

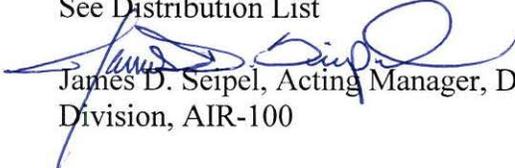


Federal Aviation Administration

Memorandum

Date: MAR 28 2014

To: See Distribution List

From:  James D. Seipel, Acting Manager, Design, Manufacturing, and Airworthiness
Division, AIR-100

Prepared by: Production Certification Section, AIR-112

Subject: Clarification: Shipment of Prototype Products and Articles with the Authorized
Release Certificate, Federal Aviation Administration (FAA) Form 8130-3,
Airworthiness Approval Tag

Memo No: AIR100-14-110-GM08

On August 1, 2013, the Federal Aviation Administration (FAA) published Order 8130.21H, *Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3; Airworthiness Approval Tag*. In response to that notification, several bilateral partners inquired about the apparent change in policy concerning the use of FAA Form 8130-3 for shipment of prototype products and articles.

Title 14 of the Code of Federal Regulations (14 CFR) part 21, Certification Procedures for Products and Parts, § 21.331(a) states, "A person may obtain from the FAA an export airworthiness approval to export a new aircraft engine, propeller, or article that is manufactured under this part if it conforms to its approved design and is in a condition for safe operation". Based on this regulation, FAA Form 8130-3 cannot be issued as an export airworthiness approval to export a prototype product or article because, by definition, such a product or article is not yet approved. One of the purposes of revision H was to make this clearer.

However, as provided for in many of our bilateral agreements and per the procedures of paragraph 2-2 of FAA Order 8130.21H, FAA Form 8130-3 may still be used to ship a prototype product or article manufactured in support of an FAA certification project, including a shipment to another country. When used for this purpose, FAA Form 8130-3 may not be completed as an export airworthiness approval. Instead, it must be completed to only state conformity to applicable data as illustrated in figure A-2 of the order. We will make this clearer in the next change or revision to FAA Order 8130.21.

Under the technical assistance provisions of its bilateral agreement with the United States, a bilateral partner civil aviation authority may request a certifying statement attesting to

conformity of a prototype product or article manufactured under its system in a facility in the United States. When the FAA agrees to provide such assistance, FAA Form 8130-3 may be used to document conformity of that prototype product or article and to ship it to the end user. In such cases, FAA Form 8130-3 is issued as a conformity document, not an export document.

If you have any questions, please contact the Design, Manufacturing, and Airworthiness Division, AIR-100, at 202-385-6348.

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