft.

**p. Flight Safety-Critical Aircraft Part.** Any article containing a critical characteristic whose failure, malfunction, or absence could cause (1) a catastrophic failure resulting in loss or serious damage to the aircraft, or (2) an uncommanded engine shutdown resulting in an unsafe condition.

**q. Heavy Ultralight.** An ultralight vehicle that does not meet 14 CFR part 103 requirements because of its weight, speed, or fuel capacity. It also may not meet the requirements for an experimental operating amateur-built airworthiness certificate as described in § 21.191(g).

**r. Light-Sport Aircraft.** A category of simple, very basic, small, lightweight, low-performance aircraft. It is an aircraft other than a helicopter or powered-lift. Also see definition in § 1.1.

**s. Light-Sport Category.** With respect to aircraft certification, the light-sport category adds a new group of aircraft based on the definition in § 1.1, limiting size, weight, and speed, and how the aircraft is equipped. This category contains four classes of aircraft: airplanes and gliders, powered parachutes, weight-shift-control, and lighter-than-air aircraft. The factors of intended aircraft use, operating limitations, and privileges of this category place it in hierarchy between the primary and experimental categories.

**t. Light-Sport Eligible Kit.** An eligible kit is one that is of the same make and model aircraft that has been issued a light-sport category airworthiness certificate by the FAA. The kit is manufactured by the same entity that built the aircraft, and that aircraft has been issued the LSA airworthiness certificate. Once built, the owner-assembled kit aircraft is eligible for the experimental, operating LSA certificate.

**u. Manufacturer.** A person who causes a product or article thereof to be produced.

**v. Military Surplus Product or Article.** A product or article that originally was released as surplus by the U.S. military, even if subsequently resold by a manufacturer, owner/operator, repair facility, or any other article supplier.

**w. Military-Unique FSCAP.** Any FSCAP specifically and uniquely designed and manufactured for the U.S. military, for which there is no corresponding FAA-approved type design or PAH engine, propeller, or article produced for civilian application. Breakout products or articles produced specifically for military use by a manufacturer other than an FAA PAH using military-provided designs, drawings, and specifications also are considered military-unique.

**x. Part Out.** To remove a part from or disassemble a product or article.

**y. Powered Parachute.** A powered aircraft comprised of a flexible or semi-rigid wing connected to a fuselage so that the wing is not in position for flight until the aircraft is in motion. The fuselage of a powered parachute contains the aircraft engine and a seat for each occupant, and is attached to the aircraft's landing gear.

**z. Previously Manufactured Aircraft.** Existing aircraft-like vehicles meeting the definition of light-sport aircraft that do not meet the provisions of 14 CFR part 103, Ultralight vehicles, and are in a ready-to-fly condition.

**aa. Production Approval Holder.** A holder of a production certificate (PC), an approved production inspection system (APIS), a parts manufacturer approval (PMA), or a technical standard order (TSO) authorization who controls the design and quality of a product or part thereof.

**bb. Statement of Compliance.** A statement of compliance (SOC) is a signed statement made by the aircraft manufacturer stating that the aircraft (specific by serial number) was designed, manufactured, and is supported with a monitoring and correction of safety-of-flight within a continued airworthiness system, in accordance with the appropriate consensus standards.

**cc. Two-Place Ultralight Training Vehicle.** This is a two-place, noncertificated vehicle operated under a valid training exemption to part 103.

**dd. Ultralight-like Vehicle.** A vehicle that is similar to an ultralight but does not meet the definition or requirements of § 103.1.

**ee. Ultralight Vehicle.** As defined in part 103, an ultralight vehicle is a vehicle that—

- (1) Is used or intended to be used for manned operation in the air by a single occupant;
- (2) Is used or intended to be used for recreation or sport purposes only;
- (3) Does not have a U.S. or foreign airworthiness certificate; and
- (4) If unpowered weighs less than 155 pounds; or

(5) If powered, weighs less than 254 pounds empty weight, excluding floats and safety devices intended for deployment in a potentially catastrophic situation; has a fuel capacity not exceeding 5 U.S. gallons; is not capable of more than 55 knots calibrated airspeed at full power in level flight; and has a power-off stall speed that does not exceed 24 knots calibrated airspeed.

**ff. Weight-Shift Control Aircraft.** A powered aircraft with a framed pivoting wing and a fuselage controllable only in pitch and roll by the pilot's ability to change the aircraft's center of gravity (CG) with respect to the wing. Flight control of the aircraft depends on the wing's ability to flexibly deform rather than the use of control surfaces \*

**9. INTERPRETATION OF THE TERM “AIRWORTHY” FOR U.S. TYPE-CERTIFICATED AIRCRAFT.** The term “airworthy” is not defined in Title 49, United States Code (49 U.S.C.), or in 14 CFR; however, a clear understanding of its meaning is essential for use in the agency’s airworthiness certification program. Below is a summary of the conditions necessary for the issuance of an airworthiness certificate. A review of case law relating to airworthiness reveals two conditions that must be met for an aircraft to be considered “airworthy.” 49 U.S.C. § 44704(c) and 14 CFR § 21.183(a), (b), and (c) state that the two conditions necessary for issuance of an airworthiness certificate:

a. The aircraft must conform to its TC. Conformity to type design is considered attained when the aircraft configuration and the engine, propeller, and articles installed are consistent with the drawings, specifications, and other data that are part of the TC, which includes any supplemental type certificate (STC) and field approved alterations incorporated into the aircraft.

b. The aircraft must be in a condition for safe operation. This refers to the condition of the aircraft relative to wear and deterioration, for example, skin corrosion, window delamination/crazing, fluid leaks, and tire wear.

**NOTE: If one or both of these conditions are not met, the aircraft would be considered unairworthy. Aircraft that have not been issued a TC must meet the requirements of paragraph 9b above.**

**10. INFORMATION CURRENCY.** Any deficiencies found, clarifications needed, or improvements suggested regarding the content of this order should be forwarded (written or electronically) for consideration to the Aircraft Certification Service, Administrative Services Branch, AIR-510, Attention: Directives Management Officer. FAA Form 1320-19, Directive Feedback Information, is located on the last page of this order. A copy may be forwarded to the Production and Airworthiness Division, AIR-200, Attention: Comments to Order 8130.2F. If an interpretation is urgently needed, contact the Aircraft Engineering Division, AIR-100, AIR-200, or, for flight standards concerns, the Continuous Airworthiness Maintenance Division, AFS-300. Always use Form 1320-19 to follow up each verbal conversation.

**11. RECORDS MANAGEMENT.** Refer to FAA Orders 0000.1, FAA Standard Subject Classification System; 1350.14, Records Management; and 1350.15, Records Organization, Transfer, and Destruction Standards; and FAA-IR-04-01A, or see your office Records Management Officer/Directives Management Officer for guidance regarding retention or disposition of records.

**12. RESERVED FOR FUTURE CHANGES.**

## CHAPTER 2. GENERAL POLICIES AND PROCEDURES

### SECTION 1. GENERAL INFORMATION

#### 13. REPRESENTATIVES OF THE FAA AUTHORIZED TO ISSUE AIRWORTHINESS CERTIFICATES AND RELATED APPROVALS.

a. Consistent with applicable Aircraft Certification Service policies and instructions, an FAA manufacturing or airworthiness ASI is authorized to issue airworthiness certificates and related approvals covered in this order.

b. The FAA is authorized under 14 CFR part 183, Representatives of the Administrator, to designate private persons or organizations to act as representatives of the Administrator to issue airworthiness certificates and related approvals. A designated manufacturing inspection representative (DMIR) or designated airworthiness representative (DAR) may issue standard and special airworthiness certificates, airworthiness approvals, and export approvals, and may perform certain other examinations, inspections, and testing services relative to certification functions in the areas of manufacturing and maintenance. ASI certification functions will be delegated to the fullest extent practical, but not to the extent an advisor's technical skills are jeopardized. The designee's Certificate of Authority must specify the type and limitation of authority granted.

**NOTE: The authority of a DMIR must be specifically linked to a PAH or a PAH's approved supplier.**

c. The FAA is authorized under part 183, subpart D, to delegate specific functions to organizations on behalf of the FAA, related to engineering, manufacturing, operations, airworthiness, or maintenance for the purpose of issuing airworthiness certificates and related approvals. An ODA may be approved to issue airworthiness certificates, airworthiness approvals, conformity certifications, and export approvals. Refer to FAA Order 8100.15, Organization Designation Authorization Procedures, for further information on ODA.

d. The use of electronic signatures on airworthiness certificates, including Export Certificates of Airworthiness, is not permitted.

#### 14. RESPONSIBILITIES OF FAA AVIATION SAFETY INSPECTORS AND DESIGNEES.

a. The procedures in this order cover original airworthiness certification for which FAA manufacturing ASIs are primarily responsible, and recurrent airworthiness certification for which FAA airworthiness ASIs are primarily responsible. FAA manufacturing and airworthiness ASIs may assist each other by mutual agreement.

b. The FAA designees, within the limits of their authority, are authorized to issue original or recurrent airworthiness certificates and related approvals. They are responsible for determining that the products or articles submitted to them conform to the approved type design, are in a condition for safe operation, and meet any other specified requirements. They also are responsible for the completeness, accuracy, and processing of all official documents and paperwork as provided for in this order. All actions taken by the designees on behalf of the FAA are subject to the monitoring, review, and approval of the supervising ASIs.

(2) Any changes in the current assignment of nationality and registration numbers will be processed as a request for assignment of special registration numbers.

**d. Size of Registration Numbers.**

(1) Nationality and registration marks displayed on all aircraft, with exception of aircraft covered in 14 CFR part 45, Identification and Registration Marking, § 45.29(b)(1)(iii) and (b)(2), must be at least 12 inches high in accordance with § 45.29. However, certain aircraft may display smaller registration marks as identified in § 45.29(b)(1)(i) and (b)(3) until the aircraft are repainted, restored, or changed. Once these aircraft are repainted or the marks are repainted, restored, or changed, 12-inch-high registration numbers must be displayed.

(2) FAA inspectors should be alert for newly repainted aircraft registration marks and ensure the marking is consistent with § 45.29. An enforcement action should be initiated against the aircraft owner/operator whenever an FAA inspector finds that an aircraft has not been marked with 12-inch-high registration numbers in accordance with § 45.29(b)(1)(i) or (b)(3).

(3) Nationality and registration marks of at least 3 inches high may be displayed on an aircraft issued an experimental certificate under § 21.191(d), (g), or (i) to operate as an exhibition aircraft or an amateur-built aircraft, or when the aircraft maximum cruising speed does not exceed 180 knots calibrated airspeed. Marks of at least 3 inches high also may be displayed on airships, spherical balloons, nonspherical balloons, powered parachutes, and weight-shift-control aircraft in accordance with § 45.29.

(4) When marks include only the Roman capital letter “N” and the registration number is displayed on limited, restricted, light-sport, experimental, or provisionally certificated aircraft, the operator must also display on that aircraft near each entrance to the cabin, cockpit, or pilot station, in letters not less than 2 inches nor more than 6 inches high the words “limited,” “restricted,” “light-sport,” “experimental,” or “provisional,” as applicable per § 45.23.

(5) Powered parachute and weight-shift-control aircraft must display the marks required by § 45.23. The marks must be displayed horizontally and in two diametrically opposite positions on any fuselage structural member.

**18. DISPLAY OF NATIONALITY AND REGISTRATION MARKS ON ANTIQUE AND ANTIQUE REPLICA AIRCRAFT.**

a. Section 45.22(b)(1)(ii) provides, in pertinent part, that small U.S.-registered aircraft at least 30 years old, or aircraft that have been issued an experimental certificate for the purpose of exhibition or operating an amateur-built aircraft and that have the same exterior configuration as a 30-year-old aircraft, may display marks consisting of the Roman capital letter “N” followed by the U.S. registration number or the symbol appropriate to the airworthiness certificate of the aircraft (for example, “C,” standard; “R,” restricted; “L,” limited; or “X,” experimental) followed by the U.S. registration number. The symbol used must be appropriate for the airworthiness certificate of the aircraft being certificated, NOT the aircraft being replicated.

**EXAMPLE 1.** A Great Lakes 2T-1A aircraft manufactured in 1929 is registered in the United States and has been issued nationality and registration mark N1234. The aircraft has been issued a standard airworthiness certificate. The owner/operator may display the mark NC1234 if so desired.

**EXAMPLE 2.** An aircraft that has the same exterior configuration as the Great Lakes 2T-1A is registered in the United States and has been issued nationality and registration mark N5678. An experimental airworthiness certificate has been issued under § 21.191(d) or § 21.191(g). The owner/operator may display the mark NX5678 if so desired.

**b.** When aircraft are marked as described in § 45.22(b)(1)(ii), the airworthiness and registration certificates will NOT include the inserted symbol. In example 1 above, the aircraft could be marked NC1234, but the registration and airworthiness certificates would reflect only the N1234.

**c.** When making a query of the FAA Civil Aviation Registry (FAA Aircraft Registry) computer database, the inserted symbol must be omitted in order to obtain accurate information concerning the aircraft.

**d.** In addition, § 45.23(b) provides that when the appropriate symbol is used with the nationality and registration marks in accordance with § 45.22(b)(1)(ii), the word “limited,” “restricted,” or “experimental” is not required to be displayed on the aircraft.

## **19. ORIGINAL AND REPLACEMENT IDENTIFICATION PLATES.**

**a. Original Data Plates.** Each aircraft presented for airworthiness certification must meet the requirements of § 21.182. Each aircraft, aircraft engine, propeller, propeller blade, and propeller hub manufactured under a TC or PC must be identified with the information specified in § 45.13. Manned free balloons are required to comply with § 45.11(d).

### **b. Replacement Data Plates.**

(1) When FAA personnel receive inquiries regarding replacement, removal, or destruction of identification (ID) plates, the sample letter in figure 2-2 may be used as a guide for responding.

(2) When a new ID plate is required, the owner or the owner’s authorized representative contacts the appropriate certification office. The FAA determines whether the request is valid and provides a letter to the applicant with the FAA’s finding. If the FAA determines that the request is valid, the applicant includes the FAA letter with his or her request for the replacement data plate from the appropriate manufacturer.

(3) Upon notification by the applicant, which must include the FAA’s letter, the product manufacturer may then issue the replacement ID plate.

(4) The old ID plate, when available, must be voluntarily surrendered by the owner with a written statement to the FAA office who authorized the replacement. The FAA office must make a copy of the plate and then physically destroy it. The FAA office must then submit a letter to AFS-750 stating that the surrendered plate has been destroyed. AFS-750 will include the letter in the permanent aircraft records file.

**c. Removal of Data Plates.** Section 45.13 permits persons performing maintenance operations under 14 CFR part 43, Maintenance, Preventive Maintenance, Rebuilding, and Alteration, to remove an aircraft data plate. The removal must be done in accordance with the methods, techniques, and practices acceptable to the FAA. The ID plate removed may be reinstalled only on the product from which it was removed.

**d. Misuse of Data Plates.**

(1) ASIs should be on alert for any indication of ID plate misuse or suspicious activity, such as the building of a complete aircraft by a person performing work under part 43. Installation of an ID plate by a person performing work under part 43, where the ID plate has been purchased or salvaged from another aircraft, is not approved unless written approval is obtained from the FAA.

(2) Before issuing an airworthiness certificate for an aircraft that appears to be a repair or restoration of an aircraft that previously has been destroyed or demolished, the ASI should seek the assistance of the manager of AFS-750. That office can assist the ASI in determining whether the serial number of the aircraft on which certification is sought is the serial number of an aircraft previously classified as destroyed or demolished by the FAA or the National Transportation Safety Board (NTSB). If the ASI determines that the ID plate comes from a previously destroyed or demolished aircraft, the ASI must initiate an investigation to determine whether a violation of § 45.13(c) or (e) has occurred before the airworthiness certificate may be issued. If a violation of § 45.13(c) or (e) is found, the ASI must deny the airworthiness certificate and initiate an enforcement action.

**NOTE: When the ID plate is surrendered, the ID plate is no longer considered personal property.**

**e. New Data Plates.** The appropriate FAA office (for example, FSDO, MIDO, or MISO) may authorize a builder of an aircraft authorized to be assembled from spare and/or surplus articles in accordance with Advisory Circular (AC) 21-13, Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built From Spare Parts, to make a new data plate for that aircraft upon a satisfactory showing that the aircraft conforms to its type design and is in a condition for safe operation. However, ensure the aircraft is eligible for a certificate of airworthiness as built from spare and/or surplus articles in accordance with § 21.6, § 21.183, and paragraph 57-1 of this order before authorizing the builder to make a data plate. The data plate will be made in accordance with part 45 and affixed to the aircraft prior to the issuance of any airworthiness certificate.

**20. PUBLIC AIRCRAFT.**

**a.** Public aircraft are defined in 49 U.S.C. § 40102(a)(37).

**b.** “Public Aircraft” is NOT a status that is granted by the FAA. There is no requirement to make a declaration in writing of this status, nor is there any responsibility to carry any proof of this status. The burden of proof is on the operator to establish to the FAA’s satisfaction that an aircraft is a public aircraft if its status is questioned.

**c.** A U.S.-registered public aircraft operating within the territorial limits of the United States is not required to have an airworthiness certificate. However, any U.S.-registered public aircraft engaged in international air navigation is required to have a valid certificate of airworthiness, in accordance with the International Civil Aviation Organization (ICAO) agreements.

**d.** Safety is enhanced through the operation of aircraft certificated according to part 21, and the FAA encourages those who operate public aircraft to obtain the appropriate airworthiness certification, if possible. An application for an airworthiness certificate for a public aircraft will be processed in accordance with the applicable procedures in this order. The airworthiness certificate, when issued, is effective only if all terms and conditions of the certificate are complied with. If part 43, part 45, and part 91 are NOT complied with, FAA Form 8100-2, Standard Airworthiness Certificate, must be surrendered.

**e.** Public aircraft must be registered in accordance with part 47 and must display nationality and registration marks in accordance with part 45. Any deviations from these requirements must be processed in accordance with the procedures in 14 CFR part 11, General Rulemaking, applicable to petitions for exemptions.

**f.** Aircraft operated by the FAA will be certificated in accordance with part 21, except for those aircraft authorized by the Director, Office of Aviation System Standards, or by the Director’s designee, to be operated as public aircraft. Certificated aircraft must display an appropriate airworthiness certificate.

**g.** Non-certificated FAA aircraft will display a public aircraft document in lieu of the airworthiness certificate. All requests for the public aircraft document will be processed through the Director, Aviation Systems Standards, Oklahoma City, Oklahoma (AVN-100). The letter of request must contain, at a minimum the—

- (1) Nationality and registration marks,
- (2) Manufacturer and model,
- (3) Aircraft serial number,
- (4) Location (base of operation/airport) of the aircraft, and
- (5) Registered owner and operator of the aircraft.

**h.** The signed public aircraft document will be displayed in the aircraft at all times in lieu of the airworthiness certificate. For procedures applicable to public aircraft operated by the FAA, refer to FAA Order 4100.24, General Maintenance Manual.

**21. AIRCRAFT BEING REMOVED FROM A CONTINUOUS MAINTENANCE SYSTEM.**

**a.** No change in the airworthiness certificate is required if the aircraft has a current airworthiness certificate, Form 8100-2.

**b.** Operators of aircraft previously operated under 14 CFR part 121, Operating Requirements: Domestic, Flag, and Supplemental Operations, or part 91, subpart D, Special Flight Operations, and intending to operate them under part 91, must select, identify, establish, and use an inspection program as prescribed in § 91.409(e), (f), (g), and (h).

**c.** It also is important for the operator to know the current status of the aircraft relative to applicable requirements, for example, (1) weight and balance data, (2) flight manual appropriate to the operation, and (3) compliance with airworthiness directives (AD). Some carriers have exemptions or adjusted AD compliance times.

**22. OPERATION OF CIVIL AIRCRAFT WITH A DOOR OPEN OR REMOVED FOR PARACHUTING, SKYDIVING, OR OTHER SPECIAL OPERATIONS.**

**a.** AC 105-2, Sport Parachute Jumping, lists aircraft that the FAA has determined can safely be flown with one door open or removed if operated in accordance with specified operating limitations.

**b.** Owners or operators using aircraft listed in appendix 2 to AC 105-2 interested in obtaining authorization with operating limitations for operation of such aircraft for parachuting or other special operations must forward a written request to the FSDO having jurisdiction over the area in which the operations are to be conducted. The request must contain the following information:

- (1) Name and address of the registered aircraft owner;
- (2) Make, model, serial, and registration number of the aircraft;
- (3) Location where aircraft normally is based; and
- (4) Reason for the aircraft to be operated with a door removed.

**c.** There are two avenues for operation with the door removed:

(1) If identified in AC 105-2 to operate with the door removed and no STC is installed, operating limitations must be issued by the FAA.

(2) Aircraft other than those listed in AC 105-2 will be modified in accordance with STC procedures in part 21. If altered in accordance with an STC, no other limitations are required.

**d.** Sample operating limitations are outlined in figure 2-3 and must be issued by ASIs for any aircraft listed in AC 105-2. The ASI must note on the operating limitations the aircraft make, model, registration and serial number, type of operation authorized, date of issuance, ASI's name, and district office number. On an aircraft that requires removal or opening of a particular door, the ASI must specify in the limitations which door may be removed or opened.

**NOTE: A copy of the limitations must be forwarded to AFS-750.**

e. Removal or installation of a cabin door for the specified aircraft is considered maintenance and as such must be accomplished by persons authorized under § 43.3.

f. If operations of rotorcraft with the doors opened or removed obstructs the nationality and registration marks from view, the operator must notify the appropriate managing office in writing detailing the nature of the proposed operation and the proposed dates of operation with doors removed. The managing office will then instruct the operator to affix temporary nationality and registration marks on an authorized surface required by § 45.27(a). The size of the marks must comply with § 45.29(b) unless no authorized surface is large enough for display of marks meeting the size requirements of this section. The rotorcraft would then be marked on the largest authorized surface with marks as large as practicable, as allowed by § 45.29(f). Any remnants of the permanent nationality and registration marks must be obliterated so as not to confuse identification of the rotorcraft with temporary markings. The temporary markings must be able to endure flight operations in various weather conditions. Flight operations must be authorized in writing by the managing office for a specified time and purpose. The managing office will verify that the temporary markings comply with 14 CFR and that the rotorcraft is returned to its permanent marking scheme.

g. Under appendix A to part 43, paragraph (c)(15), a pilot may be authorized to remove or reinstall passenger seats if the pilot is specifically listed by name in the operating limitations for the aircraft. The issuing ASI may require the pilot to demonstrate his or her ability in this preventive maintenance function.

h. Removal or installation of control sticks and wheels must be performed in accordance with the applicable sections of part 43.

**23. BANNER TOWING.** An aircraft that is in full compliance with its type design and has an FAA-approved banner tow installation may be operated under a standard airworthiness certificate for banner towing purposes. An aircraft that has a standard airworthiness certificate and is modified for a special purpose operation must be operated under a multiple airworthiness certificate (standard/restricted) when the following conditions occur:

- a. The special purpose modification does not meet the type design.
- b. The special purpose modification is not approved for standard category use.
- c. The aircraft will be operated outside the normal category operating limitations.

**24. RESERVED FOR FUTURE CHANGES.**

## SECTION 2. AIRWORTHINESS CERTIFICATES AND CERTIFICATIONS

**25. GENERAL.** Form 8100-2 and FAA Form 8130-7, Special Airworthiness Certificate, will be referred to as being either a standard or a special classification within this order.

### 26. CLASSIFICATION AND CATEGORY OF AIRWORTHINESS CERTIFICATES.

**a. Standard Classification.** Form 8100-2 may be issued for an aircraft that fully complies with all of the requirements applicable to the normal, utility, acrobatic, commuter, or transport category, manned free balloons, or any other special classes of aircraft designated by the FAA.

**b. Special Classification.** Form 8130-7 may be issued for an aircraft that does not meet the requirements for a standard airworthiness certificate. The certificate may be issued for an aircraft that meets the following:

(1) **Primary.** Aircraft that satisfies the requirements of § 21.184.

(2) **Restricted.** Aircraft that satisfies the requirements of § 21.185.

(3) **Limited.** Aircraft that satisfies the requirements of § 21.189.

(4) **Provisional.** Aircraft that satisfies the applicable requirements of part 21, subpart C, Provisional Type Certificates, and part 21, subpart I, Provisional Airworthiness Certificates.

(5) **Light-Sport.** Aircraft that meets the requirements of § 21.190.

(6) **Experimental.** For any category of aircraft, including amateur-built (§§ 21.191, 21.193, and 21.195).

(7) **Special Flight Permits.** Form 8130-7 may be issued for an aircraft that does not currently meet applicable airworthiness requirements, but is capable of safe flight, and meets the requirements of §§ 21.197 and 21.199.

### 27. REPLACEMENT, EXCHANGE, OR AMENDMENT OF AIRWORTHINESS CERTIFICATES.

#### a. Replacement.

(1) The FAA may issue a replacement airworthiness certificate when a certificate is declared lost, has been mutilated, or is no longer legible. The replacement airworthiness certificate must carry the original issue date of the certificate being replaced, preceded by a capital "R" in the Date block of the certificate. Replacement certificates also will be issued when the aircraft registration number has been changed. In these cases, a new application for airworthiness certification is not required.

(2) Request for a replacement certificate will be made to the applicable certification office. The registered owner or certificate operator will certify this by submitting a signed statement containing the registration number (N-Number), serial number, make, and model of the aircraft, and a reason the replacement certificate is needed. Replacement of airworthiness certificates must not be accomplished by verbal agreement with the assigned ASIs or through procedures contained in air carriers' manuals that allow the continued operation of an aircraft without an airworthiness certificate. Such actions are contrary to §§ 91.203(b) and 121.153(a)(1), and 14 CFR part 135, Operating Requirements: Commuter and On-Demand Operations and Rules Governing Persons on Board Such Aircraft, § 135.25(a).

(3) A replacement airworthiness certificate may be issued without supporting documentation from AFS-750 if the date of issuance and the airworthiness classification and/or category of the lost or mutilated certificate can be positively established from the aircraft records, or from the remains of the certificate. If there is insufficient data on which to base issuance of the replacement certificate, the FAA ASI will obtain the required data electronically, by telephone, or by mail (such as the application form or previously issued airworthiness certificate) from AFS-750.

(4) Before issuing a replacement certificate, the FAA must review the aircraft records and, if necessary, inspect the aircraft to ensure that the applicant's request is justified and the aircraft is eligible for the airworthiness certificate requested.

(5) A copy of the replacement certificate must be forwarded to AFS-750.

**b. Amendment.**

(1) A standard or special airworthiness certificate may be amended when there is—

(a) A modification to the aircraft, such as one that has been approved by an STC or amended TC, that changes the category of the aircraft specified in block No. 4 of the standard airworthiness certificate.

(b) A change to the exceptions specified in block No. 5 of the standard airworthiness certificate.

(c) A change in the aircraft model specified in block No. 2 of the standard airworthiness certificate.

(d) A change in the operating limitations for an aircraft with a special airworthiness certificate.

(2) An ODA may amend a standard airworthiness certificate, if authorized to perform the function in accordance with §183.49.

(3) When a certificate is amended, the issuance date will be the current date; also, the capital letter "A" will be typed in front of the date.

(4) Any amendment of an airworthiness certificate will require submission of FAA Form 8130-6, Application for Airworthiness Certificate. An appropriate record entry, in accordance with chapter 8 of this order, will be made in the aircraft records documenting the issuance of the amended certificate.

- (g) Aircraft manufactured to other than U.S. requirements imported to the United States.

**NOTE: Aircraft imported to the United States that are not manufactured to a TC issued under § 21.29 must have a statement from the Civil Aviation Authority (CAA) of the country of manufacture or the CAA of the exporting country with a bilateral agreement. The latter requires agreements with third party provisions that the aircraft, when modified to FAA-approved data, will meet § 21.29 and will be in a condition for safe operation.**

(3) Aircraft that previously have been issued an airworthiness certificate and presented for certification in another category or classification, for example, aircraft converted from standard to restricted for the first time or from a special airworthiness certificate to standard for the first time.

