

CHAPTER 4. SPECIAL AIRWORTHINESS CERTIFICATION

SECTION 1. GENERAL INFORMATION

86. GENERAL. The procedures in this chapter provide guidance material associated with airworthiness certification and the issuance of Form 8130-7. Part 21, subpart H, Airworthiness Certificates, and subpart I, prescribe the procedural requirements for airworthiness certification for restricted, limited, provisional, multiple, experimental, and primary category aircraft (PCA). Procedures also are provided for issuance of special flight permits.

87. APPLICATION FOR AIRWORTHINESS CERTIFICATE. Form 8130-6 is required whenever an airworthiness certificate is issued or amended. This includes changes to operating limitations that may have been prescribed. The applicant must complete the appropriate sections and sign the application. A program letter also must be submitted to the FAA with any other document(s) required for the requested certification. The program letter must be reviewed to ensure all of the requirements of § 21.193(d) have been met.

88. CERTIFICATION PROCEDURES. The following procedures are common for issuance of Form 8130-7, consistent with any other specific procedures that may be prescribed in other paragraphs dealing with individual airworthiness categories. In no case may any aircraft be operated unless there is an appropriate and valid airworthiness certificate issued for that aircraft. The FAA representative must conduct any inspections necessary to verify the certification procedures listed below, including any other inspections found appropriate for that certification. For amateur-built aircraft, refer to paragraph 128 of this order.

a. Record Inspection. The FAA representative must do the following:

(1) Obtain from the applicant a properly executed Form 8130-6 and any other documents required for the certification.

(2) Obtain from the applicant a program letter which identifies the aircraft, the purpose of the certificate, the area over which the operations are to be conducted, the duration of the program, etc.

(3) Review the documentation provided by the applicant to determine that the registration requirements of part 47 have been met, and ensure that the aircraft is marked in accordance with part 45.

(4) Check with AFS-750 to determine if a denial letter exists for the particular aircraft. This may assist the ASI in determining aircraft eligibility.

(5) Review the aircraft records to determine that any required maintenance, inspections, etc., have been accomplished. Records should be complete and reflect no unapproved design changes.

(6) Arrange to review any inspection or technical data needed to establish conformity to type design.

(7) Review the applicant's weight and balance data for accuracy and currency for the aircraft submitted.

(8) Determine that the aircraft has been flight tested, if required. If it has not been flight tested, issue an appropriate Form 8130-7, for showing compliance with the airworthiness regulations (§§ 21.189(a)(2), 21.185(d) and 91.319(b)). The flight test must be recorded in the aircraft records and certify that the requirements of § 91.319(b) have been met. Flight test time is included as “time-in-service,” as defined by part 1.

(9) Determine that all relevant ADs have been complied with.

NOTE: Each AD contains an applicability statement specifying the product to which it applies. ADs, unless specifically limited, apply to the make and model set forth in the applicability statement regardless of category. The TC and airworthiness certification categories are used to identify the product affected. For further guidance see AC 39-7, Airworthiness Directives for General Aviation Aircraft.

(10) Establish that all required documentation and records have been provided for the aircraft, that is, an up-to-date approved flight manual, equipment list, and maintenance records and manuals as required by certain airworthiness parts of the CFR.

b. Aircraft Inspection. The FAA must arrange with the applicant to make the aircraft available for inspection to determine the following:

(1) The aircraft is eligible by make and model using the TCDS, aircraft specification, or aircraft listing, as applicable.

(2) The ID plate meets the requirements of § 45.11, as applicable.

(3) The information on the ID plate is correct, matches the information on Form 8130-6, and is in accordance with § 45.13, as applicable.

(4) The aircraft nationality and registration marks are in accordance with part 45.

NOTE: Section 21.182 (a) and (b)(2) requires each aircraft to be identified as described in § 45.11. In addition, if the aircraft previously was registered in the United States, it is acceptable to continue use of the duplicate pink copy of Aeronautical Center Form 8050-1, Aircraft Registration Application, as temporary authority to operate. However, it first must be verified that AFS-750 has received the Aircraft Registration Application as a temporary authority to operate.

(5) The flight control system operates properly.

(6) The engine(s), propeller(s), and associated instruments operate in accordance with the manufacturer’s instructions.

(7) The pitot static system and associated instruments operate properly.

(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, and air racing experimental certificates will be unlimited unless the Administrator finds good cause that a specific period should be established. Any other necessary operating limitations will be attached to this form; see paragraphs 134 and 142 of this order.

d. However, original experimental certificates issued for the purpose of exhibition and air racing 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.