

June 13, 2014

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RETURN RECEIPT REQUESTED

RECEIPT NO: 7012 2920 0001 1065 8606

Steven W. Douglas
Manager
Aircraft Maintenance Division Federal
Aviation Administration
800 Independence Ave, SW
Washington, D.C. 20591-0004

RE: 14 Code of Federal Regulations (CFR) [section 43.13](#)-developed information

Dear Steve:

We understand someone in the agency is questioning the use of methods, techniques and practices developed by an airline, and used to perform work on another person's article.

The regulations and guidance are clear when it comes to repair stations following an air carrier's requirements under [section 145.205](#). However, the guidance does not cover situations where an airline develops [section 43.13\(c\)](#) information and the maintenance provider uses it on non-airline customer aircraft. Nor does the guidance contemplate one maintenance provider using another's internally developed [section 43.13\(a\) and \(b\)](#) methods, techniques and practices.

The regulations support the following scenarios:

- (1) Airline provides [section 43.13\(c\)](#)-developed information to repair station for use on the air carrier's own articles.
- (2) Airline accepts repair station ([section 43.13\(a\) and \(b\)](#)) developed methods, techniques and practices for performing maintenance, preventive maintenance or alterations for use on the air carrier's articles.
- (3) Maintenance provider is given access to [section 43.13\(c\)](#)-developed information for use on other articles. Before applying those methods, techniques and practices to an article, the maintenance provider must ensure it is appropriate for the work it performs.
 - (a) If the work is for an airline, the information is found acceptable under that customer's program, thus complying with [section 145.205](#).
 - (b) If the work is for a non-air carrier, ensure the information is not unique to the developer's fleet and/or articles and will return the article to at least its original or properly altered condition.

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- (4) Maintenance provider develops (or is given access to another maintenance provider's developed) methods, techniques and practices (e.g., a repair specification) for performing work under [section 43.13\(a\) and \(b\)](#). Before applying those methods, techniques and practices to an article, each maintenance provider must ensure it is rated to perform the work, has the appropriate housing, facilities, equipment, trained personnel and referenced data to accomplish and record the work under its repair station and quality manual.
 - (a) If the work is for an airline, the information is found acceptable under that customer's program, thus complying with [section 145.205](#).
 - (b) If the work is for a non-air carrier, ensure the information is not unique to the developer and will return the article to at least its original or properly altered condition.

The agency has issued guidance that supports the regulations in this regard; while page 12 in Chapter 4 of [Order 8300.16](#) uses the term "acceptable data" it specifically addresses the language in [section 43.13\(a\)](#), i.e., "methods, techniques and practices acceptable to the Administrator."

It appears that other guidance may be misdirecting oversight to the commercial relationship rather than the regulatory compliance elements. To ensure proper oversight, the focus should not be the source of the methods, techniques and practices but rather, whether the:

- (1) Methods, techniques and practices are in writing and repeatable or are otherwise capable of showing compliance with [section 43.13\(a\)](#).
- (2) Work performed returns the article to its original or properly altered condition in compliance with [section 43.13\(b\)](#).
- (3) Maintenance provider can perform the work described in the [section 43.13\(a\) information](#) (just like the work that is described in an airworthiness directive, manufacturer's manual or service bulletin) under its ratings and capabilities (i.e., has the housing, facilities, equipment, materials, referenced data and knowledgeable personnel to accomplish the method, technique or practice).

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RE: 14 CFR section 43.13-developed information

We would appreciate the chance to meet and discuss this issue in more detail and to determine appropriate actions for resolution.

Sincerely,



Sarah MacLeod
Executive Director
Aeronautical Repair Station Association



Robert L. Ireland
Managing Director, Engineering & Maintenance
Airlines for America

Attachment: May 27, 2014 Letter to Alabama FSDO from Delta

cc: Bob Gleason, Quality Manger, Delta Air Lines bob.gleason@delta.com
Richard J. Henry, Front Line Manager, richard.henry@faa.gov
Airworthiness, Alabama FSDO
Tom Winston, Flight Standards Division Manager, thomas.winston@faa.gov
Southern Region
Kim Davies, Manager, ASO-230, Southern Region kim.o.davies@faa.gov
Tim Stanton, Supervisory Principal Maintenance tim.stanton@delta.com
Inspector, Delta Air Lines CMO



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May 27, 2014

Richard J. Henry
Front Line Manager, Airworthiness
Alabama Flight Standards District Office
1500 Urban Center Drive
Suite 250
Vestavia Hills, AL 35242

Dear Richard;

Thank you for the recent audit you led of Delta TechOps (DTO) 145 repair station (Air Agency certificate DALR026A). You and your team did an excellent job identifying areas where we can strengthen our commitment to compliance. During the out-brief on Friday, April 18, 2014, you noted several concerns that will be forwarded to the Delta Air Lines CMO for handling. You also stated that one of your concerns will be elevated to FAA AFS-300 and the Office of the Chief Counsel (AGC) for interpretation.

This concern stems from DTO's use of methods, techniques and practices from the Delta Air Line manuals on the repair station's customers. As we stated during our discussions, 14 CFR sections 43.13(a) and (b) support the use of methods, techniques or data acceptable to the FAA. Indeed, FAA Advisory Circular 120-77 titled *Maintenance and Alteration Data* states in paragraph 11(b)(3): "However, when they are working on behalf of non-air carrier customers, the regulations allow repair stations to use other methods, techniques, and practices that are acceptable to the Administrator for performing the work." As you verified during the audit, appropriately developed engineering data was the basis of the methods, techniques and practices used. Indeed, if the customer is an air carrier that has "approved" the use of the procedures, there is no doubt the data can be used. Your concern is only when the methods, techniques and practices are used for non-air carrier customers, even when the processes are "approved" by that customer and DTO verifies that the methods, techniques and practices are applicable to the particular unit undergoing maintenance.

In researching the issue within the industry, DTO is not alone in its understanding of the current regulations. Since this issue is so central to every single repair station, and particularly repair stations associated with air carriers, DTO has asked for a vetting through the Aeronautical Repair Station Association (ARSA). It is our belief that we need to be a party to the discussions regarding this important industry discussion.

We are ready to discuss our understanding of the regulations as applicable to the repair station's air carrier and non-air carrier customers. Please let us know what we can do to assist in facilitating an expeditious decision from AFS-300 and the AGC.

Mr. Richard J. Henry
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Again, thank you for your time, attention and the opportunity to host this special audit. Everyone at DTO strives to become better through these types of audits. We look forward to hearing from you on the current status of your query to AFS-300 and AGC.

Respectfully yours,



Bob Gleason
Director
Quality Control – 145 Quality Manager

Cc: FAA:

Tom Winston - Flight Standards Division Manager, Southern Region
Kim Davies - Manager, ASO-230, Southern Region
Tim Stanton - Supervisory Principal Maintenance Inspector, Delta Air Lines CMO
Steve Douglas - Manager, Aircraft Maintenance Division, AFS-300
Darcy Reed - Manager, Repair Station Branch, AFS-340

Aeronautical Repair Station Association:

Sarah MacLeod - Executive Director

Delta Air Lines:

Don Mitacek - SVP Tech Ops - 145 Accountable Manager
David Garrison - VP Engineering and Quality
Lee Gossett - VP Line Maintenance - 145 Production Manager