(4) Aircraft that have undergone changes to the type design and require flight testing, for example, under an experimental certificate for the purpose of showing compliance with regulations including, as applicable, the issuance or reissuance of a standard airworthiness certificate.

(5) Prototype or test articles to be used for design evaluation for TC or STC purposes. This includes articles or installation approvals.

(6) Issuance of special flight permits for aircraft that previously have not been issued an airworthiness certificate.

**b. Recurrent Certification.** The term “recurrent certification” applies to the issuance of standard or special airworthiness certificates or approvals for the following:

(1) Aircraft that previously have been issued an airworthiness certificate except those listed in paragraphs 35a(3) through (5) of this order.

(2) Issuance of special flight permits for aircraft that previously have been issued an airworthiness certificate.

(3) Export certification or approval of aeronautical products or articles that previously have been issued an airworthiness certificate or approval, for example, PMA or TSO authorization articles that have left the PAH’s FAA-approved inspection/quality system and are presented for export.

(4) Issuance of airworthiness certificates for aircraft with certificates that have expired, been surrendered, or been revoked.

(5) Changes to operating limitations.

(6) Issuance of experimental certificates for aircraft with expired experimental certificates issued for research and development (R&D) or exhibition.

(7) U.S.-manufactured aircraft returning to the United States that previously were issued an airworthiness certificate or an Export Certificate of Airworthiness (Export C of A) in the United States.

(8) Aircraft manufactured to a U.S. TC accompanied by an Export C of A from the State of Manufacture with which the United States has a bilateral agreement that provides for its acceptance. The certification must contain a statement from that CAA stating that the aircraft conforms to its U.S. type design and is in a condition for safe operation.

### **36. EXCEPTIONS.**

a. Any requests, original or recurrent, for a special airworthiness certificate for LSA, amateur-built, exhibition, market survey, crew training, or air racing aircraft may be handled by FAA manufacturing ASIs or FAA airworthiness ASIs or their authorized designees. If the responsible office cannot support the certification request, an appropriate delegation should be coordinated with the alternate office.

b. Any requests, original or recurrent, for an experimental certificate showing compliance with the regulations is the primary responsibility of the FAA manufacturing ASI or authorized designee. In remote areas or under special circumstances, an FAA airworthiness ASI may be delegated the authority by the Aircraft Certification Service if it is established that the person has had experience in type certification programs of a type and complexity comparable to the certificate requested.

**37. RECORDING OF CONFORMITY INSPECTIONS.** All inspections conducted by an ASI or designee to determine conformity to an approved type design before an airworthiness certificate is issued should be recorded on Form 8100-1.

### **38. ELIGIBILITY AND EVALUATION OF U.S. MILITARY SURPLUS FLIGHT SAFETY-CRITICAL AIRCRAFT PARTS (ARTICLES), ENGINES, AND PROPELLERS.**

#### **a. General.**

(1) This paragraph provides guidance for use in evaluating and determining the eligibility of U.S. military surplus FSCAPs, engines, and propellers for installation on FAA type-certificated products. Many military surplus FSCAPs have the potential to be approved for installation on aircraft that hold special or standard airworthiness certificates.

(2) Military engines, propellers, and articles are categorized as new or used and fall into one of the following categories:

- (a) Dual-use FSCAPs;
- (b) Military-unique FSCAPs;
- (c) Dual-use military surplus engines, propellers, and articles; and
- (d) Military-unique surplus engines, propellers, and articles.

(3) Before these military engines, propellers, and articles are installed on type-certificated products, the installer must determine that they are:

- (a) Eligible for installation, and
- (b) Airworthy.

(4) There are certain unique design considerations and FAA certification requirements for engines and propellers. Therefore, the eligibility and evaluation processes for military surplus engines, propellers, and articles are described separately in paragraph 38d.

**NOTE: For eligibility and evaluation of non-flight safety-critical articles, safety-critical aircraft articles, engines/propellers, and their articles, use AC 20-62, Eligibility, Quality, and Identification of Aeronautical Replacement Parts.**

**b. Dual-Use FSCAP (New or Used).**

(1) **Eligibility Screening.** New or used dual-use FSCAPs may be eligible for installation on FAA type-certificated products with standard or special airworthiness certificates. The eligibility determination is made based on a review of the following pertinent Department of Defense (DOD) historical records:

- (a) FSCAP identification: part number, DOD National Stock Number, and serial number.
- (b) Manufacturer, DOD CAGE code, and date of manufacture.
- (c) Total time-in-service.
- (d) Current status of life-limited FSCAPs.
- (e) Time since the last overhaul of each FSCAP that is required to be overhauled on a specified time basis.
- (f) Identification of current inspection status, including time since last required inspection or maintenance performed.
- (g) Current status of applicable AD and DOD directives (for example, engineering changes, technical orders, or maintenance work orders) including the date and method of compliance. If the AD involves recurring action, the current status includes the time and date when the next action is required.
- (h) A list of current major alterations, repairs, or modifications for each FSCAP.
- (i) Date any work was accomplished.
- (j) Work authentication.

**(2) Airworthiness Determination.** After determining the FSCAP is eligible to be installed on a type-certificated product, the FSCAP must be evaluated to determine whether it is airworthy.

**(a) New Dual-Use FSCAP.**

*1* For an FSCAP to be installed on products with standard airworthiness certificates, the FSCAP must conform to its FAA-approved type design and must be in a condition for safe operation.

*2* For an FSCAP to be installed on products with special airworthiness certificates, the FSCAP must be cited in the FAA-accepted maintenance manual and illustrated parts catalog (IPC) specified on the applicable TCDS, and must be in a condition for safe operation.

**(b) Used Dual-Use FSCAP.**

*1* For an FSCAP to be installed on products with standard or special airworthiness certificates, the FSCAP must be evaluated using the procedures for new dual-use FSCAPs above, as appropriate, to determine the FSCAP's airworthiness in accordance with § 43.13.

*2* The FSCAP also must be evaluated by persons authorized under § 43.7(a), (c), (d), or (e) by using the following applicable methods, means, or data sources:

**(aa)** Differences between military and civil version (for example, possible DOD modifications, alterations, or repairs performed);

**(bb)** Current manufacturer or DOD technical data and procedures to perform tests and inspections, including current life-limited articles list;

**(cc)** Comparison of military time and/or cycle count for accumulated operational time versus civil (for example, "Did the military use a different method than civil operators to account for accumulated operational time?");

**(dd)** Nondestructive tests, as required;

**(ee)** Bench test or functional test, as required;

**(ff)** Results of tests and inspections recorded;

**(gg)** Complete historical and modification, alteration, or repair records;

**(hh)** Manufacturer's ID plate;

**(ii)** Flight, maintenance, and/or structural manual(s), and IPC; and

**(jj)** Instructions for Continued Airworthiness (ICAW).

**(3) Approval for Installation.** Persons authorized under § 43.7 may approve dual-use FSCAPs for installation on type-certificated products if the FSCAP successfully completed the eligibility screening and airworthiness evaluation. The installer must be able to determine that the installation of the FSCAP will leave the product in compliance with all regulations and in a condition for safe operation. The authorized individual completing the eligibility screening and/or airworthiness evaluation must make a maintenance record entry that clearly documents the results of the evaluation. Each maintenance record entry in accordance with § 43.9 should include a description of the work performed, the completion date of the work performed, and the name of the person performing the work or authorized to sign.

**c. Military-Unique FSCAP.**

**(1) Eligibility Screening.** New or used military-unique FSCAPs may be eligible for installation on civil aircraft with special airworthiness certificates under § 21.305(c) in conjunction with type certification procedures for a product or in accordance with a TCDS. Military-unique FSCAPs are not eligible for installation on a civil aircraft with a standard airworthiness certificate. The eligibility determination is made based on a review of the following pertinent DOD historical records:

- (a) FSCAP identification: part number, DOD National Stock Number, and serial number.
- (b) Manufacturer, DOD CAGE code, and date of manufacture.
- (c) Total time-in-service.
- (d) Current status of life-limited FSCAPs.
- (e) Time since the last overhaul of each FSCAP that is required to be overhauled on a specified time basis.
- (f) Identification of current inspection status, including time since last required inspection or maintenance performed.
- (g) Current status of applicable ADs and DOD directives, (for example, engineering changes, technical orders, or maintenance work orders) including the date and method of compliance. If the AD involves recurring action, the current status includes the time and date when the next action is required.
- (h) A list of current major alterations, repairs, or modifications for each FSCAP.
- (i) Date any work was accomplished.
- (j) Work authentication.

**(2) Airworthiness Determination.** After determining the FSCAP is eligible to be installed on a type-certificated product with a special airworthiness certificate, the FSCAP must be evaluated to determine whether it is airworthy.

**(a) New Military-Unique FSCAP.** The FSCAP must be cited in the FAA-accepted, military-approved maintenance manual and IPC specified on the applicable aircraft TCDS and must be in a condition for safe operation.

**(b) Used Military-Unique FSCAP.**

*1* The FSCAP must be cited in the FAA-accepted, military-approved maintenance manual and IPC specified on the applicable aircraft TCDS and must be in a condition for safe operation.

*2* The FSCAP also must be evaluated to determine airworthiness in accordance with § 43.13, by using the following applicable methods, means, or data sources:

**(aa)** Special equipment or test apparatus, as required;

**(bb)** Current manufacturer or DOD technical data and procedures to perform tests and inspections;

**(cc)** Comparison of military time and/or cycle count for accumulated operational time versus civil time (for example, “Did the military use a different method than civil operators to account for accumulated operational time?”);

**(dd)** Nondestructive tests, as required;

**(ee)** Bench test or functional test, as required;

**(ff)** Results of tests and inspections recorded;

**(gg)** Complete historical and modification, alteration, or repair records;

**(hh)** Manufacturer’s ID plate;

**(ii)** Flight, maintenance, and/or structural manual(s), and IPC; and

**(jj)** ICAW.

**(3) Approval for Installation.** Persons authorized under § 43.7 may approve military-unique FSCAPs for installation on type-certificated products if the FSCAP successfully completed the eligibility screening and the airworthiness evaluation. The installer must be able to determine that the installation of the FSCAP will leave the product in compliance with the TCDS and in a condition for safe operation. The authorized individual completing the eligibility screening and/or airworthiness evaluation must make a maintenance record entry that clearly documents the results of the evaluation. Each maintenance record entry in accordance with § 43.9 should include a description of the work performed, the completion date of the work performed, and the name of the person performing the work or authorized to sign.

**d. Dual-Use and Unique Military Surplus Engines, Propellers, and Their Articles.**

(1) New, used, or parted-out military surplus engines, propellers, and articles should not be presumed to be eligible for installation on FAA type-certificated aircraft. Military surplus engines, propellers, and articles are either dual-use or military-unique.

(2) The pertinent accompanying historical records documentation is essential for:

(a) The Defense Reutilization and Marketing Office's (DRMO) public sale of engines, propellers, and articles;

(b) Categorizing the engines, propellers, and articles as dual-use or military-unique; and

(c) Establishing the eligibility and airworthiness of the engine, propeller, and articles.

(3) Military surplus engines and propellers may be type-certificated under § 21.17, which requires issuance of a new TC and compliance with the applicable requirements, such as 14 CFR part 33, Airworthiness Standards: Aircraft Engines, for engines and 14 CFR part 35, Airworthiness Standards: Propellers, for propellers. For a military aircraft issued a TC under § 21.25 or § 21.27, the applicable engine or propeller is not required to be issued a separate TC. However, it should be noted that the engine and propeller cannot be certificated separately under these two sections. Any eligible military surplus engines or propellers will be referenced on the aircraft's TCDS. However, military-unique surplus engines, propellers, and articles may be eligible for installation only on civil military surplus aircraft with special airworthiness certificates.

(4) Engines, propellers, and articles are deemed flight safety-critical if their failure, malfunction, or absence could cause a catastrophic failure resulting in loss or serious damage to the aircraft or an un-commanded engine shutdown resulting in an unsafe condition. Such conditions include, but are not limited to, release of engine or propeller debris, propeller separation, and, in rotorcraft, a transient or continuous power loss, or loss of power response. Examples of flight safety-critical engine and propeller articles are life-limited articles, rotating articles, and, for rotorcraft, actuating articles.

(5) **Dual-Use Military Surplus Engines, Propellers, and Articles.** Dual-use military surplus engines and propellers that hold a TC, and their articles, may be eligible for installation on civil products in accordance with the applicable regulations. The authorized individual completing the eligibility screening and/or the airworthiness evaluation should make a record entry to document the result(s).

(a) **Eligibility Screening.** New or used dual-use engines, propellers, and articles may be eligible for installation on FAA type-certificated civil or surplus military aircraft with standard or special airworthiness certification. A U.S. TC must have been issued for a corresponding civil model engine or propeller under § 21.21 at the time of manufacture, or a U.S. aircraft TC must have been issued and the engines or propellers referenced in the aircraft TCDS under § 21.27 or § 21.25. The eligibility determination is made based on a review of the following pertinent historical records:

*I* Engine, propeller, and article ID (article part number and serial number and manufacturer).

2 Contract or purchase order number under which the engine, propeller, or article was manufactured.

3 Evidence of engine, propeller, and article status, for example, serviceable or unserviceable, in accordance with DOD Form (DD Form) 1574-1 or Department of the Army (DA) Form 2410.

4 Complete historical records maintained by the military, the manufacturer, and any other prior owner(s), pertaining to inspection, modification, repair, alteration, maintenance, and operation of the engine from the time of acceptance by the military, including, but not limited to, DA Form 2408-5 and DA Form 2408-16. The maintenance records should also include the date that the work was accomplished and work authentication.

5 Current status of applicable ADs and DOD directives (for example, engineering changes, technical orders, or maintenance work orders) including the date and method of compliance; and, if the AD involves recurring action, the time and date when the next action is required.

**(b) Airworthiness Determination.** After determining the article is eligible to be installed on a type-certificated product, the article must be evaluated to determine whether it is airworthy.

#### **1 New Dual-Use Engines, Propellers, and Articles.**

**(aa)** For engines, propellers, and articles to be installed on aircraft with standard airworthiness certificates, each engine, propeller, and article must conform to the approved TC, must have been manufactured under an FAA-approved production system, and must be in a condition for safe operation.

**(bb)** For engines, propellers, and articles to be installed for aircraft with special airworthiness certificates, each engine, propeller, and article must be listed in the FAA-accepted, military-approved maintenance manual or FAA-accepted civil maintenance manual and IPC specified on the TCDS, and must be in a condition for safe operation.

#### **2 Used Dual-Use Engines, Propellers, and Articles.**

**(aa)** For engines, propellers, and articles to be installed on aircraft with standard airworthiness certificates, an evaluation should be performed by an FAA engineer or an appropriately authorized designated engineering representative (DER). When a DER is used, the DER's recommendations or decisions must be substantiated in writing using FAA Form 8110-3, Statement of Compliance, and include supporting documents. Each engine, propeller, and article must conform to the approved TC, must have been manufactured under an FAA-approved production system, and be in a condition for safe operation. In addition, the following should be evaluated:

**(1)** Operational differences between military and civil versions (for example, possible DOD modification, alteration, or repair performed) in performance standards as listed in the TCDS (for example, thrust, shaft horsepower, RPM, and ratings), and in specifications, as listed in the TCDS and the maintenance manuals (for example, fuel type, oil, weight).

(2) Complete historical operational records. This includes extreme operational conditions such as accidents, fires, or exceeding engine operating limits.

(3) Complete historical maintenance records, for example, modifications, alterations, and repairs, and complete documentation of work performed by an FAA-approved facility that was properly rated for the work performed and that conformed to the FAA-approved data.

(4) ICAW.

(5) Emission requirements as stated in the TCDS (engine only).

(6) Comparison of military time and/or cycle count for accumulated operational time and cycle versus civil (for example, "Did the military use a different method than civil operators to account for accumulated operational time and what are the expended equivalent civil cycles of the articles, taking into account their past operational history and mission profile?").

(7) Current manufacturer's technical data to perform tests or inspections.

(8) Written results of inspections performed (for example, maintenance record entry, FAA Form 8130-3, Authorized Release Certificate, or FAA Form 337, Major Repair and Alteration, for approval for return to service) and a completed FAA Form 8130-9, Statement of Conformity, signed by an authorized person.

(9) The application of the identifying marking requirements in accordance with §§ 45.11 and 45.13, as applicable.

(10) Engine, propeller, or article overhaul records, including overhaul in accordance with civil engine/propeller manuals.

(11) Verification that the engine, propeller, or article was produced by an FAA PAH.

**(bb)** For engines, propellers, and articles to be installed on aircraft with special airworthiness certificates, an evaluation should be performed by an FAA engineer or an appropriately authorized DER. When a DER is used, the DER's recommendations or decisions must be substantiated in writing using Form 8110-3, and include supporting documents. Each engine, propeller, and article must be listed in the FAA-accepted, military-approved maintenance manual or FAA-accepted maintenance manual and IPC specified on the TCDS, and be in a condition for safe operation. In addition, the following should be evaluated:

(1) Complete historical operational records. This includes extreme operational conditions such as accidents, fires, or engine exceeding operating limits.

(2) Complete historical maintenance records, for example, modifications, alterations, and repairs, and complete documentation of the work performed.

(3) ICAW.

(4) Emission requirements as stated in the TCDS (engine only).

(5) Comparison of military versus civil time and/or cycle count for accumulated operational time and cycle (for example, “Did the military use a different method than civil operators to account for accumulated operational time and what are the expended equivalent civil cycles of the articles, taking into account their past operational history and mission profile?”).

(6) Current manufacturer’s technical data to perform tests or inspections.

(7) Written results of inspections performed (for example, maintenance record entry, Form 8130-3, or Form 337, for approval, for return to service) and a completed Form 8130-9, signed by an authorized person.

(8) The application of the identifying marking requirements in accordance with §§ 45.11 and 45.13, as applicable.

(9) Engine, propeller, or article overhaul records, including overhaul in accordance with civil engine/propeller manuals.

(10) Verification that the engine, propeller, or article was produced by an FAA PAH.

**(c) Approval for Installation.** Persons authorized under § 43.7 may determine dual-use engines, propellers, or articles for installation if the engine, propeller, or article has successfully completed the eligibility screening and airworthiness evaluation. The installer must be able to determine that the use of the engine or propeller, and/or the installation of the article, will leave the aircraft in compliance with pertinent regulations and in a condition for safe operation. The authorized individual completing the eligibility screening and/or airworthiness evaluation must make a maintenance record entry that clearly documents the results of the evaluation. Each maintenance record entry in accordance with § 43.9 should include a description of the work performed, the completion date of the work performed, and the name of the person performing the work or authorized to sign.

**(6) Military-Unique Engines, Propellers, and Their Military-Unique Articles.** Military-unique engines, propellers, and articles are FSCAPs that were specifically and uniquely designed and manufactured for the U.S. military for which there originally was no corresponding FAA-approved PAH engine, propeller, or article for civil application.

**(a) Eligibility Screening.** New or used military-unique engines, propellers, and articles may be eligible for installation on surplus U.S. military aircraft type-certificated under §§ 21.25(a) and 21.8 with special airworthiness certificates. The eligibility determination is made based on a review of the following pertinent DOD historical records:

*1* Engine, propeller, article ID (article part number and serial number and manufacturer).

*2* Contract or purchase order number under which the engine, propeller, or article was manufactured.

3 Evidence of engine, propeller, and article status, for example, serviceable or unserviceable, per DD Form 1574-1 or DA Form 2410.

4 Complete historical records maintained by the military, the manufacturer, and any other prior owner(s), pertaining to inspection, modification, repair, alteration, maintenance, and operation of the engine from the time of acceptance by the military, including, but not limited to, DA Form 2408-5 and DA Form 2408-16. The maintenance records also should include the date that the work was accomplished and work authentication.

5 Current status of applicable ADs and DOD directives (for example, engineering change, technical order, maintenance work order), including the date and method of compliance; and, if the AD involves recurring action, the time and date when the next action is required.

**(b) Airworthiness Determination.** After determining that the engine, propeller, or article is eligible to be installed on a surplus military aircraft with special airworthiness certificates, each engine, propeller, or article must be evaluated to determine whether it is airworthy.

**1 New Military-Unique Engines, Propellers, and Articles.** For new military-unique engines, propellers, and their associated articles to be installed on surplus military aircraft with special airworthiness certificates, each engine, propeller, and article must be listed in the FAA-accepted, military-approved maintenance manual or FAA-accepted civil maintenance manual and IPC specified on the TCDS, and must be in a condition for safe operation.

**2 Used Military-Unique Engines, Propellers, and Articles.** For used military-unique engines, propellers, and articles to be installed on surplus military aircraft with special airworthiness certificates, each engine, propeller, and article must be evaluated by an FAA engineer or an appropriately authorized DER. When a DER is used, the DER's recommendations or decisions must be substantiated in writing using Form 8110-3, and include supporting documents. Each engine, propeller, accessory, and associated article must be listed in the FAA-accepted, military-approved maintenance manual or FAA-accepted civil maintenance manual and the IPC specified on the TCDS, and must be in a condition for safe operation.

**(c) Approval for Installation.** Persons authorized under § 43.7 may approve military-unique engines, propellers, or articles for installation on surplus military aircraft with special airworthiness certificates if they have successfully completed the eligibility screening and airworthiness evaluation. The installer must be able to determine that the use of the engine or propeller, and/or the installation of the article, will leave the product in compliance with the TCDS and in a condition for safe operation. The authorized individual completing the eligibility screening and/or airworthiness evaluation must make a maintenance record entry that clearly documents the results of the evaluation. Each maintenance record entry in accordance with § 43.9 should include a description of the work performed, the completion date of the work performed, and the name of the person performing the work or authorized to sign.

### **39. RESERVED FOR FUTURE CHANGES.**



## SECTION 2. NEW AIRCRAFT

**49. GENERAL.** In addition to the instructions contained in section 1 of this chapter, this section provides further guidance material associated with the airworthiness certification of new aircraft being produced under a TC, an APIS, a PC, an ODA, or a bilateral agreement.

**50. USE OF DESIGNEES.** With the exception of paragraph 55 of this order, designees authorized under § 183.33 may perform the necessary inspections leading to the issuance of airworthiness certificates for completed products and articles thereof. A designee authorized under §§ 183.31 and 183.33 may be appointed to inspect and issue airworthiness certificates for aircraft manufactured under an APIS or PC, including articles thereof. The designees are under the direct supervision of the MIDO having certificate management responsibility over the manufacturer.

**51. CERTIFICATION PROCEDURES.** The ASI or authorized designee should follow the appropriate procedures in section 1 of this chapter in conjunction with any applicable steps listed in this order.

### **52. AIRCRAFT MANUFACTURED UNDER A TC (WITHOUT AN FAA PRODUCTION APPROVAL).**

**a. THE FAA HAS FULL RESPONSIBILITY FOR ENSURING THAT EACH AIRCRAFT FOR WHICH AN AIRWORTHINESS CERTIFICATE IS ISSUED CONFORMS TO THE TYPE DESIGN AND IS IN A CONDITION FOR SAFE OPERATION.** Sufficient inspections of each aircraft must be conducted by ASIs or authorized designees.

**b.** Under the provisions of §§ 21.183(b) and 21.123, Form 8100-2 may be issued for aircraft produced by a manufacturer who does not have an FAA production approval, for a period of 6 months after the TC has been issued. An extension of the 6-month period may be authorized by the manager of the directorate in which the manufacturer is located.

**(1)** Before any extension of the 6-month requirement of § 21.123 is authorized, it must be determined that the FAA responsibility will be satisfied. All inspections conducted or witnessed by the FAA must be documented on Form 8100-1, and all nonconformities must be corrected and documented before issuing an airworthiness certificate.

**(2)** The appropriate MIDO must establish and retain an FAA inspection record file for each aircraft manufactured without an FAA-approved inspection system to substantiate the basis for issuance of the airworthiness certificate. Nonconformities involving material review actions must be resolved through the certificating ACO before certification.

**(3)** Form 8130-9 must be submitted by the applicant with each application for an original airworthiness certificate, in accordance with § 21.183(b).

**53. AIRCRAFT MANUFACTURED UNDER AN APIS.**

**a.** Aircraft manufactured under an APIS will be inspected and certificated in a manner similar to the activities (where applicable) as identified in paragraph 52 of this order, except that under an APIS, a designee may be appointed to inspect and issue airworthiness certificates for completed aircraft. Each aircraft must be inspected and certificated by an ASI if a designee has not been appointed under an APIS.

**b.** The extent of each inspection conducted depends on many factors requiring good judgment. All articles and completed aircraft should be given a thorough inspection during the initial stages of production under an APIS. The FAA may reduce its inspections after it has determined that the APIS is capable of producing reasonable duplicates. In all cases, the basis for any reduced inspections must be substantiated, documented, and concurred with by the managing office.

**c.** FAA inspections should be adjusted for any significant changes in manufacturing systems, procedures, and personnel, or when major changes have been introduced into the aircraft.

**d.** Form 8130-9 must be submitted by the applicant with each application for an original airworthiness certificate in accordance with § 21.183(b).

**54. AIRCRAFT MANUFACTURED UNDER A PC.**

**a.** FAA inspections may be reduced to a minimum when aircraft are manufactured under the terms of a PC. The manufacturer must have demonstrated to the satisfaction of the FAA that it has the facilities, equipment, personnel, systems, and procedures that will ensure continuous conformity with the approved type design.

**b.** Aircraft manufactured under the terms of a PC are eligible for the issuance of an airworthiness certificate without further showing in accordance with § 21.183(a). The submission of Form 8130-9 is not required, nor is it mandatory for the FAA to inspect each aircraft to determine conformity with the approved type design. The inspection frequency may be adjusted by the geographic MIDO, MISO, or CMO/CMU having certificate management responsibility over the certificate holder.

**55. AIRCRAFT MANUFACTURED UNDER AN ODA.** Manufacturers with an approved ODA may issue airworthiness certificates if it is an approved function within their ODA. Procedures for airworthiness certification are different for each manufacturer and must be approved by the FAA before ODA approval is granted. The organization management team (OMT) is the group of FAA personnel from the managing MIDO responsible for the oversight of the ODA. Refer to Order 8100.15 for more information on ODA procedures and specific functions that may be authorized to an ODA.

## **56. AIRWORTHINESS CERTIFICATION OF VERY LIGHT AIRCRAFT.**

**a.** A very light aircraft (VLA) is considered a special class of aircraft under § 21.17(b). A VLA is defined as an airplane with a single engine (spark or compression-ignition), not more than two seats, a maximum certified takeoff weight of not more than 750 kilograms (approximately 1654 pounds), and a stall speed of not more than 45 knots calibrated airspeed in the landing configuration. The operation of these airplanes is limited to normal category maneuvers and to visual flight rules (VFR), day only, under part 91.

**b.** All VLA are eligible to receive Form 8100-2 under § 21.183(a) or (b) if the airplane has a TC and is manufactured under an FAA PC or APIS. Because the VLA is type-certificated as a special class of aircraft under § 21.17(b), the category in block No. 4 on Form 8100-2 must be identified as VLA-Special Class.

**c.** The import airworthiness certification requirements of § 21.183(c) are applicable to VLA designed to meet the criteria of the Joint Aviation Requirements (JAR) for VLA. The FAA type certification basis for import VLA with JAR 22 engines and propellers installed will be shown on the TCDS. The category in block No. 4 on Form 8100-2 will be identified as VLA-Special Class for Imported VLA. (See figures 3-3 through 3-6 for samples of airworthiness applications and certifications for VLA aircraft.)

## **57. AIRCRAFT MANUFACTURED IN A BILATERAL COUNTRY.**

**a.** New aircraft manufactured in a bilateral country will be inspected and certificated in a manner similar to that noted in paragraph 52 of this order, except that under a bilateral agreement, the CAA of the State of Manufacture must certify that the aircraft has been examined, tested, and found to meet its U.S. type design (see paragraph 227 of this order for a definition of a “new” product). An ASI or authorized designee must inspect the aircraft to determine airworthiness eligibility using the current TCDS before the § 21.183(c) airworthiness certificate is issued for the completed aircraft.

