



U.S. Department
of Transportation

**Federal Aviation
Administration**

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

March 13, 2006

Mr. Marshall S. Filler
Managing Director & General Counsel
Aeronautical Repair Station Association
121 North Henry St.
Alexandria, VA 22314-2903

Dear Mr. Filler:

This is in response to your November 22, 2005, letter on behalf of the Aeronautical Repair Station Association (ARSA) in which you petitioned the Federal Aviation Administration (FAA) to amend § 145.206 of Title 14, Code of Federal Regulations (CFR).

Section 145.206 prescribes, for notification of hazardous materials authorizations,

- (a) Each repair station must acknowledge receipt of the part 121 or part 135 operator notification required under §§121.1005(e) and 135.505(e) of this chapter prior to performing work for, or on behalf of that certificate holder.
- (b) Prior to performing work for or on behalf of a part 121 or part 135 operator, each repair station must notify its employees, contractors, or subcontractors that handle or replace aircraft components or other items regulated by 49 CFR parts 171 through 180 of each certificate holder's operations specifications authorization permitting, or prohibition against, carrying hazardous materials. This notification must be provided subsequent to the notification by the part 121 or part 135 operator of such operations specifications authorization/designation.

The change you request would amend the Hazardous Materials (HAZMAT) notice requirements for certain repair stations certificated under part 14 CFR 145. Your proposal included an amendment to § 145.206(a) that would relieve repair stations not regulated as a HAZMAT employer (as defined in 49 CFR 171.8) of the requirement to acknowledge receipt of the notification of the HAZMAT status of certain part 121 or part 135 operators. You also recommended that the FAA amend § 145.206(b) to require notification of the HAZMAT status to employees of a part 145 repair station only at the repair station's fixed location.

AFS-06-088-P

Regarding your request for amendment of § 145.206(a), the requirements in § 121.1005(e) and § 135.505(e) state that the notification requirement applies only to repair stations that are regulated by 49 CFR parts 171 through 180. Therefore, we find the amendment you recommend in your petition is not necessary. If the repair station is not regulated by parts 171 through 180, the requirements of § 145.206(a) do not apply.

Regarding your request to amend § 145.206(b), we consider these notification requirements to be an important part of HAZMAT communication and training requirements. The training requirements in subpart H are mandatory for all HAZMAT employees (as defined in 49 CFR 171.8). Those requirements increase HAZMAT employee awareness of the safety considerations involved in loading, unloading, handling, storing, and transportation of hazardous materials. An effective HAZMAT communication and training program reduces hazardous materials incidents resulting from human error and mitigates the effects of incidents when they occur. The HAZMAT training requirements in 49 CFR are function-specific and HAZMAT employers are authorized to determine which employees perform a function regulated by parts 171 through 180. The requirements in § 145.206(b) are also function-specific, so the notification requirement is determined by the employee's job function, not the employment relationship or location.

For the above reasons, we find that new rulemaking is not required. We will close Docket No. FAA-2003-15085-77, and we will place your comments and arguments for rulemaking in a database.

If you have any questions, you may contact me at (202) 267-9864.

Sincerely,

/s/ William G. Wilkening
Director, Office of Hazardous Materials