



U.S. Department
of Transportation
Federal Aviation
Administration

Memorandum

Subject: **INFORMATION:** Certification of Foreign Military
Surplus Aircraft
Ref: ASW-110 cc:Mail message dated 4/11/96

Date: MAY 13 1996

From: Manager, Aircraft Engineering Division, AIR-100

Reply to
Attn. of:

To: Manager, Rotorcraft Directorate, ASW-100

The Rotorcraft Standards Staff asked for comments on whether Canadian military surplus Model OH-58 rotorcraft are eligible for a restricted category type certificate (TC) and airworthiness certificate.

This matter applies, not only to the Model OH-58's, but to all models of military surplus aircraft from foreign military organizations. We have reviewed 14 CFR part 21 and find that there are no provisions that pertain specifically to type certification of foreign surplus military aircraft. Additionally, we do not know of any TC's, including those in the restricted category, that have been issued for foreign military surplus aircraft.

Further review of paragraph 8.10 (a)(2) of Civil Aeronautics Manual (CAM) 8, Aircraft Airworthiness; Restricted Category, and CAM 9 Aircraft Airworthiness; Limited Category, shows that there were TC provisions only for surplus aircraft which were originally designed for the military services of the United States. Civil Aeronautics Regulation 9.2(a) stated in part, "A type certificate will be issued if the Administrator finds: (a) The aircraft is of a make and model which was originally designed and has been manufactured for, and accepted for use by, the military services of the United States for combat or other specialized purposes." This language is carried through for interpreting 14 CFR § 21.25 (a)(2).

The logic for not issuing TC's for foreign military surplus aircraft continues to prevail today. Historical fleet records are required for finding that there is no unsafe feature or characteristic as required by 14 CFR § 21.25(a). Also, historical records are required for the continued airworthiness of these aircraft. These historical records are not readily available from foreign military services. The Federal Aviation Administration (FAA) because of the lack of documentation, would not be able to ensure the appropriate level of airworthiness. The continued airworthiness of these aircraft would place an undue burden on the FAA.

The Aircraft Certification Service will continue the policy of not issuing TC's for foreign military surplus aircraft. Additionally, without a TC, an airworthiness certificate cannot be issued except for experimental purposes.


for
John K. McGrath