**b.** The extent of each inspection conducted depends on many factors requiring good judgment. All articles and completed aircraft should be given a thorough inspection upon delivery of the aircraft to the U.S. owner/operator.

**c.** The certifying statement from the State of Manufacture must be submitted by the applicant with each application for the first U.S. airworthiness certificate to be issued for a particular aircraft. See paragraph 35b(8) of this order and §§ 21.183(c) and 21.185(c).

### **57-1 NEW AIRCRAFT MANUFACTURED UNDER THE PROVISIONS OF § 21.6(b).**

**a. General.** The following provides guidance and instructions on issuing a standard airworthiness certificate, under the provision of § 21.183(h), for new aircraft manufactured to a TC issued under § 21.21 or § 21.27. This requirement only applies to an applicant that does not hold the TC or a licensing agreement from the TC holder. Additionally, under the provision of § 21.6(b), an applicant may build and certificate only one new aircraft (one aircraft, one person, one time), and the applicant must have started manufacturing that aircraft before August 5, 2004. Typically, these aircraft are built from spare and surplus articles.

**NOTE: This guidance and instructions do not apply to an applicant that holds the TC or a licensing agreement from the TC holder to build an aircraft. These aircraft may be certificated only under the provisions of § 21.183(a) or (b).**

(1) A person seeking to manufacture a new aircraft under the provisions of §§ 21.6(b) and 21.183(h) must demonstrate to the FAA that the manufacturing began before August 5, 2004. Documents that could prove manufacturing began before August 5, 2004, include items such as receipts for the purchase of articles, dated photographs, and dated information received from the FAA related to the manufacturing or certification process for the specific aircraft. This information must be provided to the FAA no later than the time of application for an original airworthiness certificate.

(2) If an applicant meets the requirement of paragraphs 57-1a and 57-1a(1), immediately contact your division manager, directorate manager, or managing office for approval to proceed with the project. **The directorates will maintain a record of all projects approved under this paragraph.** The following will be discussed with each applicant:

(a) Building aircraft from spare and/or surplus articles does not include the repair of destroyed aircraft. However, articles obtained from a destroyed aircraft may be used provided the articles are inspected and tested as required to ensure they are acceptable for installation and conform to the type design used to substantiate conformity. For such articles, the applicant must ensure all applicable requirements of part 43 are complied with.

(b) For any STC the applicant intends to incorporate into the aircraft during assembly, the applicant must own or have written permission from the STC holder/owner permitting the use of the STC.

(c) Section 21.9 does not provide authority to produce articles needed for the assembly of a new aircraft built from spare and/or surplus articles.

**b. Applicant Responsibilities.** An applicant must show that the products and articles meet the airworthiness and environmental standards that are the basis for their individual approvals. In addition, the collectively assembled aircraft will satisfy the certification basis identified on the referenced type certificate and meet the applicable requirements of § 21.183(h) and any special conditions prescribed by the FAA. The applicant begins by submitting a design package to the cognizant (local) FAA ACO.

(1) The applicant will deliver to the local ACO a compatibility document/matrix to show what STCs are proposed for installation on each aircraft. The matrix should show that the applicant has reviewed the STCs and determined that there are no compatibility issues. The local ACO review is an evaluation as to how the applicant made the determination of compatibility. The compatibility document will be submitted to and accepted by the local ACO and certificate management ACO (CMACO) (the ACO that manages the current TC) before certifying the aircraft.

## **SECTION 3. USED AIRCRAFT AND SURPLUS AIRCRAFT OF THE U.S. ARMED FORCES**

### **58. GENERAL.**

**a.** Section 21.183(d) is applicable to used aircraft. Its provisions are applied to airworthiness certification of used aircraft (aircraft with time in service for other than production flight testing), including aircraft type certificated under § 21.29 but not eligible for certification under § 21.183(c), U.S.-manufactured civil aircraft that were exported and later returned to the United States for FAA certification, and surplus military aircraft. In addition to the provisions contained in section 1 of this chapter, this section provides further guidance material and procedures associated with airworthiness certification of these aircraft.

**b.** Obtaining an airworthiness certificate may not, by itself, be sufficient to meet all of the regulatory requirements for operating an aircraft in the United States. Operations under part 121 or part 135 may require additional inspections, tests, or the installation of additional instruments and/or equipment before operation.

### **59. CERTIFICATION PROCEDURES.**

**a. General.** The FAA must follow the appropriate procedures listed in paragraph 46 of this order, along with the guidance and procedures in paragraphs 60 through 68 of this order when examining a used aircraft.

**b. Repair data approved by another CAA.** Increasingly the FAA is negotiating bilateral agreements that provide greater recognition to data approved by other CAAs for repairs to a used aircraft or its articles. Always consult the current version of a respective bilateral agreement to determine the acceptance of foreign repair data. If you have questions regarding the applicable provisions of any of these bilateral agreements, contact the Aircraft Certification Service International Policy Office (AIR-40).

### **60. CONFORMITY DETERMINATION.**

**a.** Under § 21.183(d), an applicant is entitled to a standard airworthiness certificate for used aircraft (aircraft with time in service for other than production flight testing) (to include § 21.29 aircraft), or surplus military aircraft. The applicant must present acceptable evidence to substantiate conformance to the FAA-approved type design, including any modifications, for example, an STC or Form 337, and that the aircraft has been inspected in accordance with the performance rules for 100-hour inspections as set forth in § 43.15 and found to be airworthy by one of the following persons:

- (1) The manufacturer;
- (2) The holder of an appropriately rated repair station certificate issued under 14 CFR part 145, Repair Stations;
- (3) The holder of a mechanic certificate issued under 14 CFR part 65, Certification: Airmen Other than Crewmembers; or

(4) The holder of a certificate issued under part 121 and having a maintenance and inspection organization appropriately rated for the type of aircraft involved.

b. Under the provisions of § 21.183(d), it is the applicant's responsibility to present, with the application, evidence that substantiates conformity with the FAA-approved type design. The applicant must provide any inspection and maintenance records, service history, and any other records substantiating eligibility of the articles being used. The FAA is required to make a "finding of conformity" in accordance with § 21.183(d)(3), which consists of a review of the applicant's evidence showing how conformity was determined. Sufficient conformity inspections must be conducted on the aircraft and the applicant's evidence for the ASI to find the aircraft to be in conformity. If conformity cannot be determined, the inspection should be stopped until such time as the applicant presents new evidence showing such determination has been made.

c. Compliance with the inspection requirement can be demonstrated by one of the following methods:

(1) The applicant may have the aircraft inspected in accordance with the performance rules for 100-hour inspections set forth in § 43.15(c)(1).

(2) The FAA may accept a recent 100-hour inspection, whether performed in the United States or in any other country where the aircraft previously was located while the aircraft was on the U.S. registry:

(a) When the inspection was performed within 30 days before the date of application for a standard airworthiness certificate.

(b) When the inspection was accomplished by an approved maintenance organization appropriately certificated by the CAA of a country with which the United States has a bilateral maintenance agreement and that meets the requirements as defined in § 21.183(d)(2). Reference AC 21-23, appendix 4, Summary of Importing Bilateral Agreements.

**NOTE: Section 21.183(d)(2) exempts experimentally certificated aircraft that previously had been issued a different airworthiness certificate under § 21.183 from the 100-hour inspection set forth in § 43.15.**

d. The process by which an applicant can meet these requirements depends on the aircraft involved and its history. This order is intended to address the most common situations encountered in certificating aircraft under § 21.183(d). Unique situations should be discussed in advance with AIR-200.

e. If the application is for an original airworthiness certificate, the maintenance rules of part 43 are not applicable. An example of this situation is when a new aircraft is delivered WITHOUT an Export C of A and later returns to the United States for certification. Approval of major and minor changes to type design, which includes repairs, comes under the applicable provisions of §§ 21.95 and 21.97. All changes in type design and their approval must be appropriately documented and made part of the original airworthiness certification file. This approval must be documented in an attachment to Form 8130-6.

**61. FLIGHT TESTING.** The FAA may require flight tests to determine that the aircraft is in a condition for safe operation. The applicant must consult with the FAA to establish a flight test procedure and flight checkoff form. The FAA must confirm that the aircraft has been flight tested by the applicant's pilot in accordance with that procedure. Flight tests may not be conducted by the FAA until an entry has been placed in the aircraft records to show that these tests have been satisfactorily completed by the applicant. The appropriate airworthiness certificate for this purpose is a special airworthiness certificate, for showing compliance with 14 CFR.

**62. ISSUANCE OF STANDARD AIRWORTHINESS CERTIFICATES UNDER § 21.183(d)—USED AIRCRAFT AND SURPLUS AIRCRAFT OF THE U.S. ARMED FORCES.** Before a standard airworthiness certificate is issued, the applicant must show that the aircraft meets the FAA-approved type design for that aircraft. This includes aircraft type-certificated under § 21.29.

**a.** Upon initial contact by persons desiring a standard airworthiness certificate for a U.S. type-certificated aircraft located in a country other than the United States, the FAA must:

(1) Determine whether the certification program can be accomplished in the desired location without placing an undue burden on FAA resources. If the determination results in a finding that the desired location places an undue burden on FAA resources and certification cannot be performed by an ASI, then advise the applicant that the use of an appropriate FAA designee is permissible; or

(2) Advise the applicant that a special flight permit for U.S.-registered aircraft (§ 21.197) or special flight authorization (SFA) for non-U.S.-registered aircraft may be issued under § 91.715 if it is necessary to relocate the aircraft for the airworthiness inspection. To ferry an aircraft to a location near the office or a mutually acceptable location, refer to chapter 7 of this order.

**NOTE: Special flight permits and SFAs are not recognized by the ICAO.**

(3) Discuss with the applicant any anticipated issues, the applicable certification procedures in section 1 of this chapter, the specific requirements listed herein, and any proposed certification time schedules.

**b. Bilateral Agreements (BAA or BASA).**

(1) A bilateral agreement provides for close cooperation between the contracting states in the resolution of safety issues that might arise from inservice operation of any product exported or imported and approved or accepted under the terms of the agreement. When a safety concern arises, the FAA will work with and through the CAA of the other country to the maximum extent practicable, for example, through the exchange of information and technical opinions, to determine the appropriate corrective action required of operators or owners of affected U.S.-registered aircraft. The CAA is expected to keep the FAA informed of corrective actions that the CAA believes are required for safety on U.S.-registered aircraft.

(2) Service documents such as service bulletins and structural repair manuals approved by the airworthiness authority of the country where an affected product is manufactured are considered to be FAA-approved data unless otherwise noted, provided the United States has a bilateral agreement with that country. However, service bulletins or other similar instructions classified as “mandatory” by the CAA are not mandatory in the U.S. regulatory system unless required by an AD. Therefore, owners or operators of affected U.S.-registered aircraft are not required under U.S. law to comply with service documents or directives issued by the airworthiness authorities of other countries unless an FAA AD is issued under 14 CFR part 39, Airworthiness Directives. However, for U.S. type-certificated products not currently on the U.S. register, alternate procedures have been instituted involving the processing of foreign Mandatory Continuing Airworthiness Information (MCAI) that may affect the way the airworthiness certification requirements are met. The MCAI process is described in detail in paragraph 244 of this order.

(3) Appendix 2 to this order provides additional guidance on used aircraft under a bilateral agreement related to the acceptance of a 100-hour inspection, Export Certificate of Airworthiness, repair data, maintenance activities, and third country manufactured aircraft.

**c. Third Party Agreements (reference AC 21-23, paragraph 31c(4)).**

(1) The United States has bilateral agreements for reciprocal acceptance of Export Certificates of Airworthiness with a number of countries that contain a “third country provision,” through which the CAA of one country may certify products that are manufactured in another bilateral country (see AC 21-2, Export Airworthiness Approval Procedures). This provision primarily was intended to provide the CAA of the exporting country, other than the State of Manufacture, with authority to certify to the United States that a product to be exported is in conformance and that the product is in a condition for safe operation. For example, an aircraft manufactured in England is exported to France and operated under French registry. The aircraft is then sold to a buyer in the United States under this provision. If the French DGAC issues a certification to the effect that the aircraft meets its U.S. type design and is in a condition for safe operation, the FAA will honor the certification. (The bilateral agreements between the United States and England and France have third party provisions.)

(2) Because the United States has bilateral agreements with third party countries that attest to their competence in making conformity and airworthiness determinations, the FAA also will accept certifications of those aircraft that have been manufactured in the United States when the CAAs of these countries are willing to issue such certificates. Accordingly, a prospective buyer of a U.S.-manufactured aircraft located in a country other than the United States may request from the CAA of the bilateral third-party country a certification to the effect that the particular U.S.-manufactured aircraft has remained in or has been returned to its type design configuration and is in a condition for safe operation. When applicable, the certification should also contain information concerning any areas where the aircraft does not conform to its type design. This certification will be honored by the FAA as fulfilling the applicant’s responsibility, but will not eliminate the inspection requirements mandated by § 21.183(d).

(3) Applicants must be cautioned that it may be impractical to obtain a U.S. airworthiness certificate for an aircraft operated under the registry of another country subsequent to the issuance of an Export C of A by the CAA of the State of Manufacture. Applicants should be able to (1) identify repairs and modifications, and any maintenance accomplished, and (2) document the equipment installed on the aircraft from the time the Export C of A was issued to the date of application for a U.S. airworthiness certificate. The applicant must show that the aircraft has remained in or has been returned to its FAA-approved type design and is in a condition for safe operation. This may involve extensive inspections accomplished by designees, the CAA of the State of Manufacture, the aircraft manufacturer, and repair stations, before a U.S. airworthiness certificate may be issued.

(4) In cases where an aircraft manufactured outside the United States originally was exported to another country and the CAA of the State of Manufacture has issued an Export C of A attesting conformance to a design other than that approved by the FAA, the Export C of A may be useful to the applicant for establishing a configuration baseline for showing conformity to the FAA-approved design after modification. In these cases, or when the Export C of A may not be available, the applicant should obtain a statement from the CAA of the State of Manufacture that (1) certifies that when originally exported from that country the aircraft met its FAA-approved design, or (2) identifies any differences between the configuration identified in the original export certification and the FAA-approved design. The applicant must obtain the necessary technical data needed to convert the aircraft to its FAA-approved design configuration. This method may involve extensive inspections to be accomplished by designees, the CAA of the State of Manufacture, the aircraft manufacturer, or persons authorized under part 43, before the applicant is able to show conformity to the FAA-approved design. Attempts to obtain a U.S. airworthiness certificate by this method may prove to be impracticable for the applicant; in some instances, the applicant ultimately may be unable to obtain the desired U.S. airworthiness certificate.

(5) The FAA normally will not issue a U.S. airworthiness certificate for an aircraft manufactured outside the United States when no export certification is available. To be acceptable, aircraft manufactured outside the United States must be controlled under bilateral agreement procedures with assurance of conformity and condition provided by the CAA in the State of Manufacture. Without assurance in the form of an Export C of A or a certifying statement from the CAA of the State of Manufacture, there is no practical way for an applicant to show, or for the FAA to find, that the aircraft conforms to the FAA-approved type design and is in a condition for safe operation.

(6) Inspections by the FAA should be conducted to determine that no changes or modifications have been made, and that the condition of the aircraft has not deteriorated since its export certification by the CAA. Flight testing in accordance with chapter 4 and/or paragraph 61 of this order may be required before a U.S. airworthiness certificate is issued if the aircraft has been disassembled and reassembled since its export certification by the CAA.

(7) Note that other CAAs may charge a fee for their services. The applicant must be prepared to pay any such fee if the services of a CAA are requested. Any certification, inspection, or information documents provided to the applicant by the CAA must be in the English language.

**d. Certification Procedures.** In addition to meeting the certification requirements of section 1 of this chapter, the applicant must do the following:

**(1) For U.S.-Manufactured, U.S. Type-Certificated Aircraft:**

(a) Provide the original or an acceptable copy of the U.S. Export C of A obtained when the aircraft originally was exported from the United States. This provides a baseline for the inspection to determine whether the aircraft meets its FAA TC and is used to determine whether there were any deviations to the type design as annotated on the Export C of A when the aircraft originally was exported. For example, equipment inconsistent with the CFR may have been incorporated to comply with the importing country's additional design requirements. All deviations must be resolved before a standard airworthiness certificate can be issued.

(b) Show that any aircraft article overhauled or repaired while the aircraft was operating under non-U.S. registry was accomplished in accordance with methods acceptable to the FAA and that the article conforms to its type design. When this cannot be shown, the article must be removed.

(c) Show that any major alterations, modifications, or repairs performed while the aircraft was under non-U.S. registry was accomplished in compliance with FAA-approved data and that the aircraft conforms to its type design requirements. Under certain BASA Implementation Procedures for Airworthiness (IPA) and/or accompanying special arrangements (for example, with Australia, New Zealand, the United Kingdom, Germany, and Canada), the FAA has determined that the bilateral aviation authority may approve design data associated with major alterations, modifications, or repairs that do not rise to the level of an amended TC or STC on certain categories of aircraft for which either country is the State of Design. When these data are approved directly by authority, or by a delegated individual or organization, they would then be subsequently recognized as FAA-approved data under the bilateral provisions. FAA ASIs and designees should not require the applicant to seek additional FAA approval(s) for data so identified unless there is clear evidence that the data are specifically erroneous or otherwise unreliable. In all other situations, use of an FAA DER to expedite the design approval process should be encouraged for any major alteration or repair that may have been incorporated without FAA approval. Persons authorized under § 43.7 must record in the maintenance records that the major alterations, modifications, or repairs conform to FAA-approved data.

**NOTE: Table A2-1 in appendix 2 and paragraph 59 of this order provide information related to the FAA's acceptance of specific repair data, conditions under which the repair data are acceptable, and the applicable bilateral agreement countries.**

(d) Obtain FAA approval for or resolve any deviation from the type design.

(e) Show that any maintenance performed while the aircraft was under non-U.S. registry was performed in accordance with methods acceptable to the FAA and that the aircraft conforms to its approved type design or properly altered condition.

(f) The applicant for an airworthiness certificate whose aircraft has been maintained, modified, or repaired while under foreign registry must ensure that all records required by § 91.417(b) are translated into the English language.

**(2) For Non-U.S.-Manufactured, U.S. Type-Certificated Aircraft:**

(a) Furnish a certifying statement from the CAA of the State of Manufacture or a certifying statement from the CAA with whom the United States has a third party bilateral agreement, attesting that the aircraft conforms to its type design and is in a condition for safe operation.

(b) Obtain FAA approval for any non-FAA-approved major modifications, alterations, or repairs incorporated in the aircraft.

(c) Obtain FAA approval for or resolve any deviations from the type design, for example, those annotated on the CAA's Export C of A.

**63. RESERVED FOR FUTURE CHANGES.**

**64. SCREENING OF SURPLUS MILITARY AIRCRAFT.** This paragraph provides guidance and instructions on establishing the basic eligibility of surplus military aircraft for airworthiness certification under the provisions of § 21.183(d) when an FAA TC has been issued under the provisions of §§ 21.21, 21.27, and 21.29.

**a. Initial Screening Inspection.** The initial screening inspection will determine whether the aircraft has reasonable potential for airworthiness certification. Inspections may be performed on some, but not all, surplus military aircraft before they are offered for sale to the public. Aircraft determined to have "no potential" for airworthiness certification during the initial screening inspection, for example, because of an initial lack of military service historical/modification records, may later be presented for rescreening if adequate cause is demonstrated by the owner. The FAA inspector performing the initial inspection or reinspection must submit FAA Form 8130-10, Surplus Military Aircraft Inspection Record (figures 3-9 and 3-10) for each inspection to the appropriate manufacturing inspection office (MIO). Aircraft may be considered potentially certifiable when the manufacturer's ID plate is installed and the aircraft military records are adequate to determine the historical background of the aircraft. At a minimum, the initial screening inspection must consist of the following:

(1) An examination of the aircraft ID plate(s) to determine military model number, serial number, date of manufacture, and any other pertinent data.

(2) A review of military maintenance manuals and modification records affecting the subject aircraft regarding its current status of mandatory maintenance, for example, the military equivalent to FAA ADs. The records may be considered adequate for potential certification purposes when the following is determined:

(a) All major repairs/modifications and military safety-of-flight items have been properly documented in accordance with prescribed military directives.

(b) The historical records document all known replacement of articles.

(c) The historical records document a current list of life-limited articles and their current status on the subject aircraft.

(d) The following are typical DOD records that should be reviewed during the screening inspection process. These examples are for surplus Army military aircraft:

- 1 DA Form 2408-5, Equipment Modification Record;
- 2 DA Form 2408-13, Aircraft Status Information Record;
- 3 DA Form 2408-15, Aircraft Historical Record for Aircraft; and
- 4 DA Form 2408-16, Aircraft Component Historical Record.

(e) The historical records document the maximum weight limits, airspeeds, and operating regimes that have been exceeded as described in the applicable military flight manuals, technical directives, and aircraft specifications. If any of these limits have been exceeded, this information must be recorded on Form 8130-10. The FAA will not make any determination as to what, if any, adverse effects may have resulted from exceeding the described limits. If these limits are exceeded, the MIDO will contact the cognizant FAA engineering office for its appraisal.

(3) An examination of the aircraft to determine its degree of completeness, state of preservation and repair, and general condition. This examination is not necessarily all-inclusive, is for information only, and does not guarantee approval of an airworthiness certificate.

**b. Aircraft Condition.** The condition of the aircraft and its historical records, as found during the initial screening inspection, must be noted on Form 8130-10 for each aircraft. This information will be used for future reference. Upon completion of the above, the FAA inspector who conducted the initial screening inspection must render an opinion as to whether the aircraft has reasonable potential for an airworthiness certificate.

**c. Screening Report.** All inspection findings must be recorded on Form 8130-10. The original form and appropriate attachments must be forwarded to the appropriate MIO within 5 working days after completion of the inspection (see figures 3-9 and 3-10).

## **65. CONFORMITY CERTIFICATE—MILITARY AIRCRAFT.**

**a.** Contractual agreements between segments of the military services and a manufacturer may require the manufacturer to provide FAA Form 8130-2, Conformity Certificate—Military Aircraft (see figure 3-11), for each aircraft procured. Such aircraft must be type-certificated and, in most cases, be manufactured under the terms of a PC.

**b.** By mutual agreement between the FAA and the military services, the FAA may have certain other responsibilities related to the issuance of Form 8130-2. Except as provided in this paragraph, and in any specific requirements in the memorandum of understanding, the normal inspection and surveillance procedures relating to production under a TC or under a PC should be met.

**c.** The completed original Form 8130-2 must be given to the authorized military representative. The cognizant MIDO, or FSDO when delegated, must forward a copy, including those issued by ODA manufacturers, to the appropriate MIO for indefinite retention. The copies may be forwarded either separately or all in one package at the end of the military contract or at the discretion of the directorate.

**NOTE: If such military aircraft are eventually sold as surplus and presented for civil certification, it is the applicant's responsibility to furnish Form 8130-2 with the application when the form is necessary as a part of the airworthiness determination. If the applicant cannot obtain the original or a legible copy of the completed conformity certificate, the ASI or authorized designee may request a copy through his or her supervising office from the cognizant military office.**

**66. ISSUANCE OF STANDARD AIRWORTHINESS CERTIFICATES, SURPLUS MILITARY AIRCRAFT.** Form 8100-2 (figure 3-12) may be issued when the applicant shows, and the FAA finds, that the aircraft conforms to the FAA-approved type design (including applicable modifications incorporated by an amendment to the TC or STC) and is in a condition for safe operation. A standard airworthiness certificate may be issued for a surplus military aircraft under § 21.183(d) when an FAA TC has been issued under §§ 21.21, 21.27, or 21.29. A copy of Form 8130-2, which should have been issued to the military service at the time the aircraft was accepted, must be made available to the FAA representative or authorized designee by the applicant. This document is necessary to establish basic conformity, including documenting any deviations that may have been in existence at the time of manufacture. This procedure applies to a complete aircraft operated by the military service and released as a complete aircraft from the military service. Adequate military maintenance records must be made available to assist in determining conformity.

**67. CERTIFICATION REQUIREMENTS (APPLICANT).** The following are documents and other information that are typically used by an applicant to show compliance with the airworthiness certification requirements of § 21.183(d):

**a.** Proof of ownership in the form of a DOD Bill of Sale is considered to be recordable evidence and proof of ownership. DOD Form 1427, Notice of Award, Statement, and Release Document (DD 1427), is considered to be proof of ownership only. The DD 1427 is not a bill of sale and cannot be used for registering the aircraft. When an aircraft is sold for recovery of articles or reduction to scrap, a bill of sale is not issued.

**b.** Compliance and conformity to the TC, taking into account any STCs or any amendments to the TC. The applicant must present evidence that the aircraft conforms to the type design. The type design data used to determine conformity must be shown in the applicant's records. The following are typical records that may be used:

(1) Records maintained by the military, the manufacturer, or any other prior owner pertaining to the manufacturing, inspection, maintenance, and operation of the aircraft. Military records may be used to determine continuous conformity while the aircraft was in military service.

(2) Form 8130-2 or prior airworthiness certificate issued by the FAA, if any.

(3) Records such as the TCDS or aircraft specifications that establish, by manufacturer's serial number, that the complete aircraft was produced under an FAA PC or APIS and the extent to which it was so produced.

(4) When articles have been replaced since original manufacture, the applicant must show that they are airworthy and eligible for installation.

(5) Records of any articles that have been fabricated or assembled by the applicant establishing that they conform to the type design.

(6) Records of engines, gearbox assemblies, landing gear, instruments, or other articles establishing that they originally conformed to the type design and have been maintained in accordance with applicable FAA requirements. Military maintenance and/or FAA-approved repair station records may be used for this purpose.

(7) When military records are being used to substantiate any portion(s) of conformity to FAA-approved type design, the applicant must show that the records for that specific aircraft or article are complete and accurate.

(8) An approved flight test procedure and flight checkoff form must be established (when a flight test is deemed necessary) and each aircraft must be flight tested by the applicant's pilot in accordance with that procedure. The FAA production flight test will not be conducted until an entry has been placed in the aircraft records to show that these tests have been satisfactorily completed by the applicant.

(9) The civil and military model designation is reflected on the ID plate (§ 45.13) and all airworthiness documentation, including airworthiness certificates (excluding registration), reflects the civil and military model designation and serial number. The military designation and serial number must be placed in parentheses in the same blocks as the civil model designation and serial number.

- c. Form 8130-9 with an outline explaining determination of conformity.
- d. A current weight and balance report from an actual weighing of the aircraft.
- e. Records that indicate that all applicable ADs have been complied with.
- f. Records of inspection required by § 21.183(d)(2).

**68. CERTIFICATION PROCEDURES.** The following are some of the typical steps taken by the FAA representative or his authorized designee toward certification of the aircraft in conjunction with those specified in paragraph 46 of this order:

- a. Ensure that the application is complete and correct.
- b. Inspect the aircraft and review records to determine the following:
  - (1) Compliance and conformity with the TC, taking into account any STCs or any amendments to the TC.
  - (2) Compliance with applicable ADs.

(3) Currency of weight and balance information from actual weighing; it is recommended that the ASI observe the actual weighing.

(4) Which inspections and tests, including flight tests, are required to find that the aircraft is in a condition for safe operation. The FAA production flight test requirements will be coordinated with FAA flight test personnel.

(5) That an approved flight test procedure and flight checkoff form has been established (when a flight test is deemed necessary) and that each aircraft is flight tested by the applicant's pilot in accordance with that procedure. The FAA production flight tests will not be conducted until an entry has been placed in the aircraft records to show that these tests have been satisfactorily completed by the applicant.

(6) Compliance with the registration and marking requirements of parts 47 and 45.

(7) That the civil model designation is reflected on the ID plate and that all of the airworthiness documentation, including registration and airworthiness certificates, reflect the civil and military model designation and serial number. The military designation and serial number should be placed in parentheses in the same blocks as the civil model designation and serial number.

