



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

MAY 28 1993

Mr. Bart House
Director, Program Service
Policy Management and Budget
Department of the Interior
Washington, DC 20240

Dear Mr. House:

On Friday, May 14, representatives of the Department of the Interior (DOI), Department of Agriculture, Forest Service (DAFS), the U.S. Air Force (USAF), and the Federal Aviation Administration (FAA) met with the Department of Justice (DOJ), Torts Division, to discuss concerns as to the airworthiness of certain Lockheed C-130A surplus military aircraft. These aircraft are certificated in the restricted category and operated under Part 91 of Federal Aviation Regulations (FAR) under contract to the DOI and DAFS.

The FAA considers an aircraft airworthy if the aircraft conforms to its type design and is in a condition for safe operation.

The Lockheed C-130A aircraft is eligible for issuance of a special airworthiness certificate, restricted category, if it is type certificated in accordance with Part 21 of the FAR. The airworthiness certificate remains in effect as long as maintenance, preventive maintenance, and alterations are performed in accordance with Parts 43 and 91 of the FAR, and the aircraft is inspected in accordance with Section 91.409(e) of the FAR. In addition, each owner or operator of the aircraft must comply with all applicable airworthiness directives pursuant to Part 39 of the FAR.

Although the FAA monitors for compliance with the FAR, the operator is responsible for the airworthiness of the aircraft. As long as the aircraft operator complies with the above criteria, the aircraft would be considered airworthy in its restricted category.

In response to the concerns expressed by the DOI, the FAA will evaluate the requirements of the FAA-approved inspection programs for C-130A aircraft under Part 91 of the FAR and compare those requirements to the military technical publications. A copy of the FAA action plan outlining the tasks and time schedule is enclosed for your review. Once the working group's evaluation is completed, the programs will be compared, the aircraft records reviewed, and the results evaluated. A summary report will be provided to you following the evaluation.

If you have any further questions on this matter, please contact Kenny Rogers, AFS-510, (703) 661-0333 [REDACTED]

Sincerely,


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William J. White
Deputy Director, Flight Standards Service

Enclosure