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RE: Significant Matter Impacting Repair Stations

Dear Messrs. Allen and Douglas:

The Aeronautical Repair Station Association (ARSA) has received numerous inquiries from members regarding a new Southwest Airlines (SWA) "program" aimed at maintenance providers. The details of that effort are contained in an "outsource provider standards manual" (OPSM). Industry training on the new program, slated for completion on August 31, 2012,¹ is currently underway; implementation is expected "soon" thereafter. Since the OPSM bypasses the regulatory relationship repair stations have with air carrier customers, it is a matter of extreme importance.

While ARSA is keen to improve the regulatory interface between air carriers and repair stations, it is vehemently opposed to measures that contradict the framework established by existing rules.² The fact that many OPSM provisions are not supported by regulations³ is particularly troubling; the extreme nature of the OPSM indicates pressure from the "local" FAA to develop the program and manual.⁴

We emphasize that the issue raised in this letter is not related to "exceeding" the regulatory requirements for air carrier maintenance. Rather, it draws the FAA's attention to developments

¹ SWA is training on OPSM "requirements" through dedicated meetings for maintenance contractors in anticipation of an implementation date "whenever the contractor can reasonably comply with the new 'requirements,'" including creation of a dedicated manual, separate from the FAA required repair station manual, solely for SWA work.

² For example, the OPSM cites rules that have no applicability, such as European Aviation Safety Agency (EASA) regulations, Civil Aeronautics Regulations (CAR), and rules pertaining to parts manufacturer approvals.

³ The OPSM goes well beyond the requirement in Title 14 Code of Federal Regulations (14 CFR) § 145.205; it is essentially based on the misperception that the repair station rule does not exist.

⁴ Indeed, any pressure applied to develop this manual during the SWA and AirTran single operating certificate process is suspicious.

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which undermine compliance by shifting focus from existing rules directly applicable to repair stations performing maintenance for an air carrier. That is, plainly written rules are being set aside in favor of unrealistic and unsupportable desires.⁵ Due to the size of the carrier's fleet, and the scope of the questionable aspects of the particular OPSM, this issue has far reaching consequences.

To remedy this situation, we respectfully request that the FAA coordinate with its field personnel to ensure actions taken or requested are supported by regulations. Specifically, we request the immediate involvement of policy divisions at FAA headquarters in reviewing the OPSM to specifically distinguish regulatory issues from other "requirements"; and in concert with the carrier's certificate management office, delaying its implementation.⁶

At the same time, ARSA will work with the FAA to ensure its guidance materials, which provide a source of confusion in this area,⁷ are consistent with the regulations.⁸ The association is currently outlining the applicable regulatory framework, and drafting suggested improvements to the guidance pertaining to the repair station interface with air carrier customers. ARSA looks forward to working with the FAA in this matter.

Please contact me as soon as possible so we may further discuss the issues raised in this letter and establish a timely meeting.

Sincerely,



Craig L. Fabian
Vice President Regulatory Affairs and
Assistant General Counsel

cc: Elbert Bush
Patty Williams
Ken Kerzner

⁵ In addition, as previously mentioned, the local FAA understanding reflects confusion over applicable regulations (see footnote 2).

⁶ Our understanding is that SWA is under significant pressure from its local office to implement the program. As such, we believe FAA headquarters involvement is necessary to afford proper discussion of this important issue.

⁷ Specifically: Order 8900.1, Vol.3, Ch.42; Sec.1, Vol.6, Ch.2, Sec.40; and Advisory Circular 120-16E.

⁸ We believe that, over time, the pertinent FAA guidance has diverged from its regulatory basis; there is also inconsistency between guidance on the same topic.