**69. EXAMPLES OF FORMS.** Figures 3-1 through 3-16 provide examples of forms used in the certification process.

**70.-85. RESERVED FOR FUTURE CHANGES.**

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(8) The instruments are marked in accordance with the approved flight manual or any other data used for aircraft involved in a type certification program.

(9) All modifications have been inspected and recorded, and are in a condition for safe operation.

(10) An emergency locator transmitter (ELT) is installed, as required in accordance with § 91.207.

**c. Certificate Issuance.**

(1) If the aircraft meets the requirements for the certification requested, the FAA must:

(a) Make an aircraft logbook entry.

(b) Issue Form 8130-7.

(c) Complete sections V and VIII of Form 8130-6, as appropriate, in accordance with the instructions contained in chapter 8 of this order.

(d) Examine, review, and route the certification file in accordance with the instructions contained in chapter 8 of this order.

(2) If the aircraft does not meet the requirements for the certification requested, and the airworthiness certificate is denied, the FAA must:

(a) Write a letter to the applicant stating the reason(s) for denying the airworthiness certificate.

(b) Attach a copy of the denial letter to Form 8130-6 and forward to AFS-750 to be made part of the aircraft record.

**89. SPECIAL AIRWORTHINESS CERTIFICATES.**

a. Form 8130-7 (GPO pad only) is used for all aircraft that are certificated in categories other than STANDARD.

b. An experimental certificate for R&D, showing compliance with regulations, crew training, or market surveys is effective for 1 year or less after the date of issuance.

c. The duration of amateur-built, exhibition, air racing, light-sport category, and LSA experimental certificates will be unlimited unless the FAA finds good cause that a specific period should be established. Any other necessary operating limitations will be attached to this form; see paragraphs 126, 144, 153, and 161 of this order.

d. However, experimental certificates issued for the purpose of flight testing of amateur-built, exhibition, air racing, and light-sport are effective for a period of time necessary to complete the flight testing required by § 91.319(b). If the testing is not completed within the terms of the certificate, the aircraft must be submitted for reinspection to the FAA and a new certificate issued.

e. When an exhibition or air racing aircraft has successfully completed its flight testing, the applicant may apply for a special airworthiness certificate of unlimited duration. If granted, the word “Unlimited” will be placed in the Expiry block of the certificate. In addition, the aircraft’s operating limitations will be revised to reflect applicable limitations. A certificate of unlimited duration must not be issued until the aircraft has successfully completed its flight testing. This paragraph does not imply that unlimited expiry is granted automatically; each case must be evaluated to ensure the request is warranted and the applicant has provided evidence of compliance with § 91.319(b)(1) and (2).

f. Operating limitations generally applicable to nonstandard aircraft are printed on the reverse side of the form (figure 4-1). The FAA also may prescribe additional operating limitations deemed necessary for the special purpose involved. The additional limitations will be enumerated on a separate sheet, dated, signed, and attached to Form 8130-7. Refer to applicable sections of this chapter for information regarding additional operating limitations.

g. The first page of the operating limitations should be typed on FAA letterhead paper.

**NOTE: FAA letterhead paper may be provided to FAA designees for the specific purpose of issuing aircraft operating limitations. It is imperative that the FAA designee understand that the FAA letterhead paper is to be used for issuing operating limitations only and will be signed using the designee’s name (typed and signed) and title as an FAA designee.**

## SECTION 2. RESTRICTED AIRWORTHINESS CERTIFICATION

**90. GENERAL.** The procedures in this section provide guidance for the issuance of Form 8130-7 for aircraft type-certificated in the restricted category in accordance with § 21.25, 21.29, or Civil Air Regulation (CAR) 8.

**a.** Aircraft type-certificated in the restricted category for agricultural operations in accordance with the provisions of CAR 8.10(b) may continue to be operated under the provisions of the original certification. The type certification basis for aircraft in the restricted category is determined in accordance with § 21.25, except as specified in paragraph 92a(2) of this order.

**b.** Non-U.S.-manufactured aircraft that are type-certificated in the restricted category under § 21.29 are eligible for Form 8130-7 under § 21.185(c).

**c.** Non-U.S.-manufactured aircraft type-certificated in any other category under § 21.29 are not eligible for certification in the restricted category unless the aircraft was issued Form 8100-2 under § 21.183(c) and subsequently was modified in accordance with section 3 of this chapter. In this instance, § 21.185(b) is the basis for issuing the restricted airworthiness certificate; by virtue of being previously certificated in the United States, the aircraft is no longer considered to be an import aircraft.

**d.** An aircraft must be type-certificated under § 21.25 or CAR 8 before a restricted category airworthiness certificate can be issued. In the case of an aircraft previously type-certificated in another category (for example, standard category) and modified for a restricted special purpose operation under § 21.25 or CAR 8, the previously approved TC and the STC or approved data can be considered as the equivalent of a restricted TC. The TC and STC or approved design data should define the design parameters that make up the restricted category TCDS.

**91. CERTIFICATION PROCEDURES.** The FAA representative should follow the appropriate procedures outlined in paragraph 88 of this order.

### 92. ELIGIBILITY.

**a.** Aircraft that are eligible for a special airworthiness certificate, in the restricted category, are as follows:

(1) Aircraft type-certificated in the restricted category and manufactured under a PC, APIS, or a TC;

(2) Aircraft type-certificated in the restricted category that were surplus military aircraft of the U.S. Armed Forces and manufactured in the United States;

(3) Aircraft that are imported to the United States and type-certificated in the restricted category in accordance with § 21.29 and that have been certified by the country/jurisdiction of manufacture to conform to the approved type design; and

(4) Type-certificated, standard category aircraft that have been modified and approved for a restricted purpose under § 21.25, including aircraft type-certificated under CAR 8.10(b) for agricultural operations.

**b.** Aircraft may be considered eligible for a special airworthiness certificate, in the restricted category, when found to comply with the noise requirements of part 36, in accordance with § 21.185(d).

**c.** Modified aircraft that were either surplus military aircraft of the U.S. Armed Forces or previously type-certificated in another category (§ 21.185(b)), must satisfy the following to be considered eligible for a special airworthiness certificate in the restricted category:

(1) The modification conforms to the FAA-approved data forming the basis for the restricted TC.

(2) The aircraft is in a good state of preservation and repair and is in a condition for safe operation.

**93. SPECIAL PURPOSE OPERATIONS.** As authorized under the provisions of § 21.25, special purpose operations for restricted category aircraft include the following:

- a.** Agricultural (spraying, dusting, seeding, and livestock and predatory animal control).
- b.** Forest and wildlife conservation.
- c.** Aerial surveying (photography, mapping, and oil and mineral exploration).
- d.** Patrolling (pipelines, power lines, and canals).
- e.** Weather control (cloud seeding).
- f.** Aerial advertising (skywriting, banner towing, airborne signs, and public address systems).

**g.** Any other operation specified by the FAA. (When an applicant wishes to obtain approval for a new special purpose operation previously not approved under § 21.25(b)(7), application with supporting justification should be made by letter to the Aircraft Engineering Division, Attn.: AIR-110. If accepted, AIR-110 will provide public notice with request for comment in the Federal Register on the new proposed special purpose operation and will consider all comments before making a final decision.)

**94. STATEMENT OF CONFORMITY.** The holder or licensee of a TC for a restricted category aircraft manufactured in the United States must, on the initial transfer of ownership or application for an original airworthiness certificate for products manufactured under that TC, give the FAA Form 8130-9 (§§ 21.130 and 21.183(b)).

**95. OPERATING LIMITATIONS.** All aircraft type-certificated in the restricted category must be operated in compliance with the limitations prescribed in § 91.313. In addition, for turbine-powered aircraft (TPA), piston-powered aircraft over 800 horsepower, rotorcraft, large aircraft (over 12,500 pounds), and any other aircraft as deemed necessary, the limitation concerning pilot qualifications, as identified in paragraph 166b(8) of this order, should be prescribed. The FAA also may prescribe additional operating limitations as deemed necessary for the special purpose involved. The additional limitations will be enumerated on a separate sheet, and then dated, signed, and attached to Form 8130-7.

**96. AGRICULTURAL AIRCRAFT.** The following provides guidance concerning the means of approval for increases in the maximum certificated weight for aircraft certificated in the restricted category for agricultural operations. Section 21.101 sets forth the provisions that determine the regulations applicable to a change in a TC. Such changes would include an increase in the maximum certificated takeoff weight for an aircraft, which is defined in part 43 as a major alteration:

**a.** If parts 21 and 23 are the original certification basis shown on the TCDS for a restricted category TC, then compliance with the applicable CFR must be shown to substantiate and approve a change to the TC. The provisions of CAR/Civil Aeronautics Manual (CAM) 8 are not applicable and should not be used (for example, TCDS A9CE for the Cessna 188 series).

**b.** Whether or not a data sheet exists, if CAR 8 is the basis for issuance of a restricted category TC, compliance with the applicable sections of CAR/CAM 8 normally will be used to approve the TC change, including increases to the maximum gross weight originally established on the TCDS, placards, or flight manual (for example, TCDS 2A10 for the Piper PA-25 series). However, if CAR 8 does not provide adequate standards with respect to the change, § 21.101(b) requires compliance with the regulations in effect on the date of application for the change (part 23) that the FAA finds necessary for safety.

**97. AIRWORTHINESS CERTIFICATE.** When an application is made for a restricted category airworthiness certificate requesting one of the special purposes listed in § 21.25(b)(1) through (6), the purpose will be entered in block A of Form 8130-7. Carriage of cargo for compensation or hire is prohibited by § 91.313 for any restricted category operation, including any special purpose of § 21.25(b)(1) through (b)(7). However, § 91.313 does not apply to nonpassenger carrying civil rotorcraft external load operations conducted under 14 CFR part 133, Rotorcraft External-Load Operations. If the requested purpose is to include the carriage of cargo that is incidental to the owner/operator's business, Form 8130-7 must have the following words entered in block A (Purpose): "Title 14 CFR § 21.25(b)(7) (other), SEE ATTACHED LIMITATIONS." For all purposes listed in § 21.25(b)(1) through (7), the following words must be entered in block C (Flight) (after crossing out the words "From" and "To"): "SEE ATTACHED OPERATING LIMITATIONS," and "SEE ITEM D, REVERSE SIDE OF THIS CERTIFICATE."

**NOTE: In no case will "Carriage of Cargo" (or similar language) be entered as a purpose in block A on Form 8130-7.**

**a.** When the carriage of cargo is incidental to the aircraft owner/operator's business, the prescribed limitations will then identify the authorized cargo that may be carried.

**b.** The additional limitations attached to the airworthiness certificate will specify the aircraft model, N-Number, and serial number. All restricted category airworthiness certificates issued for aircraft whose special purpose operation includes the carriage of cargo will include the following limitations:

**(1)** This aircraft is prohibited from carrying cargo for compensation or hire. Carriage of cargo is limited to such cargo that is incidental to the aircraft owner/operator's business which is other than air transportation. The authorized cargo that may be carried on this aircraft is \_\_\_\_\_.

**(Applicability: All)**

(2) This rotorcraft is prohibited from carrying cargo for compensation or hire unless it is engaged in an FAA-approved part 133 external load operation.

**(Applicability: Rotorcraft conducting part 133 external load operations)**

(3) This aircraft may not be operated over any foreign country without the special permission of that country. Evidence of that permission must be carried aboard the aircraft, along with the U.S. airworthiness certificate, and made available to the FAA or CAA in the country of operation upon request.

**(Applicability: All)**

(4) This aircraft has not been shown to meet the requirements of the applicable comprehensive and detailed airworthiness code as provided by Annex 8 to the Convention on International Civil Aviation.

**(Applicability: All)**

c. Additional operating limitations as prescribed in § 91.313 will be assigned for all special purposes of restricted category aircraft operations and are part of Form 8130-7.

d. The FAA will ensure that the owner/operator is briefed and clearly understands that the restricted aircraft is prohibited by § 91.313(c) from the carriage of cargo for compensation or hire. A record of this briefing should remain with the certification file.

**98. DISPLAY OF MARKS (RESTRICTED).** The FAA must determine that the aircraft displays nationality and registration marks in accordance with § 45.21 and that the word “RESTRICTED” is displayed in accordance with § 45.23.

**99.-100. RESERVED FOR FUTURE CHANGES.**

**117. AIRCRAFT ISSUED LIMITED CATEGORY TYPE CERTIFICATES.**

<b>Aircraft Manufacturer</b>	<b>Model Eligible</b>	<b>Limited Spec. No.</b>
Boeing	B-17F and B-17G	AL-1
North American	B-25, B-25C, B-25G, B-25H, B-25J, and B-25N	AL-2
Douglas	A-26B and A-26C A-24B (Navy SBD-5)	AL-3 AL-4
Consolidated-Vultee	PB2Y-3, PB2Y-3R, PB2Y-5, PB2Y-5R, and PB2Y-5Z LB 30	AL-5 AL-6
Sikorsky	R-4B Helicopter	AL-7
Grumman	TBF-1, TBF-1C, TBM-1, TBM-1C, TBM-3, and TBM-3E	AL-8
Douglas	A-20B, A-20C, A-20G, A-20H, and A-20J	AL-9
Lockheed	P-38E, P-38J, P-38L, F-5E, F-5F, and F-5G	AL-10
North American	P-38M, P-51C, P-51D, and P-51K	AL-11
Beech	AT-10, AT-10BH, AT-10GF, and AT-10GL	AL-12
Lockheed	B-34, PV-1, and PV-2	AL-13
Northrop	P-61, P-61A, and P-61B	AL-14
North American	A-36A	AL-15
Curtiss	O-52	AL-16
Grumman	J2F-3, J2F-4, J2F-5, and J2F-6	AL-17
Curtiss-Wright	P-40L and P-40N	AL-18
Sikorsky	R-5A Helicopter	AL-19
Martin	PBM-5	AL-20
Bell Aircraft	P-63C and P-63E	AL-21
North American	BC-1	AL-22
Grumman	F8F-1	AL-23
Chance-Vought	OS2N-1, OS2U-1, OS2U-2, and OS2U-3	AL-24
Grumman	FM-2	AL-25
Consolidated-Vultee	L-1, L-1A, L-1B, L-1C, L-1D, L-1E, and L-1F	AL-26
North American (Culver)	BT-9, BT-9A, BT-9B, and BT-9C PQ-14A and PQ-14B	AL-27
Superior	YPQ-14B and YQB-14A, Navy TD2C1	AL-28
Sikorsky	R-6A and YR-6A, HOS-1 Helicopters	AL-29
Consolidated	C-87A	AL-30
Curtiss-Wright	AT-9 and AT-9A	AL-31
North American	BT-14	AL-32
Martin	B-26C	AL-33

**NOTE: This list is provided as guidance and should not be used as an official list. Questions regarding aircraft eligible for, or presently holding, limited TCs should be directed to the applicant's local ACO.**

## **SECTION 5. PRIMARY CATEGORY AIRCRAFT AIRWORTHINESS CERTIFICATIONS**

### **118. GENERAL.**

**a.** Section 21.24(b) permits the applicant to submit a special inspection and preventive maintenance program as part of the aircraft's type design or supplemental type design. The submitted program is reviewed and accepted or rejected by the Kansas City, Missouri, Aircraft Evaluation Group (MKC-AEG), with engineering input by the ACO where TC application is made. Special inspection and preventive maintenance programs for primary category rotorcraft are submitted to the Fort Worth, Texas, Aircraft Evaluation Group (FTW-AEG) with engineering input by the ACO where TC application is made. FSDOs will NOT accept or reject the programs.

**b.** Section 21.184(a) allows an applicant to obtain a special airworthiness certificate for PCA when the provisions of part 21 are met. PCA are not eligible for multiple category airworthiness certificates (§ 21.184(e)).

**c.** Section 21.184(b) allows an applicant to obtain a special airworthiness certificate for an imported PCA with a § 21.29 TC. The CAA of the country of manufacture must certify, and the FAA must find after inspection, that the aircraft meets the criteria of § 21.24(a)(1) and is in a condition for safe operation.

**d.** Section 21.184(c) allows an applicant to exchange a standard airworthiness certificate for a special airworthiness certificate in the primary category. The conversion will be made through the normal STC process. The only benefit for making a conversion is so the pilot/owner may perform preventive maintenance beyond what already is allowed under appendix A to part 43. Before making the conversion, the applicant should consider the following:

**(1)** There must be an FAA-approved special inspection and preventive maintenance program for the specific aircraft model being converted. If there is not an approved program or if any additional preventive maintenance items are to be added, the applicant must submit the program or additional items as part of the STC design data to be approved.

**(2)** Only a properly qualified pilot/owner may perform preventive maintenance under the special inspection and preventive maintenance program. To be properly qualified, a pilot/owner must successfully complete an FAA-approved course given by an approved aviation maintenance technician school, the holder of the PC for the pilot/owner's aircraft, or another entity approved by the FAA.

**(3)** The same aircraft cannot be returned to a standard airworthiness certificate without showing that it meets all of the criteria for a standard airworthiness certificate as prescribed by the regulations. Such a showing historically has been difficult when an aircraft has remained in a different classification or category for a lengthy period. To facilitate the return to a standard airworthiness certificate, the aircraft records should indicate, among other requirements, that the aircraft has been maintained according to the manufacturer's instructions, and that any modifications to the aircraft either were removed or approved by the FAA.

- (13) Fixed or retractable landing gear for a glider.

**NOTE : Although gyroplane aircraft (commonly known as gyrocopters) are identified in the light-sport aircraft definition of § 1.1, gyroplane aircraft when meeting the LSA definition may only be issued an experimental certificate for the purpose of operating LSA because of the preclusion of § 21.190(a).**

**b. Eligibility.** LSA are eligible for a special airworthiness certificate in the LSA category in accordance with § 21.190 when the aircraft has not been previously issued a standard, primary, restricted, limited, or provisional airworthiness certificate, or an equivalent airworthiness certificate issued by a civil aviation authority outside the United States, and the applicant provides a copy of the aircraft manufacturer's:

- (1) Written operating instructions in the English language.

(2) Written maintenance and inspection procedures for the entire aircraft in the English language.

- (3) Flight training supplement in the English language.

(4) Statement of Compliance as described in § 21.190(c). A sample of FAA Form 8130-15, LSA Statement of Compliance, is located in chapter 4. A blank copy of Form 8130-15 may be obtained from the FAA forms database at <http://forms.faa.gov>. Form 8130-15 must contain:

(a) The identity of the aircraft by make and model, serial number, class, date of manufacture, and consensus standard used;

- (b) A statement that the aircraft meets the provisions of the identified consensus standard;

(c) A statement that the aircraft conforms to the manufacturer's design data, using the manufacturer's quality assurance system that meets the identified consensus standard;

(d) A statement that the manufacturer will make available to any interested person the following documents that meet the identified consensus standard:

*1* The aircraft's operating instructions;

*2* The aircraft's maintenance and inspection procedures for the entire aircraft; and

*3* The aircraft's flight training supplement; and

(e) A statement that the manufacturer will monitor and correct safety-of-flight issues through the issuance of safety directives and a continued airworthiness system that meets the identified consensus standard;

(f) A statement that at the request of the FAA, the manufacturer will provide unrestricted access to its facilities; and

(g) In accordance with a production acceptance test procedure meeting the applicable consensus standard, a statement that the manufacturer:

- 1 Ground and flight tested the aircraft;
- 2 Found the aircraft performance acceptable; and
- 3 Determined the aircraft is in a condition for safe operation.

**NOTE: When an aircraft meets the definition of light-sport aircraft in accordance with § 1.1, and is not eligible per § 21.190(c), the aircraft may be eligible for an experimental LSA certificate in accordance with § 21.191(i). Guidance on experimental LSA certification is given in paragraph 142 of this order.**

**c. Eligible Light-Sport Aircraft Manufactured Outside the United States.** For an aircraft that has been manufactured outside the United States to be eligible for a special airworthiness certificate in the light-sport category, an applicant must provide evidence to the FAA that the aircraft meets the definition of light-sport aircraft according to § 1.1 and the requirements of § 21.190(b). In addition, in accordance with § 21.190(d), an applicant must provide proof of the following:

(1) The aircraft was manufactured in a country with which the United States has a BAA concerning airplanes or BASA with associated IPA concerning airplanes, or an equivalent airworthiness agreement. To verify bilateral agreements, see the AIR-40 listing of current bilateral agreements located on the FAA Web site.

(2) The aircraft manufactured outside the United States is eligible for an airworthiness certificate, flight authorization, or other similar certification in its State of Manufacture. Verification of this eligibility is through a statement from the manufacturer in the aircraft documentation that had the aircraft remained in the country of export, the aircraft would have been eligible for an airworthiness certificate, flight authorization, or other similar certification.

(3) When an aircraft manufactured outside the United States meets the definition of LSA in accordance with § 1.1 and is not eligible per § 21.190(b), the aircraft may be eligible for an experimental LSA certificate in accordance with § 21.191(i). Guidance on experimental LSA certification is given in paragraph 142 of this order.

**d. Light-Sport Aircraft Construction.** The manufacturer of an aircraft for airworthiness certification in the light-sport category must manufacture the aircraft to the design requirements and quality system of the applicable consensus standard that has been accepted by the FAA and published through a notice of availability in the Federal Register. To meet the intent of § 21.190 and to be eligible for an airworthiness certificate for LSA category, the applicant must present satisfactory evidence that the aircraft was manufactured and found acceptable to the provisions of the applicable consensus standard. Evidence of acceptability is provided by the light-sport aircraft manufacturer's Statement of Compliance, Form 8130-15, attesting to compliance with the requirements of § 21.190. A list of accepted consensus standards can be found on the FAA Web site. The following are clarifications of consensus standards and requirements for construction of LSA as it relates to certification in this category:

e. The requirements for issuing experimental certificates are contained in §§ 21.191, 21.193, and 21.195.

f. For the purpose of this chapter, type certification programs include TC and STC, as well as amendments to either.

g. Section 91.319 prescribes operating limitations that are applicable to all aircraft having experimental certificates. In addition, the FAA may prescribe other limitations as may be considered necessary under § 91.319(i).

**NOTE: Basic operating limitations for all experimental aircraft must be issued as prescribed in sections 7 and 8 of this chapter.**

h. To operate under phase II operating limitations, the owner/operator must make a signed logbook entry attesting to meeting the requirements of § 91.319(b).

i. Experimental military aircraft built under a military contract and identified by military aircraft ID marks do not require registration or the issuance of experimental certificates for flight testing or demonstration prior to acceptance by the military. However, aircraft of military design built independently by manufacturers and not having military identification are required to obtain FAA registration and an experimental airworthiness certificate because such aircraft are considered civil aircraft.

j. The FAA must determine that the aircraft displays nationality and registration marks in accordance with § 45.21 and that the word “EXPERIMENTAL” is displayed in accordance with § 45.23.

## **132. ELIGIBILITY.**

a. For an aircraft to be eligible for an experimental certificate, the aircraft must be registered and the applicant must satisfy one or more of the purposes stated in § 21.191, as discussed in sections 7 through 11 of this chapter.

b. An aircraft that has a Dealer’s Aircraft Registration Certificate may be issued an experimental airworthiness certificate so the manufacturer can perform required flight tests, as well as for purposes incidental to the sale of the aircraft. In the latter case, the FAA must ensure that the requirements of § 21.195 are met.

c. In ensuring compliance with § 21.193(d), the following must be described in the applicant’s program letter:

**(1) Purpose of Experiment, § 21.193(d)(1).** An applicant must submit a program letter that describes the purpose of the experiment and the aircraft configuration, and outlines the program objectives. The letter must be detailed enough to permit the FAA to prescribe the conditions and limitations necessary to ensure safe operation of the aircraft. The letter should not describe everything in minute detail. The use of the same aircraft for overlapping programs is not precluded and the program letter can outline one or more programs. Upon showing compliance with § 91.319(b), the aircraft can be used to support other aircraft in the program or other experimental programs the

manufacturer/applicant has underway, for example, to support flightcrew movements, to be used as a chase plane, to carry spare engines, etc. This support activity, in addition to the purpose for which the certificate is to be issued, should be included in the program letter or be included in the procedure described in paragraph 165 of this order.

**NOTE: A new program letter will be required when significant changes to the aircraft configuration and program objectives are planned.**

(2) **Time or Number of Flights, § 21.193(d)(2).** The applicant's program letter must include the estimated time or number of flights required to accomplish the program. The FAA will evaluate the request in comparison to the program in order to establish an appropriate time duration for the special airworthiness certificate.

(3) **Areas.** In the program letter, the applicant must provide sufficient detail to describe the areas over which the proposed flights are to be conducted. It is the responsibility of the FAA to establish boundaries of the flight test area, as well as takeoff, departure, and landing approach corridors that minimize hazards to persons and property in densely populated areas or congested airways.

(4) **Describe Aircraft Configuration.** Except for aircraft converted from a TC, the applicant must describe the aircraft's external configuration. The use of three-view sketches and three-dimensional photographs is acceptable.

(5) **Program Letter.** Figure 4-13 shows a sample program letter that an applicant can use or expand upon as needed.

**133. DEMILITARIZATION OF FORMER MILITARY AIRCRAFT.** Former military aircraft should be demilitarized prior to application for airworthiness certification. It is not possible to define what the final configuration of these aircraft will be following this demilitarization. Therefore, because the demilitarization process most likely will involve a change to the aircraft configuration, FAA representatives should not consider an application for airworthiness certification unless demilitarization has been completed.

a. It is the policy of the DOD that surplus U.S. military property designated as arms, ammunition, implements of war, and other military items will be demilitarized to the extent necessary to preclude the unauthorized use of these military items. The intent behind this DOD policy is to destroy the military advantages inherent in certain types of property, to render harmless that property which is dangerous, and to protect the national interest. This DOD policy mandates that tactical, fighter, and bomber aircraft will be demilitarized to the extent that will render the aircraft not airworthy. This DOD policy is not applicable to military trainer, observation, or liaison aircraft. In addition, DOD does release a limited number of tactical, fighter, and bomber aircraft for operation in R&D programs. Typically, these aircraft may only be demilitarized to the extent that classified equipment has been removed.

**NOTE: This does not mean that all other U.S. surplus military aircraft should have been rendered not airworthy. For example, some U.S. military aircraft that were sold to other countries may be available for public sale. These aircraft are subject to the import requirements that are listed in paragraph 133(b) of this order. In addition, other aircraft may have been constructed from surplus articles.**

**NOTE: Proficiency area limitations issued before July 9, 1993, will remain in effect despite the issuance of a new airworthiness certificate.**

#### **156. FORMER MILITARY AIRCRAFT.**

a. Many of the aircraft that are presented for airworthiness certification for the purpose(s) of exhibition or air racing are former military aircraft, both U.S. and non-U.S. The FAA acknowledges the significant role military aircraft have played in our aviation heritage and the importance of preserving their legacy for future generations. The exhibition of former military aircraft at aviation events for demonstration and display provides the public a rare view into our aviation past. Therefore, it is the policy of the FAA to permit the operation of surplus military aircraft for civilian use, consistent with the need to safeguard the general public.

**NOTE: It should not be interpreted that all military aircraft require experimental airworthiness certificates. Some models have valid TCs and could be eligible for a standard airworthiness certificate.**

b. Surplus military aircraft have historically operated in the United States for R&D, air racing, and exhibition purposes in the experimental category. It is the policy of the FAA that eligible aircraft will be certificated in the experimental category when operated for the special purposes of exhibition and/or air racing.

c. To ensure the safe operation of these aircraft and minimize adverse environmental impact, the FAA has established appropriate and reasonable operating limitations. Operating limitations developed jointly by the Aircraft Certification Service and Flight Standards Service are contained in paragraphs 161 and 166 of this order.

d. The ability of civilian operators to maintain and operate these aircraft depends on their background and experience, training and facilities, availability of technical manuals and design information, and the complexity of the aircraft involved. To this end, and to the maximum extent feasible, it is the policy of the FAA to recognize the most complete sources of maintenance and training and to encourage owners, operators, and flightcrew members to use these sources and successfully complete required training from recognized training organizations. Aircraft inspection guidelines and qualification standards for flightcrew members have been developed by the Flight Standards Service and are contained in FAA Order 8900.1, Flight Standards Information Management System.

e. Applicants for certification of former military TPA must be advised that these aircraft were designed and manufactured without the acoustical treatment provided for current commercial and business TPA. They also must be advised of industry-developed procedures and guidelines designed to minimize the impact such aircraft impose at airports and the surrounding communities. Aircraft operators must accept the responsibility for operating their aircraft in such a manner as to reduce the noise impact to the lowest practicable level. EAA has developed operating procedures and a recommended program for reducing the noise impact of TPA. The EAA's recommended procedures are contained in its Jet Operations Manual. The FAA must advise persons considering operating such aircraft to become familiar with and use the procedures outlined in the EAA's Jet Operations Manual or other procedures acceptable to the FAA.

f. In recent years, the number and types of TPA have greatly expanded, mostly as a result of the import of aircraft of non-U.S. manufacture. Examples of these aircraft include models such as the Northrop F-5, which is of U.S. manufacture, and the Mikoyan Gurevich MiG-15, which is of non-U.S. manufacture. It is of critical importance to the FAA, to the civilian owners and operators of such aircraft, and to the general public that these aircraft are operated safely in the National Airspace System.

**157. BROKERING.** Section 21.191(d) was not intended to allow for the brokering or marketing of experimental aircraft. This includes individuals who manufacture, import, or assemble aircraft, and then apply for and receive experimental exhibition airworthiness certificates so they can sell the aircraft to buyers. Section 21.191(d) ONLY provides for the exhibition of an aircraft's flight capabilities, performance, or unusual characteristics at airshows, and for motion picture, television, and similar productions. Certificating offices must ensure that all applications for exhibition airworthiness certificates are for the purposes specified under § 21.191(d), and are from the registered owners who will exhibit the aircraft for those purposes. Applicants also must provide the applicable information specified in § 21.193.

**158. GROUPS OF AIRCRAFT.** Aircraft eligible for experimental airworthiness certification for exhibition or air racing range from unpowered gliders to high-performance jet aircraft. In order to properly certificate this wide range of aircraft, and in response to the many public comments received, the FAA has divided these aircraft into four groups. This was done in order to establish standardized operating limitations, proficiency areas, and inspection requirements appropriate to each aircraft. Minimum operating limitations for each group are provided in paragraph 161 of this order. The FAA will make a determination of which group the aircraft will operate in based on the following:

**a. Group I, Performance Competition Aircraft.**

**(1) Description of Aircraft.** Specialty aircraft are of limited availability and possess design characteristics that make the aircraft suitable for competition. The operational parameters are designed for only one purpose, for example, maneuverability, flight duration, or speed, and as such would only be used in performance-based competition events and would not be used for personal business or transport activity.

**(2) Type of Aircraft.** Aerobatic aircraft or powered/unpowered gliders. Aircraft that would operate under this group include the Rolladen-Schneider LS-4b, Schleicher ASW-24, Pitts Special, Sukhoi SU-26, Sukhoi SU-29, etc.

**(3) Proficiency Area.** All proficiency flights will be conducted in airspace within an operational radius of 300 nautical miles from the airport where the aircraft is based.

**(4) Inspection Requirements.** These aircraft must be inspected each year in accordance with an inspection plan that contains the scope and detail of appendix D to part 43.

**NOTE: Applicants that do not submit a specific program letter do not meet the intent of § 21.193 and must not be issued a special airworthiness certificate.**

(2) Ensure that the applicant has written in or translated into the English language all of the necessary maintenance, inspection, operating, and flight manual(s) required to safely operate the aircraft.

(3) Verify that maintenance records reflect records of inspections, overhauls, repairs, time-in-service on life-limited articles and engines, etc., and that all records are current.

**NOTE: The requirements in § 91.409(e) are applicable via an operating limitation issued at the time of airworthiness certification for all TPA, regardless of weight. One of the requirements provides for the replacement of life-limited articles at a time specified in documents approved by the FAA.**

(4) If the aircraft is included in group II or group IV (only those aircraft over 12,500 pounds and all TPA regardless of weight) aircraft as described in paragraph 158 of this order, verify that the applicant has a FSDO-approved inspection program that meets the requirements of § 91.409(e). Guidance regarding inspection programs can be found in Order 8900.1.

**NOTE: An airworthiness certificate must not be issued for these aircraft without a FSDO-approved inspection program.**

(5) Verify that the appropriately rated FAA-certificated mechanic has made an entry in the aircraft records documenting the applicable inspections as referenced in paragraph 159 of this order for all aircraft (including new) within 30 days prior to submitting Form 8130-6.

**c. Aircraft Inspection.** The FAA will perform an inspection to the extent necessary to ensure that a prior inspection of the aircraft and aircraft systems has been accomplished in accordance with the inspection requirements as identified in paragraph 88b of this order. The FAA will verify that instruments, instrument markings, and placards are as required by the CFR and are identified in the English language. In addition, the FAA will verify that all measurements are converted to standard U.S. units of measure for those instruments necessary for operation in the U.S. air traffic system.

**NOTE: Depending on the intended operation, the applicable reference would be § 91.205(b), VFR (day); § 91.205(c), VFR (night); or § 91.205(d), IFR. Operators should be alerted that there are specific requirements under part 91 for maintenance and inspection of the various aircraft instruments, and that those requirements are applicable for these aircraft if the instruments are installed, for example, §§ 91.173 through 91.187, 91.215, 91.217, 91.219, 91.411, 91.413, etc.**

## 160. CERTIFICATION PROCEDURES.

a. Once it has been determined that the aircraft meets the requirements for the airworthiness certification requested, the FAA must—

(1) Make an aircraft record entry showing the following, or a similarly worded, statement: “I find this aircraft meets the requirements for a special airworthiness certificate for the purpose(s) of [identify purpose(s)], and have issued a special airworthiness certificate and operating limitations dated \_\_\_\_\_. The next inspection is due \_\_\_\_\_. Signed: John Doe, Aviation Safety Inspector, NM48.”

(2) Issue the airworthiness certificate and appropriate operating limitations in accordance with this order.

b. If the aircraft does not meet the certification requirements and the airworthiness certificate is denied, the FAA will provide a letter to the applicant stating the reason(s) for denial and, if feasible, identify which steps may be accomplished to meet the certification requirements. Should this occur, a copy of the denial letter will be attached to Form 8130-6 and forwarded to AFS-750, and made a part of the aircraft’s record.

c. An FAA inspector may elect to process the aircraft on a one-time certification basis, for example, via the issuance of only one special airworthiness certificate of unlimited duration. In these instances, when issuing the special airworthiness certificate for the purpose(s) of exhibition and/or air racing, the operating limitations will be prescribed in two phases in the same document.

## 161. ISSUANCE OF EXPERIMENTAL EXHIBITION AND AIR RACING OPERATING LIMITATIONS.

a. Operating limitations shall be designed to fit the specific situation encountered. The FAA inspector may impose any additional limitations deemed necessary in the interest of safety. The FAA inspector and/or designee must review each imposed operating limitation with the applicant to ensure that the operating limitations are understood by the applicant.

b. One or more of the following operating limitations, as applicable, must be prescribed:

**NOTE: The group applicability (I-IV) is identified in boldface parentheses at the end of each limitation.**

(1) No person may operate this aircraft unless Form 8130-7 is displayed at the cabin or cockpit entrance so that it is visible to passengers or flightcrew members.

**(Applicability: All)**

(13) Aerobatic maneuvers intended to be performed must be satisfactorily accomplished and recorded in the aircraft records during the flight test period.

**(Applicability: All)**

**NOTE: In addition to the requirements of § 91.303, appropriate limitations identifying the aerobatic maneuvers and conditions under which they may be performed shall be presented. The FAA may witness aerobatic maneuvers if deemed necessary.**

(14) This aircraft may not be operated unless the replacement times for life-limited articles specified in the applicable technical publications pertaining to the aircraft and its articles are complied with. This aircraft, including its related articles, must be inspected in accordance with an approved inspection program selected under the provisions of § 91.409(e). This inspection program must be recorded in the aircraft maintenance records.

**(Applicability: Group II; group IV turbine engine)**

**NOTE: The procedures for approval of this program are described in Order 8900.1.**

(15) This aircraft must not be operated unless it is inspected and maintained in accordance with appropriate military technical publications and/or manufacturer's recommendations. The owner/operator must select, establish, identify, and use an inspection program as set forth in § 91.409(e), (f), (g), and (h). This inspection program must be recorded in the aircraft maintenance records.

**(Applicability: Group II; group III over 800 horsepower; group IV turbine-powered; and group IV over 800 horsepower)**

(16) Inspections must be recorded in the aircraft maintenance records showing the following, or a similarly worded, statement: "I certify that this aircraft has been inspected on [insert date] in accordance with the [identify program, title] FSDO-approved program dated \_\_\_\_\_, and found to be in a condition for safe operation." The entry will include the aircraft's total time-in-service (cycles if appropriate), and the name, signature, certificate number, and type of certificate held by the person performing the inspection.

**(Applicability: Group II; group IV turbine engine)**

(17) No person may operate this aircraft unless within the preceding 12 calendar months it has had a condition inspection performed in accordance with the scope and detail of appendix D to part 43, or other FAA-approved programs, and was found to be in a condition for safe operation. This inspection will be recorded in the aircraft maintenance records.

**(Applicability: Group I; group III under 800 horsepower; group IV non-turbine engine)**

(18) Condition inspections must be recorded in the aircraft maintenance records showing the following, or a similarly worded, statement: "**I certify that this aircraft has been inspected on [insert date] in accordance with the scope and detail of appendix D to part 43, and found to be in a condition for safe operation.**" The entry will include the aircraft's total time-in-service, and the name, signature, certificate number, and type of certificate held by the person performing the inspection.

**(Applicability: Group III under 800 horsepower)**

(19) Inspections must be recorded in the aircraft maintenance records showing the following, or a similarly worded, statement: “I certify that this aircraft has been inspected on [insert date] in accordance with the scope and detail of [identify military technical publications and/or manufacturer’s instructions] and found to be in a condition for safe operation.”

**(Applicability: Group III 800 horsepower and above)**

(20) FAA-certificated repair stations and FAA-certificated mechanics with appropriate ratings as authorized by § 43.3 may perform inspections required by these operating limitations.

**(Applicability: All)**

(21) The cognizant FSDO must be notified, and its response received in writing, prior to flying this aircraft after incorporation of a major change as defined by § 21.93.

**(Applicability: All)**

(22) This aircraft must display the word “EXPERIMENTAL” in accordance with § 45.23(b).

**(Applicability: All)**

(23) This aircraft must contain the placards, markings, etc., required by § 91.9.

**(Applicability: All)**

(24) The pilot in command of this aircraft must hold an appropriate category/class rating. If required for the type of aircraft to be flown, the pilot in command also must hold either an appropriate type rating or a letter of authorization issued by an FAA Flight Standards Operations Inspector.

**(Applicability: Group II; group III 800 horsepower and above, or more than 12,500 pounds; group IV turbojet, or more than 12,500 pounds)**

**NOTE: A letter of authorization is issued in accordance with the procedures described in Order 8900.1, volume 5, chapter 9, section 2, for all training and eligibility requirements. This operating limitation is not applicable to glider aircraft.**

(25) The pilot in command of this aircraft must notify air traffic control of the experimental nature of this aircraft when operating into or out of airports with operating control towers. The pilot in command must plan routing that will avoid densely populated areas and congested airways when operating VFR.

**(Applicability: All)**

(26) The pilot in command of this aircraft should be knowledgeable of and use the procedures described in the EAA’s Jet Operations Manual, or other procedures acceptable to the FAA.

**(Applicability: Group II; group IV)**

(27) The ejection seat system must be maintained in accordance with the manufacturer’s procedures and inspected in accordance with the FSDO-approved inspection program applicable to this aircraft. In addition, the ejection seat system must be mechanically secured to prevent inadvertent operation of the system whenever the aircraft is parked or out of service.

**(As applicable)**

- b. The following operating limitations must be prescribed as applicable:

**NOTE: The applicability is identified in boldface parentheses at the end of each limitation.**

(1) No person may operate this aircraft unless Form 8130-7 is displayed at the cabin or cockpit entrance and visible to passengers or flightcrew members.

**(Applicability: All)**

(2) No person may operate this aircraft for other than the purpose of R&D, showing compliance with regulations, crew training, market surveys, or operating kit-built aircraft, to accomplish the flight operation outlined in the program letter dated \_\_\_\_\_, which describes compliance with § 21.193(d), and has been made available to the pilot in command of the aircraft. In addition, this aircraft must be operated in accordance with applicable air traffic and general operating rules of part 91, and all additional limitations herein prescribed under the provisions of § 91.319(e).

**(Applicability: All)**

(3) All flights must be conducted within the geographical area described as follows: The area must be described by radius, coordinates, and/or landmarks. The designated area must be over open water or sparsely populated areas having light air traffic. The size of the area must be that required to safely conduct the anticipated maneuvers and tests. Multiple-purpose certificates may require individually prescribed geographical areas.

**(Applicability: All)**

**NOTE: This applies to all certificates issued to show compliance with § 91.319(b). When the FAA finds compliance, the operating limitations will be revised to remove the limitation. The aircraft will not be allowed to operate over densely populated areas or in congested airways in accordance with § 91.319(c). The FAA may permit takeoffs and landings to be conducted over densely populated areas or in congested airways. If this operating limitation is issued, it should say, "Except for takeoffs and landings, this aircraft must not be operated over densely populated areas or in congested airways." Limitation No. 5 may be specified in lieu of this operating limitation for PC/APIS holders who have submitted a procedure in accordance with paragraph 165.**

(4) All flights of this aircraft must be conducted within the geographic area indicated on the chart as follows:

**(Applicability: All except kit-built)**

**NOTE: This limitation will be prescribed to expand the area after the FAA finds compliance with § 91.319(b). This limitation applies to the following purposes: R&D, showing compliance, crew training, and market surveys. Limitation No. 5 may be specified in lieu of this operating limitation for PC/APIS holders who have submitted a procedure in accordance with paragraph 165 of this order.**

(5) All flights must be conducted in accordance with [describe the PC/APIS holder's approved operating procedure, for example, ABC Aircraft Co. Experimental Operating Procedure No. 12 (dated)].  
**(Applicability: All except kit-built)**

**NOTE: Limitation No. 5 may be specified in lieu of Nos. 3 and 4 for PC/APIS holders that have submitted a procedure in accordance with paragraph 165 of this order.**

(6) When changing between operating purposes of a multiple-purpose certificate, the operator must determine that the aircraft is in a condition for safe operation and appropriate for the purpose intended. A record entry will be made by an appropriately rated person to document that finding in the aircraft logbook.

**(Applicability: All except kit-built)**

**NOTE: This limitation is not applicable when a PC/APIS holder's experimental operating procedure is specified (see paragraph 165 of this order).**

(7) This aircraft must not be operated unless it is inspected and maintained in accordance with appropriate military technical publications and/or manufacturer's recommendations. The owner/operator must select, establish, identify, and use an inspection program as set forth in § 91.409(e), (f), (g), and (h). This inspection program must be recorded in the aircraft maintenance records.

**(Applicability: All except kit-built)**

(8) The pilot in command of this aircraft must hold an appropriate category/class rating. If required for the type of aircraft to be flown, the pilot in command also must hold either an appropriate type rating or a letter of authorization issued by an FAA Flight Standards Operations Inspector.

**(Applicability: All)**

**NOTE 1: A letter of authorization is issued in accordance with the procedures described in Order 8900.1, volume 5, chapter 9, section 2 for all training and eligibility requirements.**

**NOTE 2: This limitation is applicable to any turbine-powered or reciprocating engine-powered aircraft with a total power greater than 800 horsepower, rotorcraft, aircraft with a maximum takeoff weight exceeding 12,500 pounds, or any other aircraft when deemed necessary. FAA Flight Standards Operations Inspectors should refer to Order 8900.1 for further guidance.**

(9) This aircraft is to be operated under VFR, day only.

**(Applicability: All)**

**NOTE: Section 91.319(d)(2) provides for VFR, day only. If other operations are requested, the authorization will be prescribed as a limitation by selecting operating limitation No. 10 and/or No. 11, as appropriate, and by deleting this limitation.**

(10) This aircraft may be operated under VFR, day and/or night.

**(Applicability: All)**

**NOTE: Section 91.319(d)(2) provides for VFR, day only, unless otherwise specifically authorized by the FAA. This limitation gives that authorization. If other operations are requested, the aircraft must be equipped in accordance with § 91.205.**

(11) This aircraft may be operated under IFR, and must be properly equipped for instrument flight in accordance with § 91.205.

**(Applicability: All)**

**NOTE: Section 91.319(d)(2) provides for VFR, day only, unless otherwise specifically authorized by the FAA. This limitation gives that authorization. If other operations are requested, the aircraft must be equipped in accordance with § 91.205.**

(12) No person may operate this aircraft for carrying persons or property for compensation or hire.

**(Applicability: All)**

(13) No person may be carried in this aircraft during flight unless that person is essential to the purpose of the flight.

**(Applicability: R&D and show compliance only)**

**NOTE: This limitation may be deleted for PC/APIS holders and limitation No. 14 may be specified instead.**

(14) Persons may be carried in accordance with [describe the PC/APIS holder's approved operating procedure, for example, ABC Aircraft Co. Experimental Operating Procedure No. 12 (dated)].

**(Applicability: All except kit-built)**

**NOTE: This limitation is applicable only for PC/APIS holders that have submitted a procedure in accordance with paragraph 165 of this order.**

(15) The pilot in command of this aircraft must advise each passenger of the experimental nature of this aircraft, and explain that it does not meet the certification requirements of a standard certificated aircraft.

**(Applicability: All)**

(16) This aircraft must contain the placards, markings, etc., (or other operating instructions developed for an STC modification) required by § 91.9.

**(Applicability: All)**

**NOTE: Inspectors also will identify the flight manual, flight manual supplements, markings, drawings, etc., as required.**

(17) This aircraft is prohibited from aerobatic flight, that is, an intentional maneuver involving an abrupt change in the aircraft's attitude, an abnormal attitude, or abnormal acceleration not necessary for normal flight.

**(Applicability: All)**

**NOTE: Aerobatic flights may be permitted in the assigned test area. The applicant should be advised that aerobatics or violent maneuvers should not be attempted until sufficient flight experience has been gained to establish that the aircraft is satisfactorily controllable. These operating limitations may be modified to include only those aerobatics/maneuvers that have been satisfactorily accomplished and recorded in the aircraft records during the flight test period. These aerobatics/maneuvers may be permitted upon leaving that assigned test area. Appropriate limitations identifying the aerobatics/maneuvers and conditions under which they may be performed should be prescribed. The FAA may witness aerobatics/maneuvers if deemed necessary.**

(18) This aircraft may conduct aerobatic flight in accordance with § 91.303. Aerobatics must not be attempted until sufficient flight experience has been gained to establish that the aircraft is satisfactorily controllable and in compliance with § 91.319(b). Aerobatic maneuvers intended to be performed must be satisfactorily accomplished and recorded in the aircraft records during the flight test period.

**(Applicability: All)**

(19) The cognizant FSDO must be notified, and its response received in writing, prior to flying this aircraft after incorporation of a major change as defined by § 21.93.

**(Applicability: All except for R&D and show compliance)**

**NOTE: Limitation No. 5 may be specified in lieu of this limitation for PC/APIS holders that have submitted a procedure in accordance with paragraph 165.**

(20) This aircraft must not be used for glider towing, banner towing, or intentional parachute jumping.

**(Applicability: All)**

(21) No person must operate this aircraft unless within the preceding 12 calendar months it has had a condition inspection performed in accordance with appendix D to part 43, or other FAA-approved programs, and was found to be in a condition for safe operation. This inspection will be recorded in the aircraft maintenance records.

**(Applicability: All)**

(22) FAA-certificated repair stations and FAA-certificated mechanics with appropriate ratings as authorized by § 43.3 may perform inspections required by these operating limitations.

**(Applicability: All)**

**192. PURPOSES.** Section 21.197 prescribes the general purposes for which a special flight permit may be issued. The following specific operations also are considered to be within the scope of the general provisions:

- a. Any flight of a U.S.-registered aircraft covered by § 21.197, if the aircraft is capable of safe flight, even though a TC has not been issued.
- b. The delivery of an aircraft of either U.S. or non-U.S. manufacture to the base of the purchaser or to a storage point in the United States.
- c. The operation of non-air carrier four-engine aircraft with one inoperative engine. The provisions of § 91.611 should be used as a guide.
- d. Flying an aircraft whose annual inspection has expired to a base where an annual inspection can be accomplished.
- e. Flying an amateur-built aircraft whose condition inspection has expired to a base where the condition inspection can be accomplished.
- f. Production flight testing of LSA in accordance with § 21.190(c)(7).

**193. APPLICATION AND ISSUANCE (GENERAL).**

a. When the application for a special flight permit is found in compliance with all requirements, the FAA should issue Form 8130-7, with operating limitations deemed necessary for safe operation. The operating limitations must be enumerated on a separate sheet, identified by the aircraft registration and serial number, dated, and signed. The applicant should be advised that Form 8130-7 and attached operating limitations must be displayed in the aircraft in accordance with § 91.203(b).

b. The FAA may assist the applicant by completing Form 8130-6 based on information furnished by telephone, letter, or fax. The name of the applicant should be entered in the space provided for the applicant's signature. A notation as to how the information was received should be entered above the name, for example, "Received by letter dated \_\_\_\_\_." If the information provided is adequate, and all requirements for issuance are satisfied, the ASI may issue a telegraphic or faxed special flight permit with appropriate limitations (except § 21.197(b) for overweight operations). These limitations will include inspection requirements as deemed necessary. The telegraphic or faxed copy of the special flight permit and prescribed operating limitations must be displayed in the aircraft in accordance with § 91.203(b) prior to conducting the special flight.

**NOTE: With exception of the light-sport DAR for production flight testing, designees cannot issue a telegraphic or faxed special flight permit and are required to physically perform the inspection necessary to ensure the aircraft is eligible for the special flight permit.**

c. If a district office processes numerous applications for telegraphic or faxed special flight permits, a standard format may be filed with the local office.

**d.** When Form 8130-6 has been completed, the ASI will complete the telegraphic or faxed special flight permit to include any additional operating limitations that may be required. The completed and signed permit may then be transmitted by fax. The faxed copy of the permit that is received for display in the aircraft at the point of departure will be considered the original permit.

**e.** A copy of each certification document should be retained in the files of the issuing office. Only copies required per paragraph 273a(1) of this order, as applicable, are to be forwarded to AFS-750.

#### **194. AIRCRAFT INSPECTIONS.**

**a.** It is the responsibility of the FAA to determine which inspections or tests are necessary to ensure that the aircraft is capable of safe flight for the intended purpose.

**b.** The FAA must make, or require the applicant to make, appropriate inspections or tests considered necessary for safe flight.

**c.** The FAA must personally inspect damaged aircraft or an aircraft for which the airworthiness is questionable in any respect. The FAA must personally inspect those aircraft models for which a \* U.S. TC has never been issued. The FAA is authorized, at its discretion, to allow a properly certificated mechanic or a repair station to conduct the necessary aircraft inspection(s) in support of the issuance of a special flight permit. \*

**NOTE: If an affirmative, technical determination cannot be made that a particular aircraft is capable of safe operation because of insufficient design, inspection, or maintenance data that normally is available for a type-certificated aircraft, the special flight permit should not be issued.**

**d.** When the FAA requires the applicant to make the inspection, the applicant must be advised that such inspections must be—

(1) Accomplished by an appropriately certificated mechanic or repair station familiar with all of the procedures and requirements contained in this chapter.

(2) Documented in the aircraft logbook by the authorized person who conducted the inspection.

**195. SPECIAL OPERATING LIMITATIONS.** The FAA should establish limitations as deemed necessary for safe operation. Because individual circumstances may vary greatly, a list of limitations applicable in every case cannot be provided. The objective is to ensure safe operation of the aircraft. If necessary, solicit the technical assistance of other FAA offices or specialties. Limitations should be clear and concise so they can be easily understood. In addition to the limitations deemed necessary for the particular flight, the following items must be considered when establishing operating limitations:

**a.** Conformity to the aircraft's technical data.

**b.** Operational equipment necessary for safe operation of the aircraft.

(2) A manufacturer producing aircraft prior to issuance of the TC also is eligible for a special flight permit for production flight testing provided the following conditions are met:

(a) The manufacturer holds a TC and a currently effective PC for at least one other aircraft in the same category.

(b) The FAA official flight test program is in progress.

(c) A prototype aircraft of that model has been flown by the manufacturer under an experimental certificate to ensure that there are no adverse flight characteristics and that production test pilots are fully familiar with the aircraft.

(d) An FAA-accepted production flight test procedure and checklist for the aircraft involved will be used to ensure that all requirements for production flight tests are fulfilled.

(e) The aircraft is not being flown by the manufacturer for purposes other than production flight tests, except as identified in paragraph 198 of this order.

(f) Limitations have been established to define the production flight test area.

(3) A manufacturer producing LSA under § 21.190 is eligible to obtain special flight permits for production flight testing within the provisions established in paragraph 123 of this order.

#### **b. Application and Issue.**

(1) An eligible manufacturer should apply for as many special flight permits for production flight testing as deemed necessary for satisfactory coverage of the aircraft involved. The number of special flight permits for production flight testing issued to the manufacturer must be limited to actual need.

(2) A MIDO that has issued special flight permits for production flight testing should maintain suitable accountability records that show expiration dates not exceeding 12 months from the date of issuance, and the number of permits issued to each manufacturer. It is recommended that each permit issued be numbered serially in the upper-right corner of the airworthiness certificate by the issuing office; for example, SW-MIDO-41. The same serial number may be reassigned to a manufacturer each year. The issuing official must sign each permit and associated limitations in ink above the typed name. A copy of the transmittal letter should be forwarded by the issuing MIDO to the MIO.

**198. SPECIAL FLIGHT PERMIT FOR CONDUCTING CUSTOMER DEMONSTRATION FLIGHTS.** A special flight permit may be used by a manufacturer to meet the requirements of § 91.203 when operating a new production aircraft for the purpose of conducting customer demonstration flights in accordance with § 21.197(a)(5). This permit may be used with Form 8050-3, Form 8050-6, or Form 8050-1. This permit is normally issued only for the purpose of customer demonstration. However, as stated in paragraph 197 of this order, customer demonstration may be listed in block A of Form 8130-7 along with production flight testing, but will not be issued in conjunction with any other special flight permit purposes. When both flight purposes are listed in block A of Form 8130-7, the aircraft's operating limitations must clearly state that no customer demonstration flights are allowed

until the aircraft has satisfactorily completed its production flight tests. The format for listing both flight purposes is “Production Flight Testing or Customer Demonstration.”

**NOTE: The meaning of the word “customer” for the purpose of this airworthiness certificate means any person or organization judged by the manufacturer to be an acknowledged or potential aircraft purchaser.**

**a. Eligibility.** A special flight permit for conducting customer demonstration flights may be issued when the following conditions are met:

(1) The new production aircraft was produced under a PC or TC.

(2) The PC/TC holder has satisfactorily completed production flight tests. Completion of production flight tests indicates acceptance by the production flight test pilot and no further flight tests are required or planned.

**b. Application and Issue.**

(1) A letter from the manufacturer must accompany the application describing the customer demonstration flights to be made if sufficient information cannot be included on the application.

(2) Upon receipt of a properly executed application, the issuing FAA representative must inspect the aircraft and prescribe the operating limitations in accordance with paragraphs 166 and 195 of this order, as deemed necessary for safe operation. It is not necessary to repeat the limitations on the reverse side of Form 8130-7, except for the statement, “Subject to D(2) on reverse side,” which must be entered in block C on the face side of the form. The demonstration flight area(s) also must be listed on the operating limitations. Special flight permits may be issued only for the period needed to complete demonstration flights, usually not to exceed 90 days.

(3) If the MIDO determines that the PC holder has procedures in place to safeguard the storage and issuance of special flight permits for customer demonstration flights, permits that are transferable from one aircraft to another may be issued. It is still necessary to prescribe operating limitations in accordance with paragraphs 166 and 195 of this order, as deemed necessary for safe operation. The statement, “Subject to D(2) on reverse side” must be entered in block C on the face side of Form 8130-7. The expiration date shown on Form 8130-7 and the associated limitations must not exceed 12 months from the date of issuance. The permits issued in this manner should be serialized so as to differentiate them from any production flight permits which may have been issued. The number of special flight permits for conducting customer demonstration flights issued to a manufacturer must be limited to actual need.

(4) The MIDO issuing special flight permits for customer demonstration flights will maintain a copy of the complete file in accordance with record retention requirements.



## FIGURE 4-12. SAMPLE SPECIAL AIRWORTHINESS CERTIFICATE AND OPERATING LIMITATIONS FOR PRIMARY CATEGORY AIRCRAFT



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Small Airplane Directorate

### EXPERIMENTAL – KIT BUILT AIRCRAFT OPERATING LIMITATION

MAKE: Night-Test

MODEL: N7-XRay

S/N: NX09

REG. NUMBER: N654GL

1. This aircraft must not be operated outside the assigned test area until it has been shown to comply with Federal Aviation Regulation (FAR) Section 91.319(b). A log book entry must be made by the person finding compliance. Flight test area (describe area needed to test aircraft).
2. No person may operate this aircraft for other than the purpose for which the special airworthiness certificate was issued and the aircraft must be operating in accordance with the applicable FAA Air Traffic and General Operating Rules.
3. No operations must be conducted over densely populated areas or in congested airways, except for takeoffs and landings.
4. Operator of this aircraft shall notify the control tower of the experimental nature of this aircraft when operating into or out of airports with operating control towers.
5. Unless appropriately equipped for night and/or instrument flight in accordance with FAR 91.205, this aircraft shall be operated Day VFR only.
6. This aircraft must contain the placards, markings, etc., required by FAR 91.9, as applicable.
7. No person may operate this aircraft for carrying persons or property for compensation or hire.
8. The person operating this aircraft shall advise each person carried of the experimental nature of this aircraft.
9. Aerobatic flights are limited to the aerobatics described in the aircraft log book or contained in placards are permitted.
10. Any major change to this aircraft, as defined by FAR 21.93, invalidates the special airworthiness certificate issued for this aircraft.
11. FAA-certificated mechanics holding an Airframe and Powerplant rating, and appropriately rated repair station may perform condition inspections in accordance with Appendix D of Part 43.
12. Condition inspections must be recorded in the aircraft maintenance records showing the following or a similarly worded statement: "I certify that this aircraft has been inspected on (insert date) in accordance with the scope and detail of Appendix D of Part 43 and found to be in a condition for safe operation." The entry will include the aircraft total time-in-service, name, signature, and certificate type and number of the person performing the inspection.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FAA Representative

\_\_\_\_\_  
Designation

**FIGURE 4-19. SAMPLE FORM 8130-7, SPECIAL FLIGHT PERMIT**

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION <b>SPECIAL AIRWORTHINESS CERTIFICATE</b>		
<b>A</b>	CATEGORY/DESIGNATION Special Flight Permit	
	PURPOSE Production Flight Testing or Customer Demonstration	
<b>B</b>	MANUFACTURER NAME The Boeing Company	
	ADDRESS P.O. Box 767, Renton WA 13567	
<b>C</b>	FLIGHT FROM N/A	
	TO N/A	
<b>D</b>	N- N/A SERIAL NO. N/A	
	BUILDER N/A MODEL N/A	
<b>E</b>	DATE OF ISSUANCE 01/31/2001 EXPIRY 01/31/2001	
	OPERATING LIMITATIONS DATED 01/31/2001 ARE PART OF THIS CERTIFICATE	
	SIGNATURE OF FAA REPRESENTATIVE Sam T. Smith <i>Sam T. Smith</i>	DESIGNATION OR OFFICE NO. NM-XX
<small>Any alteration, reproduction or misuse of this certificate may be punishable by a fine not exceeding \$1,000 or imprisonment not exceeding 3 years, or both. THIS CERTIFICATE MUST BE DISPLAYED IN THE AIRCRAFT IN ACCORDANCE WITH APPLICABLE TITLE 14, CODE OF FEDERAL REGULATIONS (CFR).</small>		

FAA Form 8130-7 (07/04)

SEE REVERSE SIDE

<b>A</b>	This airworthiness certificate is issued under the authority of Public Law 104-6, 49 United States Code (USC) 44704 and Title 14, Code of Federal Regulations (CFR).
<b>B</b>	The airworthiness certificate authorizes the manufacturer named on the reverse side to conduct production flight tests, and only production flight tests, of aircraft registered in his name. No person may conduct production flight tests under this certificate: (1) Carrying persons or property for compensation or hire; and/or (2) Carrying persons not essential to the purpose of the flight.
<b>C</b>	This airworthiness certificate authorizes the flight specified on the reverse side for the purpose shown in Block A.
<b>D</b>	This airworthiness certificate certifies that as of the date of issuance, the aircraft to which issued has been inspected and found to meet the requirements of the applicable CFR. The aircraft does not meet the requirements of the applicable comprehensive and detailed airworthiness code as provided by Annex 8 to the Convention On International Civil Aviation. No person may operate the aircraft described on the reverse side: (1) except in accordance with the applicable CFR and in accordance with conditions and limitations which may be prescribed by the Administrator as part of this certificate; (2) over any foreign country without the special permission of that country.
<b>E</b>	Unless sooner surrendered, suspended, or revoked, this airworthiness certificate is effective for the duration and under the conditions prescribed in 14 CFR Part 21, Section 21.181 or 21.217.

**FIGURE 4-20. SAMPLE FORM 337, MAJOR REPAIR AND ALTERATION**

 US Department of Transportation Federal Aviation Administration		<b>MAJOR REPAIR AND ALTERATION</b> (Airframe, Powerplant, Propeller, or Appliance)		Form Approved OMB No. 2120-0020 2/28/2011	Electronic Tracking Number
				For FAA Use Only:	
INSTRUCTIONS: Print or type all entries. See Title 14 CFR §43.9, Part 43 Appendix B, and AC 43.9-1 (or subsequent revision thereof) for instructions and disposition of this form. This report is required by law (49 U.S.C. §44701). Failure to report can result in a civil penalty for each such violation. (49 U.S.C. §46301(a))					
1. Aircraft	Nationality and Registration Mark N9314Z		Serial No. 4312		
	Make Beech		Model D50A	Series	
2. Owner	Name (As shown on registration certificate) Ted K. Bauer		Address (As shown on registration certificate) Address 1496 Oak Lane City Vienna State VA Zip 21666 County USA		
	<b>3. For FAA Use Only</b>				
No person may operate this aircraft, as altered herein, unless it has within it an appropriate and current Special Flight Permit issued under the provisions of 14 CFR part 21.					
<b>4. Type</b>		<b>5. Unit Identification</b>			
Repair	Alteration	Unit	Make	Model	Serial No.
<input type="checkbox"/>	<input type="checkbox"/>	AIRFRAME	_____	(As described in item 1 above)	_____
<input type="checkbox"/>	<input type="checkbox"/>	POWERPLANT			
<input type="checkbox"/>	<input type="checkbox"/>	PROPELLER			
<input type="checkbox"/>	<input type="checkbox"/>	APPLIANCE	Type		
			Manufacturer		
<b>6. Conformity Statement</b>					
A. Agency's Name and Address			B. Kind of Agency		
Name Flight Inc.			U. S. Certificated Mechanic		Manufacturer
Address 419 Harford Road			Foreign Certificated Mechanic		C. Certificate No.
City Windsor Locks State CT			<input checked="" type="checkbox"/> Certificated Repair Station		1234
Zip 06066 County USA			Certificated Maintenance Organization		Airframe Class 3
D. I certify that the repair and/or alteration made to the unit(s) identified in item 5 above and described on the reverse or attachments hereto have been made in accordance with the requirements of Part 43 of the U.S. Federal Aviation Regulations and that the information furnished herein is true and correct to the best of my knowledge.					
Extended range fuel per 14 CFR Part 43 App. B <input type="checkbox"/>		Signature/Date of Authorized Individual S.J. Wilborn/ 11/16/2009			
<b>7. Approval for Return to Service</b>					
Pursuant to the authority given persons specified below, the unit identified in item 5 was inspected in the manner prescribed by the Administrator of the Federal Aviation Administration and is <input type="checkbox"/> Approved <input type="checkbox"/> Rejected					
BY	<input checked="" type="checkbox"/>	FAA Fit. Standards Inspector	Manufacturer	Maintenance Organization	Persons Approved by Canadian Department of Transport Other (Specify)
	<input type="checkbox"/>	FAA Designee	Repair Station	Inspection Authorization	
Certificate or Designation No.		Signature/Date of Authorized Individual A.W. Reed/ 11/18/2009			

FAA Form 337 (10-06)

**FIGURE 4-22. SAMPLE FORM 8130-7, SPECIAL FLIGHT PERMIT LSA**

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION <b>SPECIAL AIRWORTHINESS CERTIFICATE</b>		
<b>A</b>	CATEGORY/DESIGNATION    Special Flight Permit	
	PURPOSE    Production Flight Testing LSA	
<b>B</b>	MANU-FACTURER    NAME    The Acme Company	
	ADDRESS    420 W Jackson, Mexico MO 65265	
<b>C</b>	FLIGHT    FROM    N/A	
	TO    N/A	
<b>D</b>	N-1234LS    SERIAL NO.    0007	
	BUILDER    Acme Co.    MODEL    Pegasus	
<b>E</b>	DATE OF ISSUANCE    09/01/2004    EXPIRY    09/08/2004	
	OPERATING LIMITATIONS DATED 09/01/2004 ARE PART OF THIS CERTIFICATE	
	SIGNATURE OF FAA REPRESENTATIVE Sam T. Smith <i>Sam T. Smith</i>	DESIGNATION OR OFFICE NO. CE-XX
<small>Any alteration, reproduction or misuse of this certificate may be punishable by a fine not exceeding \$1,000 or imprisonment not exceeding 3 years, or both. THIS CERTIFICATE MUST BE DISPLAYED IN THE AIRCRAFT IN ACCORDANCE WITH APPLICABLE TITLE 14, CODE OF FEDERAL REGULATIONS (CFR).</small>		

FAA Form 8130-7 (07/04)

SEE REVERSE SIDE

<b>A</b>	This airworthiness certificate is issued under the authority of Public Law 104-6, 49 United States Code (USC) 44704 and Title 14, Code of Federal Regulations (CFR).
<b>B</b>	The airworthiness certificate authorizes the manufacturer named on the reverse side to conduct production flight tests, and only production flight tests, of aircraft registered in his name. No person may conduct production flight tests under this certificate: (1) Carrying persons or property for compensation or hire; and/or (2) Carrying persons not essential to the purpose of the flight.
<b>C</b>	This airworthiness certificate authorizes the flight specified on the reverse side for the purpose shown in Block A.
<b>D</b>	This airworthiness certificate certifies that as of the date of issuance, the aircraft to which issued has been inspected and found to meet the requirements of the applicable CFR. The aircraft does not meet the requirements of the applicable comprehensive and detailed airworthiness code as provided by Annex 8 to the Convention On International Civil Aviation. No person may operate the aircraft described on the reverse side: (1) except in accordance with the applicable CFR and in accordance with conditions and limitations which may be prescribed by the Administrator as part of this certificate; (2) over any foreign country without the special permission of that country.
<b>E</b>	Unless sooner surrendered, suspended, or revoked, this airworthiness certificate is effective for the duration and under the conditions prescribed in 14 CFR Part 21, Section 21.181 or 21.217.

**FIGURE 4-23. SAMPLE SPECIAL FLIGHT PERMIT  
OPERATING LIMITATIONS FOR LSA CATEGORY PRODUCTION FLIGHT TESTING**



Small Airplane Directorate  
U.S. Department  
of Transportation

**Federal Aviation  
Administration**

**SPECIAL FLIGHT PERMIT  
OPERATING LIMITATIONS**

MAKE: ACME    MODEL: Flyer I

S/N: 00002    REG. NUMBER: NXXXX

1. No person may operate this aircraft for other than the purpose of meeting the requirements of § 21.190(c)(7) during flight testing. In addition, this aircraft must be operated in accordance with applicable air traffic and general operating rules of part 91 and all additional limitations herein prescribed. These operating limitations are a part of a special flight permit and are to be carried in the aircraft at all times and be available to the pilot in command of the aircraft.
2. All flight must be conducted within the geographical area described as follows. The area must be described by radius, coordinates, and/or landmarks. The designated area must be over open water or sparsely populated areas having light air traffic. The size of area must be that required to safely conduct the anticipated maneuvers and tests.
3. All flights must be conducted and recorded in accordance with the manufacturer's production acceptance test procedure that meets the applicable consensus standard.
4. This aircraft is to be operated under VFR, day only.
5. The production test pilot in command of this aircraft must hold at least a private pilot certificate, have obtained the appropriate logbook endorsements to act as pilot in command, and have a minimum of 100 hours as a pilot in command in that category and class.
6. The production test pilot is to be the sole occupant.

\_\_\_\_\_  
Date      FAA Representative

\_\_\_\_\_  
Designation

## CHAPTER 5. EXPORT APPROVAL PROCEDURES

### SECTION 1. GENERAL INFORMATION

**214. GENERAL.** This chapter provides policy and procedures for the issuance of export approvals under the provisions of part 21, subpart L, Export Airworthiness Approvals.

a. A number of countries have identified special requirements and conditions with which the FAA must comply. Compliance by the exporter is required before the importing country/jurisdiction will validate the FAA export approval. AC 21-2 identifies these special requirements. Appendix 2 to AC 21-2 refers to the various countries' and jurisdictions' requirements. Specific requirements also are identified in BASA IPA. In many cases, the specific application forms or other documents referenced in AC 21-2 are not available in FAA field offices. In such cases, it will be necessary for the exporter, not the FAA, to obtain these documents directly from the appropriate CAA.

**NOTE: The most recent updates to AC 21-2 may be accessed through the Internet at <http://www.airweb.faa.gov/AC>. Under "Advisory Circulars," "Current ACs," select "By Number." Scroll down until you see AC 21-2. Select the link. The AC is available as a PDF file to be printed or downloaded.**

b. "Special requirements" are those administrative requirements that must be satisfied as a condition of shipment at the time of export, for example, the requirement for Form 8130-4, copies of logbooks, flight manuals, etc. When a product does not meet the special requirements of an importing country or jurisdiction, the exporter must obtain a written statement from the CAA of that country/jurisdiction indicating acceptance of the deviation. This statement must accompany each application for an Export C of A.

c. When any requirements, including the special requirements determined necessary by the importing country/jurisdiction for its certification basis (for example, changes to meet environmental conditions), cannot or will not be satisfied, the exporter must obtain a written statement from the CAA of the importing country/jurisdiction indicating acceptance of the deviation. Exporters are encouraged to obtain information on additional requirements directly from the CAA of the importing country/jurisdiction.

d. In addition to a letter of acceptance from the importing CAA, the items not complied with must be identified in the Exceptions block of the Export C of A or on the export airworthiness approval.

e. AC 21-23, lists the countries/jurisdictions with which the United States has concluded formal bilateral agreements for reciprocal acceptance of Export Certificates of Airworthiness. Updated information on each agreement is available on the Internet at [http://www.faa.gov/aircraft/air\\_cert/international/bilateral\\_agreements](http://www.faa.gov/aircraft/air_cert/international/bilateral_agreements). Special requirements listed in AC 21-2 include those submitted by some of the bilateral agreement countries/jurisdictions, as well as special requirements submitted by countries/jurisdictions with whom no formal agreement exists.

**f.** An export approval may be issued upon request for a product to be exported to a country/jurisdiction not covered in AC 21-2 or AC 21-18, Bilateral Airworthiness Agreements. Such an approval would certify compliance with U.S. airworthiness standards only. Assurance of compliance with any other requirements the country/jurisdiction may impose would be the responsibility of the exporter and importer.

**g.** Form 8130-4 certifies compliance with applicable requirements but DOES NOT CONSTITUTE AUTHORITY TO OPERATE AN AIRCRAFT. When issued for new aircraft, the certification is considered original. When the aircraft is imported back into the United States, the certification is considered recurrent.

**h.** Additional information and guidance concerning airworthiness certificates and/or flight permits can be found in AC 20-65, U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft.

**215.-217. RESERVED FOR FUTURE CHANGES.**

## SECTION 2. EXPORT APPROVALS

**218. ELIGIBILITY.** Any person may apply for an export airworthiness approval. Aircraft are eligible for an Export C of A if they meet the requirements of § 21.329. Aircraft engines, propellers, and articles are eligible for an export airworthiness approval if they meet the requirements of § 21.331.

**219. SECTION 21.325, EXPORT AIRWORTHINESS APPROVALS.** This section covers the manner in which aircraft, aircraft engines, propellers and articles are exported. A sample Export Certificate of Airworthiness, FAA Form 8130-4, is shown in figure 5-1 of this order.

**a. Unassembled Aircraft.** All new aircraft presented for export approval must be completely assembled and flight tested. Because compliance with the PC rules ensures conformity with the approved type design, aircraft certificated under parts 23 and 27, or CAR parts 3, 4a, and 6, as well as gliders manufactured under a PC, are exempt from this requirement. If these aircraft are shipped unassembled, the exporter must furnish to the importing CAA the manufacturer's assembly instructions and the FAA-approved flight test checkoff form. Care should be taken to ensure the importing country/jurisdiction has no special requirements that prohibit importing unassembled aircraft.

**b. Products Located in Countries Other Than the United States.** Section 21.325(c) permits the issuance of export approvals for used aircraft, aircraft engines, and propellers located in other countries/jurisdictions. The applicable field office is responsible for determining whether the acceptance of these products, any necessary FAA inspections, and the issuance of these approvals would create an undue burden on the FAA. This regulation was adopted as a service to U.S. citizens abroad to assist them in the legitimate disposal of used airworthy products to other countries/jurisdictions. Caution should be exercised to ensure that this feature of the regulation is not used as a means of obtaining an easy "rubber stamp" approval. Before accepting an application, the geographically responsible international office should make sure that the applicant is willing and able to meet all applicable requirements.

**c. Issuance of an Export C of A for U.S.-Manufactured Aircraft Located in Another Country.** The FAA will not issue Form 8130-4 to U.S.-manufactured aircraft located in another country/jurisdiction unless it possesses a valid U.S. airworthiness certificate. The aircraft would then meet the requirements of § 21.329.

**d. The Date of Issuance of an Export Airworthiness Approval.** The date of issuance of an export airworthiness approval is the date the product was inspected by the FAA, found to comply with the applicable requirements, and determined to be airworthy.

**220. SECTION 21.327, APPLICATION.** Chapter 8 of this order provides instructions for filling out FAA Form 8130-1, Application for an Export Certificate of Airworthiness. Part I of the form must be completed for aircraft. Aircraft engines, propellers, and articles do not require a written application. In this case, an oral application or request should be made to the FAA or designated representative of the FAA authorized to issue those approvals.

**221. ISSUANCE OF FORM 8130-4, EXPORT CERTIFICATE OF AIRWORTHINESS, FOR AIRCRAFT (§ 21.329).**

a. An Export C of A may be issued only for COMPLETE aircraft shown by the applicant to meet the applicable requirements specified under § 21.329. Aircraft that are exported disassembled are considered complete aircraft.

b. Under the provisions of this section, new or used U.S.-manufactured aircraft do not require a standard airworthiness certificate or a special airworthiness certificate in the restricted or primary category to be issued prior to export, but are required to meet the requirements for such a certificate. Aircraft manufactured in another country/jurisdiction are required to possess a valid U.S. standard airworthiness certificate issued under the provisions of § 21.183(c), or a special airworthiness certificate in the restricted category issued under the provisions of § 21.185(c). Any other aircraft not meeting the requirements for a standard airworthiness certificate, or a special airworthiness certificate in the restricted or primary category, are not eligible to receive an Export C of A unless the importing country/jurisdiction accepts the aircraft in accordance with § 21.329(b).

**222. ISSUANCE OF FORM 8130-3, AIRWORTHINESS APPROVAL TAG, FOR ENGINES, PROPELLERS, AND ARTICLES (§ 21.331).** Export airworthiness approvals for aircraft engines, propellers, and articles are issued using FAA Form 8130-3. Instructions for completing Form 8130-3 are found in FAA Order 8130.21, Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag.

**223. RESERVED FOR FUTURE CHANGES.**

**224. RESPONSIBILITIES OF EXPORTERS (§ 21.335).** Each exporter receiving an export airworthiness approval for a product or article must:

a. Forward to the importing country or jurisdiction all documents and information specified by that country/jurisdiction.

b. Preserve and package products and articles as necessary to protect them against corrosion and damage during transit or storage and state the duration of effectiveness of such preservation and packaging.

c. Remove, or cause to be removed, any temporary installation incorporated on an aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight.

d. Secure all proper foreign entry clearances from all of the countries/jurisdictions involved when conducting sales demonstration or delivery flights.

e. Ensure that the following regulatory responsibilities under § 21.335 (when the title to an aircraft passes or has passed to a foreign purchaser) are fulfilled. The FAA should remind the exporter of these responsibilities:

(1) Request cancellation of the U.S. registration and airworthiness certificates from the FAA, giving the date of the transfer of title and the name and address of the new owner.

(2) Return the registration and airworthiness certificates, Form 8050-3 and Form 8100-2, to AFS-750.

(3) Submit a statement to the address below certifying that the U.S. identification and registration numbers have been removed from the aircraft in compliance with § 45.33.

**Federal Aviation Administration  
Aircraft Registration Branch, AFS-750  
P.O. Box 25504  
Oklahoma City, OK 73125-0504**

f. Although not specifically described in the regulations, when exporting an unassembled aircraft, the exporter should forward the manufacturer's assembly instructions and an FAA-approved flight test checkoff form to the CAA of the importing country/jurisdiction.

**225. RESERVED FOR FUTURE CHANGES.**

**226. RESERVED FOR FUTURE CHANGES.**

**227. DETERMINATION OF "NEW" AND "USED" PRODUCTS.**

a. The regulations do not define "new" or "used" products. There should be no problem in making this determination with uninstalled aircraft engines, propellers, or articles, because any time-in-service makes them used products.

b. An aircraft may be considered new as long as ownership is retained by the manufacturer, distributor, or dealer; if there is no intervening private owner, lease, or time-sharing arrangements; and if the aircraft has not been used in any pilot school and/or air taxi operation. An aircraft is still considered new regardless of the operating time logged by the manufacturer, distributor, or dealer when the following apply:

(1) The aircraft is built from spare and/or surplus articles, even though the articles may be used as well as new, and has been operated under an experimental airworthiness certificate only for the purpose of conducting flight tests for meeting the requirements set forth in § 21.127 by the applicant and by an FAA test pilot.

(2) The aircraft has been maintained in accordance with the overhaul provisions of part 43, as applicable.

(3) The U.S. Export C of A reflects the information required by paragraph 228 of this order.

**228. PREPARATION OF EXPORT CERTIFICATES OF AIRWORTHINESS.** Upon determining that the product is satisfactory, Form 8130-4 (GPO pad only) will be prepared in duplicate. The make, model, and serial number of all installed engines and propellers must be included on the form.

a. If the aircraft has been examined and found to be nonconforming with the FAA type design, or the import type design; or the special import requirements have not been met, the Export C of A should not be issued until either:

(1) The applicant corrects the nonconformities, or

(2) The FAA obtains a written statement from the CAA of the importing country/jurisdiction signifying its acceptance of the product with the nonconformities as listed. Requests for acceptance of nonconformities to the importing country CAA should be transmitted to and received from authority to authority. The U.S. exporter should first prepare a technical description of the nonconformities to the type design or specific nonconformities related to other special importing requirements. The FAA should then prepare an accompanying cover letter for direct transmittal to the importing CAA requesting the CAA's acceptance of the nonconformities and a return reply to the FAA before export.

**NOTE: For countries with which the United States has a BASA, instructions for transmittal of requests for acceptance of nonconformities are contained in the IPA section titled "Export Certificate for Airworthiness Exceptions." For BAA countries/jurisdictions, the requests for acceptance of nonconformities should be directed to the importing CAA's appropriate contact identified on the AIR-40 "Certification Authorities Contact List." For all non-bilateral countries/jurisdictions, if an appropriate recipient and address is unknown, AIR-40 should be contacted directly for assistance.**

(3) If a written statement of acceptance is received by the FAA from the importing CAA, the nonconformities should be listed on the Export C of A under "Exceptions," with a reference to the importing country's written statement of acceptance (for example, letter by subject and date, facsimile). Other items not related to the type design but failing to meet the importing country's/jurisdiction's requirements will be attached to the Export C of A. The completed Export C of A and a copy of the importing authority's letter, facsimile, or other such document, should be provided to the exporter, and the product may then be released for export. The original statement of acceptance (for example, letter or facsimile) from the importing authority should be submitted to AFS-750 with the appropriate export certification documentation required by paragraph 273 of this order.

b. When other than a domestic manufactured product is being exported to a third party country/jurisdiction with whom a bilateral agreement is in effect, the following statement will be inserted on the Export C of A under Exceptions: "This [product] was not manufactured in the United States and this certificate is not issued pursuant to the bilateral agreement providing for the reciprocal recognition of airworthiness certificates between the United States and the government of [name of country/jurisdiction] which has stated its willingness to accept this certificate under these conditions, as indicated in their communication, reference \_\_\_\_\_, dated \_\_\_\_\_."

**NOTE: The above statement is not applicable if the bilateral agreement provides for “third party” acceptance of airworthiness from an importing country/jurisdiction that is not the State of Manufacture.**

c. The Export C of A is an official U.S. Government document issued to other countries/jurisdictions. All entries must be typewritten and no erasures or strikeouts are permitted. The original and duplicate copy of the certificate must be signed in dark (preferably black) permanent ink above the typed name of the ASI or designee. The original will be given to the applicant or applicant’s representative, together with those documents required with the aircraft. Provisions should be made to preclude the Export C of A from becoming mutilated in transit.

d. The following instructions apply to preparation of the Export C of A when temporary installations, such as provisions for extra fuel or navigational equipment, have been made for the purpose of export delivery:

(1) If the Export C of A is issued AFTER the installation has been made, either by the manufacturer or by other persons, the following statement or equivalent should be inserted under Exceptions: “A temporary [insert type of installation] has been installed in this aircraft in conformity with [insert drawing numbers, or other data to which conformity was shown] to facilitate its delivery flight. This certificate is valid when the temporary installation is removed.” Copies of all referenced drawings and data should accompany the original Export C of A when it is submitted to the applicant or the applicant’s representative.

(2) If the Export C of A is issued BEFORE making the temporary installation, such as at the manufacturer’s plant, and the aircraft is then flown to another location for installation of the temporary equipment, the Export C of A should reflect the configuration of the aircraft at the time the certificate was issued. It then becomes the responsibility of the exporter and importer to secure the installation documents or data required by the CAA of the country/jurisdiction of import. The U.S. Export C of A may not be amended, reissued, or revalidated after original issuance.

e. If there are no exceptions, type the word “None” in the Exceptions block. If additional information is to be provided, it is permissible to type in the words “Additional Information” under the Exceptions block. If the importing country/jurisdiction has notified the FAA that it wishes to have a conforming statement to its approved design, a statement similar to the following example must be included for new products: “This aircraft conforms to [insert importing country/jurisdiction] approved type certificate number [insert number].”

**NOTE: The conforming statement does not apply to USED aircraft.**

f. The entries at the bottom of the form must be completed as follows:

(1) **Signature of Authorized Representative.** The name and FAA authority of the person signing the form should be typed adjacent to or under the signature with the signature signed in black ink on the original and copy(s).

(2) **Date.** Enter the date the inspection of the aircraft was completed.

**(3) District Office or Designee Number.**

- (a) An ASI must enter the district office designation.
- (b) An individual designee must enter the letters DMIR/DAR and the designation number.
- (c) An ODA must enter the name of the company, "ODA," and their ODA number.

**229. APPROVAL OF MODIFICATIONS.** In many instances, an aircraft that conforms to the type design may be modified prior to export, in accordance with the purchaser's requirements. The responsibility for approval and recording of such modifications primarily would be dependent upon the registration status of the aircraft. The following guidelines should be used in issuing Export Certificates of Airworthiness for modified aircraft:

a. If the aircraft is modified while under U.S. registry, the applicable rules in parts 21 or 43 may apply. Depending on whether any airworthiness certificate had been issued, any necessary test flying would require the issuance of an experimental certificate. The Export C of A would not require any listing of exceptions, because the aircraft would meet the appropriate FAA standards, whether the Export C of A is issued before or after the FAA-approved modifications.

b. If the aircraft is modified after it has been removed from the U.S. register, approval of the modifications becomes the responsibility of the CAA of the country/jurisdiction of registry or intended registry. The applicant or exporter is responsible for obtaining the approval. Any test flying that may be necessary would require the issuance of an SFA. The Export C of A would require no listing of exceptions if the aircraft conformed to the type design before the modifications. However, if the Export C of A is issued after the aircraft is modified, reference to the documentary evidence of non-U.S. approval should be shown under Exceptions.

**230. EXPORT CERTIFICATE NUMBER ASSIGNMENT CARD.**

a. Aeronautical Center Form 8050-72, Export Certificate Number Assignment Card (figure 5-3), is a serial-numbered card used to facilitate the identification and recording of the official export files in Oklahoma City and is accountable. These cards will be furnished by AFS-750 when requested by the regional or directorate offices. The cards will be distributed to the district offices, which are accountable for controlling them.

b. This card is to be completed by the FAA from the information submitted in the application, ensuring that the identity of the aircraft and the application agree. Insert the card serial number on the application, Form 8130-1, and on Form 8130-4.

c. Corrections may be made and information erased on this card if necessary. For example, if the card is completed for an aircraft to be exported, and the aircraft is then not exported, the information on the card may be erased and the card used for another aircraft.

**NOTE: District offices will provide FAA designees with a supply of these cards as required. Regional/district offices will maintain accountability records of these cards.**

**231. ROUTING AND PROCESSING OF EXPORT FILES.** After the issuance of Form 8130-4, the ASI or designee must complete part III of Form 8130-1. All files, including those processed by designees and DOA manufacturers, must be reviewed by the geographically responsible district office before sending them to AFS-750. A file review will be indicated by a signature of the reviewing ASI, the district office number, and the date placed in block No. 23 of Form 8130-1. If the file is not checked, omit the signature in item No. 23, but fill in the district office number and date. The documents specified in paragraph 273 of this order, including special export files processed under § 21.339, are to be forwarded promptly to AFS-750 as the final step in the certification process.

**232. ISSUANCE OF EXPORT CERTIFICATES OF AIRWORTHINESS FOR AIRCRAFT TYPE-CERTIFICATED IN MULTIPLE CATEGORIES.** To retain eligibility for issuance of an Export C of A as a standard aircraft after having been operated in the restricted category, the following items apply:

a. While being operated in the restricted category, any changes made to the aircraft that are to be retained when in normal category operation, or any operations that are outside of the standard category operating limitations, must be approved in accordance with the regulations and procedures applicable to an aircraft having a standard airworthiness certificate.

b. If the TCDS for an aircraft includes both standard and restricted category, and the maximum gross weight and/or other operating limitations for the restricted category are higher than that for standard category, the aircraft is NOT eligible for issuance of an Export C of A as a standard aircraft, after having been operated in the restricted category, unless:

(1) The TCDS specifically states that the aircraft is eligible for operation in the standard category after having been operated at the limitations applicable to the restricted category; or

(2) If the TCDS does not have such a note or other reference, the operations outside of the standard category operating limitations, including increased gross weight, had been approved as appropriate for an aircraft having a standard airworthiness certificate.

**233. ISSUANCE OF EXPORT CERTIFICATES OF AIRWORTHINESS FOR RESTRICTED CATEGORY AIRCRAFT.** The following comment will be included under Exceptions: “The above is a restricted category aircraft. This aircraft has not been determined to meet the international standards concerning the airworthiness of aircraft as provided for in Annex 8 to the Convention on International Civil Aviation.”

**234. CONTROVERSIAL INFORMATION.** If, for any reason, the previously listed information results in a controversy or is contrary to existing requirements, the exporter should be advised that the issue is to be settled between the exporter, the importer, and the CAA of the importing country/jurisdiction.

**235.-237. RESERVED FOR FUTURE CHANGES.**

**INTENTIONALLY LEFT BLANK**

**FIGURE 5-1. SAMPLE FORM 8130-4,  
EXPORT CERTIFICATE OF AIRWORTHINESS**

The United States of America  
Department of Transportation  
Federal Aviation Administration  
Washington, D.C.

No. \_\_\_\_\_

**Export Certificate of Airworthiness**

This certifies that the product identified below and particularly described in Specification(s)<sup>1</sup> of the Federal Aviation Administration, Numbered \_\_\_\_\_ has been examined as of the date of this certificate, is considered airworthy in accordance with a comprehensive and detailed airworthiness code of the United States Government, and is in compliance with those special requirements of the importing country filed with the United States Government, except as noted below. The certificate in no way attests to compliance with any agreements or contracts between the vendor and purchaser, nor does it constitute authority to operate an aircraft.

Product:

Manufacturer:

Model:

Serial No:

New:                      Newly overhauled:                      Used aircraft:

Country to which exported:

Exceptions:

\_\_\_\_\_  
*Signature of Authorized Representative*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*District Office or Designee Number*

<sup>1</sup> For complete aircraft, list applicable specification or type certificate data sheet for the aircraft, engine, and propeller. Applicable specification or type certificate data sheet, if not attached to this export certificate, will have been forwarded to the appropriate governmental office of the importing country.

**FIGURE 5-2. SAMPLE FORM 8130-1,  
APPLICATION FOR EXPORT AIRWORTHINESS APPROVAL (FACE SIDE)**

 U.S. Department of Transportation Federal Aviation Administration	<b>Application for Export Certificate of Airworthiness</b>	Export Certificate No.				
INSTRUCTIONS – This application is to be submitted to an authorized FAA representative (one copy) when the product(s) to be exported is (are) presented for inspection. Use Part I for products and Part II for articles. For complete aircraft execute items 1 through 11, as applicable. For engines and propellers, omit item 5A. Part III is for FAA use only.						
<b>Part I – Application for Export Certificate of Airworthiness (Complete items 1-11)</b>						
1. Application is made for an export certificate of airworthiness to cover the product(s) described below which (are): <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span><input type="checkbox"/> NEW</span> <span><input type="checkbox"/> USED (Aircraft)</span> <span><input type="checkbox"/> OVERHAULED</span> </div>						
2. Name and address of exporter	3. Name and address of foreign purchaser	4. Country of destination				
5. Description of product(s)						
Type (a)	Make and Model (b)	Identification No.	Serial Nos. (c)	FAA T.C. or Spec. No. (d)	Operating time (Hours) (e)	
					Since Overhaul	Total
A. AIRCRAFT						
B. ENGINES						
C. PROPELLERS						
6. Does the product comply with all applicable Federal Aviation Regulations, Airworthiness Directives, and other FAA requirements? <input type="checkbox"/> YES <input type="checkbox"/> NO (Explain in "Remarks")						
7. Have applicable special requirements of the importing country been complied with? <input type="checkbox"/> YES <input type="checkbox"/> NO (Explain in "Remarks")						
8. Date title passed or is expected to pass to foreign purchaser:						
9. For overseas shipment, preservation and packaging methods used to protect product(s) against corrosion and damage (List Spec. No. or Title):  Effective duration of above methods:						
10. Remarks						
11. EXPORTER'S CERTIFICATION – The undersigned certifies that the above statements are true and that the product(s) described herein is (are) airworthy and in a condition for safe operation except as may be noted under item 10 "Remarks" above.						
Signature of applicant or authorized representative				Title		Date

**FIGURE 5-2. SAMPLE FORM 8130-1,  
APPLICATION FOR EXPORT AIRWORTHINESS APPROVAL (REVERSE SIDE)**

Part II – Application for Approval of Articles (Complete Items 12-20)		
12. Name and address of exporter	13. Name and address of foreign purchaser	14. Country of destination
15. Parts are eligible for installation on _____	Make and model of product	FAA Spec. No. or T.C.
16. The articles are (Check One) → <input checked="" type="checkbox"/> NEW <input type="checkbox"/> OVERHAULED		
17. The articles are described (Check One) <input type="checkbox"/> Below by name, part number and quantity <input type="checkbox"/> On the attached invoice or packing sheet by name, part number and quantity		Invoicing/packing sheet No.
Name (a)	Part number (b)	Quantity (c)
18. Have applicable special requirements of the importing country been complied with? <input type="checkbox"/> YES <input type="checkbox"/> NO (Explain in item 10 "Remarks")		
19. Preservation and packaging methods used to protect articles against corrosion and damage (List Spec. No. or Title):  Effective duration of above methods:		
20. Exporters Certification – I certify that the foregoing statements are true and that the articles described herein are airworthy, conform to FAA approved design data, are in a condition for safe operation except as may be noted in item 10 "Remarks".		
Signature of applicant or authorized representative	Title	Date
<b>Part III – Approval (FOR FAA USE ONLY)</b>		
21. It is considered that the product(s) described in Part I or Part II is (are) airworthy and conform(s) to pertinent requirements except as noted in Item 10. (Check One) → <input type="checkbox"/> Part I <input type="checkbox"/> Part II		
Signature	Number	Date
(Check one) → <input type="checkbox"/> ODA <input type="checkbox"/> DMIR <input type="checkbox"/> DAR <input type="checkbox"/> FAA Inspector		
22. Give quantity of approval tags, FAA Form 8130-3, issued for the articles described in Part II. →		Quantity
23. EXPORT FILE SPOT-CHECKED BY:		
FAA Supervising Inspector	D.O. No.	Date

**FIGURE 5-3. AERONAUTICAL CENTER FORM 8050-72, EXPORT CERTIFICATE ASSIGNMENT CARD**

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION  <b>EXPORT CERTIFICATE NUMBER                  ASSIGNMENT CARD</b>		<b>CERTIFICATE Nº E 244100</b>  DATE ISSUED	
PRODUCT	MANUFACTURER		EXPORT C OF A TYPE DESIGN CONFORMITY <input type="checkbox"/> EXCEPTIONS LISTED <input type="checkbox"/> NO EXCEPTIONS CHECK ONE
MODEL	SERIAL NO.*f		
EXPORTER			
FOREIGN PURCHASER			
ADDRESS			
IDENTIFICATION MARK DISPLAYED-U.S.			
EXPORT PROCESSED BY	SIGNATURE-AUTHORIZED REP.	AGENCY REPRESENTED	AGENCY OR DESIGNEE NO.

AC Form 8050-72 (10-78)

\* Indicate additional serial numbers on reverse side.

## CHAPTER 6. IMPORT PROCEDURES

### SECTION 1. GENERAL INFORMATION

**238. GENERAL.** This chapter provides guidance and procedures relating to U.S. airworthiness certification and approval of imported products. This includes aircraft, aircraft engines, propellers, and articles imported from other countries with whom the United States has a bilateral agreement.

**a.** Non-U.S.-manufactured aircraft and related products must be accompanied by one of the following when being imported to the United States for FAA airworthiness acceptance:

(1) An Export C of A; or

(2) A certifying statement issued by the CAA of the country of manufacture, or by the exporting CAA in the case of a third country, as addressed in paragraph 243 of this order.

**b.** Any deviations from the FAA-approved design must be noted on the certifying statement. Any deviations must be resolved by the installer before the product is eligible for installation on any U.S.-registered aircraft or product thereof.

**c.** The importing document for products or articles issued from another country will contain essentially the same information as Form 8130-3, and will be signed by a person or organization authorized by the CAA of the exporting country.

**d.** FAA airworthiness approvals for civil aeronautical products imported to the United States are processed in the following manner:

(1) Issuance of U.S. airworthiness certificates for completed aircraft are processed in accordance with paragraph 241 of this order.

(2) Aircraft engines, propellers, and articles are considered to meet the requirements of 14 CFR when accompanied by certification from the appropriate CAA. Certification confirms the products are of FAA-approved design and are in a condition for safe operation as outlined in paragraph 248 of this order.

**e.** The FAA requirements for the approval of civil aeronautical products imported to the United States are set forth in the following regulations:

(1) Part 21, subpart H, §§ 21.183(c) and 21.185(c) establish the regulatory requirements for U.S. airworthiness certification of new imported aircraft. The primary basis for airworthiness certification of used imported aircraft is § 21.183(d). New imported aircraft type certificated under a § 21.21 TC and manufactured under license by a bilateral country are no longer entitled to a standard airworthiness certificate under the provision of § 21.183(d).

### SECTION 3. AIRCRAFT ENGINES, PROPELLERS, AND ARTICLES

#### 248. AIRWORTHINESS DETERMINATION.

**a.** Section 21.500 provides for the acceptance of aircraft engines or propellers manufactured outside the United States for which a U.S. TC has been issued. These products are considered approved for installation on a U.S.-registered aircraft when a current Export C of A has been issued by the CAA of the country of manufacture. The Export C of A certifies that the engine or propeller:

(1) Conforms to its U.S. TC and is found to be in a condition for safe operation.

(2) Has been subjected to a final operational check by the manufacturer.

**b.** Section 21.502 provides for the airworthiness acceptance of articles (essentially replacement/modification articles) manufactured outside the United States under the terms of the specific BAA/BASA. The United States will consider articles imported to the United States for installation on U.S.-registered aircraft to meet all applicable approval requirements when:

(1) The imported articles are covered under the scope of the agreement with that country;

(2) The articles are accompanied by a completed airworthiness document (for example, EASA Form One) from the BAA/BASA country's CAA;

(3) The airworthiness document certifies that the articles meet the requirements of 14 CFR (for example, § 21.29 or § 21.621); and

(4) The airworthiness document certifies that the articles are eligible for installation on the bilateral country's product exported to the United States.

**c.** Section 21.621 addresses products that are covered by an FAA letter of TSO design approval for imports. Neither the FAA letter of TSO design approval, nor the Export C of A issued by the CAA of the country of manufacture, conveys installation approval. If not already accomplished, installation approval for a TSO product must be obtained, in a manner acceptable to the FAA, at the time of installation. Approval for return to service must be performed by a person authorized in part 43.

**d.** The various types of export certification documents used by the CAAs include official CAA certificates or authorized release tags, and forms that may be signed by private persons, when so authorized by the CAA. The FAA will accept the various types of certifications, provided they represent a certification from the appropriate CAA attesting that the product being exported conforms to the U.S. type design and is in a condition for safe operation, and they are appropriately endorsed by the CAA or an authorized designee. The CAA of the exporting country must confirm a designee's scope of authority when so requested by the FAA. These certifications serve to comply with the requirements for an export airworthiness approval for the purpose of § 21.500 or 21.502. In those instances in which the certifying language differs from that stated in this paragraph, the FAA should request a letter from the CAA stating that the language used meets the intent of § 21.500 or 21.502, as appropriate. The CAA's airworthiness certification documentation is essential for the FAA to determine that the product is acceptable for installation on U.S.-registered aircraft.

**249. IDENTIFICATION AND MARKING.**

- a. Aircraft engines or propellers to be installed on U.S.-registered aircraft must be identified in a manner specified in § 45.11 with the information specified in § 45.13.
- b. Critical articles to be used as spare, replacement, or modification articles on U.S.-registered aircraft, or on engines or propellers to be installed on U.S.-registered aircraft, must be identified with a part number and serial number.
- c. Articles approved by an FAA letter of TSO design approval must be marked in accordance with § 45.15, and any additional marking requirements specified in the particular TSO.
- d. Articles to be used as spare, replacement, or modification articles on U.S.-registered aircraft must be identified by a part number and the manufacturer's name or trademark. Products manufactured pursuant to part 21, subpart O, are not subject to this requirement, because model eligibility is established at the time of installation.
- e. Products must be accompanied by maintenance records equivalent to those specified in § 91.417 that reflect the status of required inspections, life limits, etc.

**250. RETURN TO SERVICE.** Regardless of the existence of an export airworthiness approval, the person authorized to return to service the aircraft, airframe, engine, propeller, or article in accordance with § 43.5 is responsible for determining that the imported product:

- a. Has not been modified, changed, or damaged subsequent to the time of export airworthiness approval.
- b. Complies with all applicable ADs issued under part 39.
- c. Is installed in accordance with FAA-approved design data.
- d. Is in a condition for safe operation.
- e. Has all of the necessary maintenance documentation available.

**251. SPECIAL MAINTENANCE RECORDS CONSIDERATION.** U.S. operators, such as air carriers, air travel clubs, and operators for compensation or hire, certificated by the FAA for operation under parts 121, 125, and 135, are required to have sufficient maintenance data on the aircraft or related product. This enables the operator to integrate the aircraft or related product into its own FAA-approved maintenance program. U.S. operators will have difficulty doing this unless the records are complete and are in the English language, or can be translated into the English language. It is vitally important for

(2) The purpose(s) for which the blanket SFA is requested and the number of signed copies required to meet operating needs.

(3) Enough information to establish that the flights will not adversely affect safety.

(4) For airshows, etc., the name and address of the registered owner/operator (or the pilot if not the owner), make, model, serial number, registration number, type of airworthiness certificate carried, reason why the aircraft does not comply with standard airworthiness requirements, and aircraft maintenance provisions. The listing of owners, pilots, and aircraft participating may be provided separately.

(5) Any other information deemed appropriate by the FAA certifying ASI.

## **258. ISSUANCE.**

**a. General.** The Aircraft Certification Service directorate or Flight Standards Service division managers may delegate authority for issuance of SFAs according to FAA Order 1100.5, FAA Organization - Field, chapter 2, section 3. If the applicant is a U.S. firm or individual acting on behalf of a non-U.S. applicant, the local office is responsible for processing the SFA. If the non-U.S. owner/operator is applying on its own behalf from its country, the region or directorate having jurisdiction over FAA matters in that country is the office responsible for processing the application.

**b. Format.** The various formats shown in figures 7-1 through 7-9 must be followed during the preparation of an SFA.

**c. Numbering.** Each SFA issued must be assigned a number beginning with "01" and prefixed by the appropriate location identifier code of the FAA office, for example, CE-39-01 or SW-41-01, as required by the latest version of FAA Order 1370.66, Aviation Safety Analysis System: Location Identifier Codes. If an SFA is extended, based on valid reasons provided by the applicant, a new SFA must be issued using the number assigned to the original followed by the letter "A," for example, CE-39-01A. In some cases an SFA may require extension more than once. The second extension would still use the original number followed by the letter "B."

**d. Control.** The FAA issuing office must establish a permanent file for record and must keep at least one copy of each SFA issued. This file serves as a control in assigning sequential numbers to new issuances. An alternate system for control may be used at the region's or directorate's discretion. The transmittal letter should advise that the applicant is accountable for each signed copy. When authorized to make copies for export purposes, a file should be maintained containing the following information:

- (1) Name and address of the aircraft owner;
- (2) Nationality and registration marks displayed on the aircraft;
- (3) Make, model, and serial number of the aircraft;
- (4) Date the copy is issued for the aircraft; and
- (5) Signature of authorized representative.

**e. Aircraft Inspection.** The aircraft should be inspected prior to issuance of the SFA to ensure that it is capable of safe flight. The ASI may make, or require the applicant to make, appropriate inspections or tests considered necessary for safety.

**259. DURATION.** Discretion should be used by the issuing directorate/region when determining the duration of an SFA issued for an individual aircraft. For example, if the purpose is one for which delays may be expected, such as in STC projects or extended ferry flights, the region or directorate may establish a longer duration than was requested to preclude the need for extensions. In general, the duration of the SFA is as requested by the applicant.

**260. OPERATING LIMITATIONS.** Because an SFA is issued to cover operation of an aircraft that may not meet the airworthiness standards established by ICAO, appropriate limitations must be prescribed to minimize hazards to persons or property. Certain limitations would be applicable for all SFAs issued under § 91.715(b). The special operating limitations for specific operations are not intended to be all-inclusive, and the issuing directorate/region may prescribe any additional limitations deemed necessary in the interest of safety. The following provides examples of minimum and special limitations for specific operations:

**a. Minimum Operating Limitations.** The following are applicable to all SFAs issued unless otherwise noted. “An authorized representative of the FAA may prescribe additional operating restrictions and limitations necessary for safe operation” must be stated on all SFAs before the following operating limitations:

(1) A copy of this authorization must be displayed in the aircraft when operating under the terms of this SFA.

(2) The ID markings assigned to the aircraft by the country of registry must be displayed on the aircraft according to that country’s applicable requirements.

(3) Persons or property must not be carried for compensation or hire.

(4) No person may be carried in this aircraft during flight unless that person is essential to the purpose of the flight and has been advised of the content of this authorization and of the airworthiness status of the aircraft.

(5) This aircraft must be operated only by airmen holding appropriate certificates or licenses issued or validated by the United States or the country of registry. [The pilot qualification limitation (paragraphs 153b(17), 161b(24), and 166b(8) of this order) must be prescribed for TPA, piston-powered aircraft over 800 horsepower, aircraft over 12,500 pounds, rotorcraft, and any other aircraft when deemed necessary.]

(6) All flights must be conducted in compliance with the applicable general operating and flight rules of § 91.711.

(7) All flights must be conducted under VFR, day only, unless otherwise authorized (for example, IFR operations may be authorized for aircraft whose operating altitudes require IFR operations).

**3** For amateur-built aircraft, fabricated and assembled from plans or the builder's own design, the serial number may be any arbitrary number assigned by the builder. For any aircraft fabricated and assembled from a kit, the aircraft should be identified by the serial number assigned by the kit manufacturer or supplier.

**(f) Engine Builder's Name (Make).** The engine make is the name of the manufacturer as it appears on the engine ID plate in accordance with § 45.13(a)(1). Abbreviations may be used, for example, "P&W," "GE," "CMC," etc. When no engines are installed, as in the case of the glider or balloon, enter "N/A."

**(g) Engine Model Designation.** When engine(s) are installed, enter the complete designation as shown on the engine ID plate; for example, "O-320-A1B," "PT6A-20A," or "CFM-56-3C-1," in accordance with § 45.13(a)(2).

**(h) Number of Engines.** When applicable, enter the number of engines installed on the aircraft.

**(i) Propeller Builder's Name (Make).** Enter the name of the manufacturer as shown on the propeller identification marking. Enter "N/A" if propellers are not installed. (Reference § 45.13(a)(1).)

**(j) Propeller Model Designation.** When applicable, enter the model designation as shown on the propeller identification marking.

**(k) Aircraft Is Import.** This block must be checked only if the aircraft was manufactured outside the United States and certificated under § 21.29, and the applicant is seeking airworthiness certification under § 21.183(c), or under § 21.190(d) when an LSA is eligible for an airworthiness certification, flight authorization, or other similar certification in its country of manufacture.

**(2) Section II. Certification Requested.** The following paragraphs refer to the applicable 14 CFR references for standard and special airworthiness certificates and aid in the completion of Form 8130-6:

**(a) Item A. Standard Airworthiness Certificate.** This certificate is issued to type-certificated aircraft in the normal, utility, acrobatic, transport, commuter, and manned free balloon categories; and for special classes of aircraft. Special class aircraft include gliders, airships, and other non-conventional aircraft. Special class application would be indicated by marking the Standard and Other blocks (section II (A) of the application), and entering the type, (for example, glider, VLA, airship, etc.) in the blank space directly above the category blocks. For aircraft type-certificated before the adoption of categories, enter in the open space above the category blocks the basis for certification as shown in that aircraft's TCDS or specification sheet (for example, Category N/A - Certification basis CAR 04 A (Civil Air Regulations part 4a)). Applicable regulations are as follows:

**1** Section 21.183(a), New aircraft manufactured under a production certificate;

**2** Section 21.183(b), New aircraft manufactured under a type certificate;

**3** Section 21.183(c), Import aircraft;

- \*                    **4** Section 21.183(d), Used aircraft and surplus aircraft of the U.S. Armed Forces; and
- 5** Section 21.183(h), New aircraft manufactured under the provisions of § 21.6(b).                    \*

**(b) Item B. Special Airworthiness Certificate.** This certificate is issued to aircraft that do not meet the requirements for a standard airworthiness certificate. Special airworthiness certificates are identified as primary, limited, provisional, restricted, experimental, and special flight permit. Applicable regulations are as follows:

**1 Primary Airworthiness Certificate.**

**(aa)** Section 21.184(a), New primary category aircraft manufactured under a production certificate;

**(bb)** Section 21.184(b), Imported aircraft;

**(cc)** Section 21.184(c), Aircraft having a current standard airworthiness certificate;

and

**(dd)** Section 21.184(d), Other aircraft.

**2 Light-Sport Airworthiness Certificate.** Section 21.190, Issue of airworthiness certificate for LSA category.

**3 Limited Airworthiness Certificate.** Section 21.189, Issue of airworthiness certificate for limited category aircraft.

**4 Provisional Airworthiness Certificate.**

**(aa)** Section 21.221, Class I provisional airworthiness certificates (may be issued for all categories); and

**(bb)** Section 21.223, Class II provisional airworthiness certificates (transport category only).

**5 Restricted Airworthiness Certificate.**

**(aa)** Section 21.185(a), Aircraft manufactured under a production certificate or type certificate only;

**(bb)** Section 21.185(b), Other aircraft (surplus U.S. military aircraft or one previously type-certificated in another category); and

**(cc)** Section 21.185(c), Import aircraft (type-certificated in the restricted category in accordance with § 21.29).

**6 Experimental Certificate.**

**(aa)** Section 21.191(a), Research and development;

must include the total time-in-service of the airframe, engines, propellers, and rotor; and to comply with § 91.417(a)(2)(ii), the record must include the current status of the life-limited articles of the airframe, engines, propellers, rotor, and articles. All record entries must be in English.

**2 Total Airframe Hours.** This block applies to all aircraft covered by this section. The total time-in-service of the aircraft, including production flight test time, should be entered.

**3 Experimental Only.** When submitting an application for the renewal of an experimental certificate, when requesting a change back to a standard certificate, or when requesting a change back to LSA category certificate, the hours flown since the previous certificate was issued or renewed must be entered. If the application is for an original issuance of an experimental certificate, enter "0."

**(h) Certification.** If the signature is by the owner's agent, a notarized letter from the registered owner authorizing the agent to act on the owner's behalf is required.

**(4) Section IV. Inspection Agency Verification.** This section must be completed only if application is being made for a standard airworthiness certificate in accordance with § 21.183(d). This section must be left blank for all other certification actions.

**NOTE: Section 21.183(d)(2) states that an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under § 21.183, and is being returned to the standard airworthiness category, is exempt from the 100-hour inspection set forth in § 43.15.**

**(5) Section V. FAA Representative Certification.** This section must be completed by the ASI or designee that inspects the aircraft and issues the certificate.

**(a)** Check all applicable blocks in items A and B.

**(b) District Office.** An ASI must enter the appropriate district or regional office designation. Designees and ODA manufacturers must enter the designation of the district office geographically responsible for monitoring their activities.

**(c) Designee's Signature and No.** For ODA manufacturers, enter "ODA" followed by the ODA number. The DMIR, DAR, or ODA unit member signature must be signed in ink above the typed or printed name on the original and copy(ies). The typed name and signature must be legible and must not obliterate preprinted information on Form 8130-6.

**(d) ASI's Signature.** The ASI's name must be typed or printed in this box with the signature above.

**(6) Section VI. Production Flight Testing.** This section must be completed only by a manufacturer applying for a special flight permit for the purpose of flight testing production aircraft under the provisions of § 21.197(a)(3). All required entries are self-explanatory.

**NOTE: The requirements in this section for LSA production flight testing are only items A and C, with item B remaining blank.**

**(7) Section VII. Special Flight Permit Purposes Other Than Production Flight Test.**

**(a) Item A. Description of Aircraft.** The entries in this section must be the same as the corresponding data recorded on the aircraft's registration certificate and, as applicable, on the aircraft's ID plate.

**(b) Item B. Description of Flight.** Enter the present location of the aircraft in the From box and the aircraft's intended destination in the To box.

*1* The Via entry must contain the name of an airport or city at some intermediate point in the flight to provide a general description of the route flown. For example, a flight from Kansas City, Missouri, to Dallas, Texas, may be via Wichita, Kansas, and Oklahoma City, Oklahoma, in accordance with § 21.199(a)(2).

*2* The Duration entry must reflect the overall duration of the special flight permit and need not be the same as the planned duration of the actual flight. Factors such as fueling stops, weather conditions, overnight stops, or any other reasonable condition must be given consideration when establishing the duration.

**(c) Item D. The Aircraft Does Not Meet the Applicable Airworthiness Requirements As Follows.** This entry must specifically detail the conditions in which the aircraft does not comply with the applicable airworthiness requirements in accordance with § 21.199(a)(4).

**(d) Item E. The Following Restrictions Are Considered Necessary for Safe Operation.** This entry must contain in detail the restrictions the applicant considers necessary for safe operation of the aircraft; for example, reduced airspeed or weight, turbulence avoidance, and flightcrew member limitations or qualifications. This item must be carefully reviewed by the FAA to determine that the restriction would ensure safe operation of the aircraft. Any deficiencies must be resolved before issuance of the special flight permit. The FAA also may prescribe additional conditions and limitations deemed necessary for safe operation.

**(8) Section VIII. Airworthiness Documentation.** This section must be completed by the ASI or designee who inspects the aircraft and issues the airworthiness certificate. However, this section is not applicable when a special flight permit is being issued.

**(a) Item A. Operating Limitations and Markings in Compliance with § 91.9, as Applicable.** This block applies to all aircraft covered by this section. The FAA should check this block when an FAA-approved aircraft flight manual, listing of operation limitation, placards, etc., as applicable to the category of certificate requested, are in the aircraft in accordance with § 91.9.

**(b) Item B. Current Operating Limitations Attached.** Check this block when operating limitations have been issued and a copy is attached for retention in the permanent record. (This applies to aircraft certificated in categories other than standard.)

**(c) Items C, D, and E.** Self-explanatory.

**(d) Item F. This Inspection Recorded in Aircraft Records.** The following is considered a satisfactory statement for the aircraft record entry: “I find that the aircraft meets the requirements for the certification requested and have issued a (standard) (special) airworthiness certificate dated \_\_\_\_\_. The next inspection is due \_\_\_\_\_. Signed: John Smith, Aviation Safety Inspector, SW-41.”

**NOTE 1: The next inspection date is not necessary when the aircraft is under a continuous maintenance program.**

**NOTE 2: In the case of aircraft that had a previous due date, the date entered is the same. The aircraft gains no additional time because it was not in the standard category.**

**(e) Item G. Statement of Conformity, FAA Form 8130-9 (Attach When Required).** Check the block to indicate Form 8130-9 or, when LSA, Statement of Compliance, Form 8130-15, and attach when required.

**(f) Item H. Foreign Airworthiness Certification for Import Aircraft (Attach When Required).** Check the block to indicate that certification of another country is required for the certification action and that a copy is attached for retention in the aircraft’s permanent record.

**(g) Item I. Previous Airworthiness Certificate Issued in Accordance With 14 CFR or CAR.** If applicable, enter the appropriate CFR or CAR under which the previous airworthiness certificate was issued, and check the block to indicate that the original of the certificate is attached. If the previously issued certificate is not available, the FAA should state the reason on an attachment.

**(h) Item J. Current Airworthiness Certificate Issuance in Accordance With 14 CFR.** The applicable section of part 21, subpart H, must be entered, except that a manufacturer with an ODA must:

*1* Enter § 21.183(a) or (b) for a standard airworthiness certificate, depending on whether the aircraft had been added to the PC under § 21.267, or under § 21.185 for a restricted category airworthiness certificate.

*2* Add “per § 183.49,” to indicate the delegation authority.

**(i) Item K. Light-Sport Aircraft Statement of Compliance, Form 8130-15 (Attach When Required).** Check the block to indicate that a completed applicable copy of the manufacturer’s Statement of Compliance, Form 8130-15, is attached for retention in the aircraft’s permanent record.

**b. Instructions for Reviewing Completed Form 8130-6.** The FAA must review the form to determine that all applicable entries have been made, and on issuance of the airworthiness certificate, must complete section V. In the event that an airworthiness certificate is denied, sections V and VIII must not be completed. A letter of denial, or a statement of the reason for denial, must be attached to the form and forwarded to AFS-750 as part of the aircraft records.

**268. COMPLETION OF FORM 8100-2.** The blocks on Form 8100-2 must be completed using the information obtained with completed Form 8130-6.

**a. Nationality and Registration Marks.** Enter the capital letter “N” followed by the registration number assigned to the aircraft.

**b. Manufacturer and Model.** Example: Beech-C33.

**c. Aircraft Serial Number.** Self-explanatory.

**d. Category.** Enter the appropriate category as defined in paragraph 267 of this order. If there is no category, as in the case of aircraft certificated prior to adoption of the regulations that established categories, enter the aircraft specification, TCDS, or listing number as applicable. For example, “CAR 4a” for a Bellanca 14-13; “ATC 614” for an Aeronca LC.

**e. Authority and Basis for Issuance.** Under Exceptions, enter the exemption number and a brief description of any exemptions from the applicable airworthiness standards (CAR 3, 4b, 5, 6, 7, or equivalent CFR) that have been granted for the aircraft (see aircraft specification or TCDS). If no exemptions exist, enter “None.”

**f. Date of Issuance.** For an original or recurrent certificate, enter the date the certificate is issued. For a replacement or exchanged certificate, enter the date of the original certificate and insert the letter “R” or “E,” respectively, before this date. When the certificate is being amended, insert the letter “A” before the new issuance date, which is the current date. (See paragraph 27 of this order for additional information.)

**g. FAA Representative.** Type the name of the ASI or designee issuing the certificate under the signature. The signature must be in permanent ink on the original and copies.

**h. Designation Number.** Depending on who issues the certificate, enter the following applicable information:

(1) **ASI.** The office identifier, for example, SW-MIDO-41;

(2) **DMIR or DAR.** The designee’s number (for example, DMIR-123456-SW, DAR-123456-NM, etc.);

(3) **ODA.** The letters “ODA” followed by the ODA number.

**269. COMPLETION OF FORM 8130-7.** The blocks on Form 8130-7 must be completed using all applicable information obtained from completed Form 8130-6.

**a. Section A.** This section is applicable to all categories of special airworthiness certificates.

\* **(c) Aircraft Maintenance and Inspection Procedures.** This block must list the specific title or company identifier for the Aircraft Maintenance and Inspection Procedures provided with the light-sport aircraft or kit, including the revision level, if applicable. The block also must contain the consensus standard used to develop the maintenance and inspection procedures.

**(d) Aircraft Flight Training Supplement.** This block must list the specific title or company identifier for the Aircraft Flight Training Supplement provided with the light-sport aircraft or kit, including the revision level, if applicable. The block also must contain the consensus standard used to develop the supplement. The manufacturer may choose to include the Aircraft Flight Training Supplement as a part of, or a section within, the AOI. If so, a statement to that effect must be entered in this block.

### **(3) Section III. Manufacturer's Process Documents.**

**(a) Comments.** This block must provide any additional information not contained elsewhere on the form. It may be used to expand on the information in the Consensus Standard(s) block in Section II or to provide other information the manufacturer deems necessary. For kit-built light-sport aircraft, it may be used to provide evidence that an aircraft of the same make and model was issued a special airworthiness certificate in the light-sport category.

**(b) Manufacturer's Quality Assurance System.** This block must provide the specific title or company identifier for the company's quality assurance system used in the production of the light-sport aircraft or kit, including the revision level, if applicable. The block also must contain the consensus standard used to develop the quality assurance system.

**(c) Manufacturer's Continued Airworthiness System.** This block must provide the specific title or company identifier for the company's continued airworthiness system used by the company to support the aircraft, including the revision level, if applicable. The block also must contain the consensus standard used to develop the continued airworthiness system. This block is not applicable for kit-built light-sport aircraft; therefore, for a kit-built light-sport aircraft, the block must show "N/A."

### **(4) Section IV. Manufacturer's Certification.**

**(a)** This section must list the—

**1** Aircraft or kit serial number in the blank provided. For kit-built light-sport aircraft, the word "aircraft" (right before "serial number") must be lined through and the word "kit" should be inserted.

**2** Name and title of the manufacturer or authorized agent signing the form, and the date the form was signed.

**NOTE: In some cases for manufactured aircraft, the manufacturer's quality assurance system will require two signatures, one at the production facility and one for any reassembly after transport or shipment.**

\*

(b) For a kit-built light-sport aircraft, the following words will be lined through: “and that the Manufacturer’s Continued Airworthiness System will be adhered to support the aircraft throughout its life”; “Manufacturer’s Quality Assurance System identified on this statement”; and “(3) was ground and flight tested successfully, and (4) is in a condition for safe operation.” (See figure 4-30, Sample Form 8130-15, Light-Sport Kit-Built Aircraft Statement of Compliance.)

#### **271. COMPLETION OF FORM 8130-4.**

a. Form 8130-4 must be filled out in duplicate. The original remains with the product and the duplicate is forwarded to AFS-750.

b. Place the Export Certificate Number Assignment Card number in the No. block at the top right corner of the form.

c. In the space provided in the certifying statement, enter the information identified in accordance with note (1) at the bottom of Form 8130-4.

d. Product, manufacturer, model, etc., items are self-explanatory.

e. In the Exceptions block enter any noncompliance(s) to type design, requirements for the importing country, and the addition of any temporary installations required for delivery. If there are no exceptions, enter the word “None.”

f. If other information is deemed necessary, enter “Additional Information” in the Exceptions block. For example, some importing countries want a statement that the product complies with a type design approved by their country’s CAA.

g. The rest of the items are self-explanatory.

h. Lost Form 8130-4.

(1) When Form 8130-4 has been declared lost, the following information is required:

(a) A written statement from the importer stating the tag has been lost; and

(b) Evidence of previous export, traceable by invoice to model and serial number from the exporter.

(2) When these actions have been taken, a copy of the original form can be provided, if available. The replacement approval or a copy of the original lost approval must have an original signature and the same data as the lost Form 8130-4.

**272. COMPLETION OF FORM 8130-1.** The applicant must complete part I of the application for aircraft. The applicant may complete part II of the application for aircraft engines, propellers, and articles but these applications may also be made orally. Part III is for FAA use only. All items are self-explanatory except as noted. Instructions for completion of parts I and II are used to help the FAA review the form as submitted by the applicant. The completed Form 8130-1 must be filed in the

district office and retained for a minimum of 2 years, then destroyed in accordance with standard agency procedures. Chapter 5 of this order contains further information on the use of this form.

**a. Export Certificate No.** This block is left blank by the applicant. The FAA must enter the serial number from Form 8050-72.

**b. Part I (For Aircraft).**

**(1) Item Nos. 1-4.** Self-explanatory.

**(2) Item No. 5. Description of Product(s).** Self-explanatory, except as follows:

**(a)** For an aircraft not under U.S. registry, insert in the Identification No. block the nationality and registration marks supplied by the country/jurisdiction of registry or intended registry that are displayed on the aircraft. For U.S.-registered aircraft, insert the ID marks as assigned under part 47. Any questions concerning the marking requirements of the importing country/jurisdiction must be resolved between the exporter/importer and the CAA of that country/jurisdiction.

**(b)** Under FAA Spec. No., enter the pertinent specification number or the TCDS number, as applicable.

**(c)** For new and used aircraft, enter in the Operating Time (Hours) block the number of operating hours since the annual type inspection, and the total time-in-service. Aircraft engines and propellers are no longer required to be new, as long as the importing country/jurisdiction accepts the aircraft with used engines and propellers. For aircraft, the blocks for engine(s) and propeller(s) must be completed to reflect the required information, as applicable.

**(3) Item Nos. 6 and 7.** These items are self-explanatory; however, if the No box is checked, explain the deviations in item No. 10 and attach the original or true copy of documents stating that the product will be acceptable with the deviations listed, as received from the CAA of the importing country/jurisdiction.

**(4) Item No. 8.** This item provides a means of establishing the date the ownership of the stated product is expected to pass to the purchaser.

**(5) Item No. 9.** This item provides a means of documenting the preservation and packaging methods used to protect against corrosion and damage. It is recommended that all products be appropriately treated for corrosion and damage prevention.

**(6) Item No. 10.** This space may be used to convey the information required under item Nos. 6 and 7. This space also may be used by the exporter to convey any other information pertinent to the issuance of the export airworthiness approval. Additional sheets may be attached, as necessary, and appropriately cross-referenced. In addition, list the documents that the regulation requires to be submitted with the application under the provisions of § 21.327. After review by the FAA, the documents required to be furnished to the importing country/jurisdiction under § 21.335 will be supplied to the applicant.

(7) **Item No. 11.** The authorized representative of the exporter must sign this certificate in ink and ensure it is dated. The typed name, title, and signature must be legible.

**c. Part II (For Aircraft Engines, Propellers, and Articles).** If not making application orally, complete as follows:

(1) **Item Nos. 12-14.** Self-explanatory.

(2) **Item No. 15.** Use the instructions for entering eligibility information from Order 8130.21.

**NOTE: No entry is required in the FAA Spec No. box.**

(3) **Item No. 16.** Self-explanatory.

(4) **Item No. 17.** This item provides for the description and listing of the aircraft engine, propellers, and articles being exported. Select the first check box and list the aircraft engine, propellers, and articles in the space provided. If the entire list of the aircraft engine, propellers, and articles cannot fit in the space provided, select the second check box and, on the line provided, specifically identify the exporter's shipping document covering the aircraft engine, propellers, and articles concerned. Attach a copy of this document to the form. In either case, if more than one type of aircraft engine, propeller, and article is involved, they are to be listed according to the aircraft engine, propeller, or article for which they are eligible. List the name, part number (or equivalent means of identifying each physical aircraft engine, propeller, or article), and quantity of each article.

(5) **Item No. 18.** This item is self-explanatory. If the No box is checked, explain the noncompliance in item No. 10 and attach the original, or a true copy, of the documents stating that the product will be acceptable with the deviation(s) listed, as received from the CAA of the importing country/jurisdiction.

(6) **Item No. 19.** This item provides a means of documenting the preservation and packaging methods used to protect against corrosion and damage. It is recommended that all products be appropriately treated for corrosion and damage prevention.

(7) **Item No. 20.** The authorized representative of the exporter must date and sign this certification in ink above the typed or printed name and title.

**d. Part III. Approval (For FAA Use Only).**

(1) **Item No. 21.** The typed name and signature of the ASI and designee must be legible and in permanent ink. The number should be the office identifier or designee designation number. ODA manufacturers must use their authorization number as assigned by the FAA.

(2) **Item No. 22.** The ASI or authorized designee must enter the quantity of Forms 8130-3 issued for the articles described in part II of the form.

**(3) Item No. 23.** A completed spot check of the file is indicated by the signature of the supervising ASI in permanent ink above the typed name. The district or regional office number and date must be entered in the boxes. If the file is not spot checked, omit the name and signature, but enter the district or regional office number and date.

### **273. EXAMINATION, REVIEW, AND ROUTING OF CERTIFICATION FILES.**

**a.** It is the responsibility of all ASIs and designees to examine in detail each certification file processed to ensure accuracy, completeness, legibility, and compliance with applicable requirements, including all necessary attachments. The following list represents the primary data that must be retained in the permanent files. These documents must be submitted to AFS-750 no later than 30 days after the field offices receives them. Do not include any documentation that is not required in support of the certification action.

#### **(1) Airworthiness Certificates.**

**(a)** The original Form 8130-6.

**(b)** Applications for special flight permits for operation of overweight aircraft only in accordance with § 21.197(b).

**(c)** Applications for an experimental airworthiness certificate must include the data required by § 21.193, as applicable.

**(d)** The original Form 8130-9.

**(e)** A copy of Form 8130-2 or any other data, drawings, photographs, etc., as applicable.

**(f)** A copy of Form 337, as applicable. Do not include referenced data forming the basis for approval of the repair or alteration.

**(g)** A copy of Form 8100-2, or Form 8130-7, as applicable. When Form 8130-7 is issued as a special flight permit, submit only those copies which permit operation of overweight aircraft in accordance with § 21.197(b). Superseded, terminated, or canceled airworthiness certificates must be included if a recurrent certificate is issued.

**(h)** A copy of operating limitations, if issued.

**(i)** A copy of the checklist and inspection record for aircraft built from spare and surplus articles.

**(j)** The foreign airworthiness certificate for imported aircraft, as applicable.

**(k)** Form 8130-15, Statement of Compliance for light-sport category and kit-built experimental light-sport aircraft.

**(l)** Form 8130-12, Eligibility Statement, Amateur-Built Aircraft.

**(2) Export for an Aircraft.**

(a) The original Form 8130-1.

(b) The statement of acceptance from an importing country/jurisdiction listing the specific noncompliance(s), as applicable.

(c) A copy of Form 8130-4.

(d) The original Form 8050-72.

**(3) Export of Articles.** Retain the following in the district or regional office. DMIRs, DARs, and ODAs may retain the records at their facility as long as their authorization is valid.

(a) The original application (if made in writing) for an Export C of A, as applicable, along with any data showing acceptance of deviations from the CAA of the country/jurisdiction of import.

(b) A copy of Form 8130-3.

(c) The original Form 8100-1.

**(4) Import of a Product Manufactured in a Bilateral Country.** Retain the following in the district or regional office:

(a) **Aircraft.** The certificate of airworthiness issued by the State of Manufacture that states the aircraft conforms to its type design and is in a condition for safe operation.

(b) **Aircraft Engine and Propeller.** The certification from the aircraft State of Manufacture for engines and propellers that was submitted when deemed they were a part of, or were to be installed on, an aircraft.

**NOTE: A certification may be accepted from a third party country when the acceptance is permitted by the BAA or BASA IPA.**

(c) The applicable documents listed in paragraph 273a(1) of this order.

b. In addition to the above-mentioned data, the district or regional offices must maintain copies of any other data they deem appropriate to substantiate the certification of the product. This includes Form 8100-1, eligibility statements, program letters, etc.

c. The appropriate district or regional office must ensure that all airworthiness actions processed by FAA designees are submitted to the district or regional office for review and transmittal to AFS-750.

**274.-280. RESERVED FOR FUTURE CHANGES.**

## **APPENDIX 2. ACCEPTANCE OF AN EXPORT CERTIFICATE OF AIRWORTHINESS FOR USED AIRCRAFT UNDER A BILATERAL AGREEMENT**

**1. PURPOSE.** This appendix describes the concept of a 100-hour inspection requirement under an export certificate of airworthiness.

### **2. RESPONSIBILITIES OF ASIs AND DESIGNEES.**

**a.** All FAA ASIs and designees should be aware that not all bilateral agreements provide for U.S. acceptance of a bilateral country's Export C of A on a used U.S.- or third country-manufactured aircraft. (The term "third country" is used to indicate that an aircraft is being exported to the United States from a country that is not the State of Manufacture.) However, an Export C of A from a bilateral country for its own used aircraft is always acceptable under a bilateral agreement.

**b.** Table A2-1, Bilateral Agreements that Provide for Acceptance of an Export Certificate of Airworthiness for Used Aircraft, lists the agreements that, current as of January 2007, contain provisions for used aircraft. These agreements are largely the new BASA with Implementation Procedures for Airworthiness. Updates to these bilateral agreements take place periodically. The most current information can be found on the FAA's Web site at <http://www.faa.gov>. When working with bilateral agreements, all FAA ASIs and designees must review the FAA's Web site to ensure they are using the most current information.

**c.** It is expected that an ASI or designee must give the maximum credit possible to the validity of a bilateral country's Export C of A when determining an aircraft's conformity to its FAA-approved type design. As a minimum, a bilateral country's Export C of A can be used as evidence that at the time of export:

(1) The aircraft's configuration conformed to its FAA-approved type design, as stated on the aircraft's FAA type certificate data sheet;

(2) The aircraft was determined to be in a condition for safe operation;

(3) The aircraft's configuration conformed to any incorporated FAA-approved design changes under an STC; and

(4) The aircraft was in compliance with all FAA-issued ADs known by the bilateral partner to be in effect.

### **3. ONE HUNDRED-HOUR INSPECTION REQUIREMENT.**

**a.** When the conditions stated below are met, credit for a previously performed aircraft inspection can be given to meet the 100-hour inspection required by § 21.183(d)(2). In addition to the methods stated in paragraph 60(c) of this order, credit for a previously performed aircraft inspection can be given when the following five conditions are met:

(1) A BASA with Implementation Procedures of Airworthiness has been conducted;

(2) The aircraft is of a type of category included within the scope of a BASA with Implementation Procedures of Airworthiness, section II, including third country aircraft if that aircraft is not a U.S. or bilateral country's type design;

(3) The inspection was performed while the aircraft was operated on the bilateral country's national registry;

(4) The inspection was performed by a repair facility approved by the bilateral country; and

(5) The aircraft's inspection records can demonstrate that the scope of the performed inspection meets the applicable performance rules states in § 43.15.

b. Each ASI or designee should keep in mind that an Export C of A is only as good as the information on which it is based. Countries with which the United States has a bilateral agreement do not issue an Export C of A without first conducting an adequate airworthiness investigation of the aircraft and its historical records. However, the ASI or designee is still required to follow the airworthiness procedures contained in this order, specifically, chapter 3, Standard Airworthiness Certification, and chapter 6, Import Procedures.

c. The ASI or designee should conduct a review of the applicant's evidence (for example, Export C of A, maintenance records, and historical records) used to show the aircraft is entitled to the airworthiness certificate requested. Particular attention should be placed on verifying AD compliance, that any repair data are FAA-approved/accepted, and that all incorporated STCs are FAA-approved/validated.

#### **4. SPECIAL BILATERAL PROVISIONS.**

a. As stated above, the level of credit that can be given to a bilateral country's Export C of A is associated with the provisions specified within the scope of an individual bilateral agreement. Table A2-1 illustrates how these provisions apply from one bilateral country to another. Of a particular note, the Canadian agreements contain more extensive airworthiness provisions than other bilateral agreements regarding airworthiness and maintenance.

b. In addition to the regulatory provisions stated in § 43.17, the United States/Canada bilateral agreements include:

(1) U.S. acceptance of a Canadian Export C of A on a used U.S.- or third country-manufactured aircraft.

(2) U.S. acceptance of a Canadian-approved design change under an STC on any aircraft, after the FAA has validated the design change.

(3) U.S. acceptance of the incorporation of the FAA-validated STC, on a U.S.-registered aircraft when accomplished by a Canadian-approved repair facility.

(4) U.S. acceptance of the article(s) associated with an FAA-validated STC, for installation on a U.S.-registered aircraft, when fabricated by a manufacturer holding a production approval issued by Transport Canada Civil Aviation (TCCA).

(5) U.S. acceptance of Canadian-approved repair data on a U.S. aircraft.

(6) U.S. acceptance of a 100-hour inspection on a U.S.-registered aircraft when accomplished by a Canadian-approved maintenance facility.

**NOTE: The term “validated” used in paragraphs 4b(2) through (4) above simply mean that the FAA has conducted an engineering review of the TCCA-approved design change and has issued a corresponding FAA STC. A Canadian STC alone is not adequate.**

c. The FAA’s approval/validation of a bilateral country’s approved design change under an STC, in accordance with the provisions of a BASA with Implementation Procedures of Airworthiness, may not be readily apparent while reviewing the aircraft’s records. The aircraft’s records may at times only reference the bilateral country’s design approval. Therefore, the ASI or designee should verify that any incorporated STC modifications are traceable to an FAA STC design approval.

d. When the FAA-validated STC is incorporated on a U.S.-registered aircraft, it must have been done in accordance with the applicable 14 CFR. When the FAA-validated STC is incorporated on a non-U.S.-registered aircraft, the incorporation would only be considered acceptable when the following three conditions are met:

(1) The modification was incorporated while an aircraft was operated on the bilateral country’s national registry;

(2) The article(s) associated with the FAA-validated STC were fabricated by a manufacturer holding a production approval issued by the bilateral partner; and

(3) The modification was incorporated by a repair facility approved by the bilateral country.

e. The amount of credit that may be given to any specific bilateral country’s Export C of A is governed by the airworthiness provisions contained in that country’s bilateral agreement with the United States. All airworthiness-related bilateral agreements can be found on the FAA’s Web site at <http://www.faa.gov>.

Table A2-1. Bilateral Agreements that Provide for Acceptance of an Export Certificate of Airworthiness for Used Aircraft

Bilateral Countries	BAA or BASA IPA	Acceptance of Export C of A for Used U.S. Aircraft (See notes 1 & 2.)	Acceptance of Repair Data on Used U.S. Products	Acceptance* of Maintenance Activities on U.S.-Registered Aircraft Performed in a Non-FAA-Approved Repair Facility (See notes 4 & 5.)	Acceptance of an Export C of A for Third Country-Manufactured Used Aircraft (See note 6.)
Argentina	BAA	NO	NO	NO	YES
Australia	BASA IPA	YES	YES (See note 7.)	NO	YES
Belgium	BAA	NO	NO	NO	YES
Brazil	BASA IPA	YES	NO	NO	YES
Canada	BASA IPA	YES	YES (See note 3.)	YES	YES
Denmark	BAA	NO	NO	NO	YES
France	BASA IPA	YES	YES (See note 9.)	NO	YES
Germany	BASA IPA	YES	YES (See notes 8 & 9.)	NO	YES
Israel	BASA IPA	YES	NO	NO	YES
Italy	BASA IPA	YES	YES (See note 9.)	NO	YES
Japan	BAA	NO	NO	NO	YES
Netherlands	BASA IPA	YES	YES (See note 9.)	NO	YES
New Zealand	BASA IPA	YES	YES (See note 7.)	NO	YES
Romania	BASA IPA	YES	NO	NO	YES
Singapore	BASA IPA	NO	NO	NO	YES
Sweden	BASA IPA	YES	YES (See note 9.)	NO	YES
United Kingdom	BASA* IPA	YES	YES (See notes 8 & 9.)	NO	YES

**NOTE 1: The bilateral country's Export C of A can be used as evidence that at the time of export—**

1. The aircraft's configuration conformed to its FAA-approved type design, as stated on the aircraft's FAA type certificate data sheet;
2. The aircraft was determined to be in a condition for safe operation;
3. The aircraft configuration conformed to any incorporated FAA-approved design changes under an STC; and
4. The aircraft was in compliance with all FAA-issued ADs known by the bilateral partner to be in effect.

**NOTE 2: Please review the applicable bilateral agreement for the country in question because it may have limitations on the type or category of used U.S. aircraft acceptable under the bilateral agreement. For example, the United States acceptance of a Romanian Export C of A on a used U.S. aircraft is limited to a sailplane, power sailplane, or a very light airplane certificated to JAR-VLA.**

**NOTE 3: The United States/Canada BASA IPA, BASA Maintenance Implementation Procedure (MIP), and Memorandum of Understanding contain provisions for FAA acceptance of certain repair data. The following documents provide a better understanding of these provisions:**

1. BASA IPA dated October 2000.
2. BASA MIP dated August 31, 2006. See AC 43-10, United States-Canadian BASA/MIP Maintenance, for information related to the provisions of the MIP.
3. The Memorandum of Understanding between TCCA and the FAA dated October 2003, or any later revision approved by TCCA and the FAA. (Reference: <http://www.tc.gc.ca/CivilAviation/certification/Int/Memoranda/usa.htm>.) See FAA Order 8110.53, Reciprocal Acceptance of Repair Design Data Approvals Between FAA and TCCA.

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