



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

Federal Aviation Administration
Western-Pacific Region

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

Dear Messrs. Albert and Filler:

Thank you for your letter dated April 30, 2014, addressed to John S. Duncan, Director of the Flight Standards Service of the Federal Aviation Administration (FAA). This letter has been forwarded to me for response through the FAA's Consistency and Standardization Initiative (CSI) process.

In your letter, you objected to the FAA's removal of AJETON's¹ Operations Specifications (OpSpecs) paragraph D100,² and challenged the need for a repair station to maintain a facility consistent with its limited airframe and/or powerplant rating(s) after issuance of its certificate and line maintenance authority. You opined that following certification, the repair station need only provide access to a facility on an as needed basis for the performance of line maintenance. In addition, you recommended that, in order to "*reduce the confusion and mitigate the inconsistent application of policy in the area of limited ratings with line maintenance authorization,*" the FAA should:³

"(A) Issue an Info bulletin that outlines the requirements for obtaining a limited airframe and/or powerplant rating that allows the issuance of authority to perform line maintenance services... That means it must have access to – permanent housing, suitable for performing 'line maintenance' for an air carrier; that is, a hangar available on an 'as needed' basis to enclose the largest aircraft upon which it will be working;"

"(B) Query the LAX FSDO [personnel of the FAA Los Angeles Flight Standards District Office

¹ AJETON, Inc., an approved Repair Station, holds Air Agency Certificate Number 3AJR398B, issued on November 30, 2009.

² OpSpecs paragraph D100 authorizes Work to be Performed at a Place Other than the Repair Station Fixed Location(s). The FAA issued OpSpecs D100 to AJETON on November 30, 2009. FAA records indicate D100 was rescinded on September 26, 2011.

³ Refer to page 14 of CSI letter dated April 30, 2014.

(LAX FSDO)] *on the AJETON matter...;*” and

“(C) If the situation is as reported, revise AJETON’s OpSpecs by reinstating paragraph D100.”

Fundamentally, for a repair station to be issued a repair station certificate, it must meet the initial certification requirements in 14 C.F.R. part 145, which includes, among other things, complying with the housing and facilities requirements of §§ 145.101⁴ and 145.103. Section 145.101 requires, in part, that a certificated repair station must provide housing and facilities that meet the applicable requirements for issuance of the certificate and ratings the repair station holds. Section 145.103(b)⁵ requires that a certificated repair station with an airframe rating must provide suitable permanent housing to enclose the largest type and model of aircraft listed on its operations specifications.

The authority for a repair station to perform line maintenance for an air carrier is found in § 145.205(d)⁶, and the authority for a repair station to perform work at a place other than the repair station’s fixed location is provided in § 145.203⁷. This distinction is important because, although a repair station may exercise its certificate under the provisions of these operating rules on a routine basis, it must still comply with part 145 and meet the additional operating rules’ requirements, as applicable. The only requirement that a repair station need not comply with when performing line maintenance for an air carrier is the housing requirement of § 145.103(b). This exception provided by § 145.205(d) means a repair station may perform the authorized line maintenance without having to provide suitable permanent housing to enclose the aircraft upon which that maintenance is being performed. In performing maintenance other than authorized line maintenance, a repair station with an airframe rating must provide suitable permanent housing as required by rule.

⁴ §145.101 **General.**

A certificated repair station must provide housing, facilities, equipment, materials, and data that meet the applicable requirements for the issuance of the certificate and ratings the repair station holds.

⁵ §145.103(b) A certificated repair station with an airframe rating must provide suitable permanent housing to enclose the largest type and model of aircraft listed on its operations specifications.

⁶ §145.205(d) Notwithstanding the housing requirement of §145.103(b), the FAA may grant approval for a certificated repair station to perform line maintenance for an air carrier certificated under part 121 or part 135, or a foreign air carrier or foreign person operating a U.S.-registered aircraft in common carriage under part 129 on any aircraft of that air carrier or person, provided-

- (1) The certificated repair station performs such line maintenance in accordance with the operator’s manual, if applicable, and approved maintenance program;
- (2) The certificated repair station has the necessary equipment, trained personnel, and technical data to perform such line maintenance; and
- (3) The certificated repair station’s operations specifications include an authorization to perform line maintenance.

⁷ §145.203 **Work Performed at another location.**

A certificated repair station may temporarily transport material, equipment, and personnel needed to perform maintenance, preventive maintenance, alterations, or certain specialized services on an article for which it is rated to a place other than the repair station’s fixed location if the following requirements are met:

- (a) The work is necessary due to a special circumstance, as determined by the FAA; or
- (b) It is necessary to perform such work on a recurring basis, and the repair station’s manual includes the procedures for accomplishing maintenance, preventive maintenance, alterations, or specialized services at a place other than the repair station’s fixed location.

Specific to your inquiry are operating rules § 145.205(d) and § 145.203 for line maintenance and work performed at another location, respectively. It is important that the definition of *line maintenance* first be addressed as it provides the foundation upon which the framework of this response is built.

Line Maintenance Defined

Section 145.3(d)⁸ defines *Line maintenance* as: “(1) Any unscheduled maintenance resulting from unforeseen events; or (2) Scheduled checks that contain servicing and/or inspections that do not require specialized training, equipment, or facilities.” The definition was included in the 2001 final rule to clarify the work that may be performed for air carriers under operating rule §145.205(d). Note that § 145.205(d) provides: “*Notwithstanding the housing requirement of §145.103(b), the FAA may grant approval for a certificated repair station to perform line maintenance for an air carrier . . .*” Under that provision, the FAA may grant approval to an already-certificated repair station to perform for an air carrier the type of maintenance that meets the line maintenance definition. This work would typically be at a location other than the repair station’s primary facilities, and the repair station would not be required to meet the housing requirement of § 145.103(b) for the line maintenance work it would be performing. This clarification is important since you opine that a repair station need only provide access to a facility on an as needed basis for the performance of line maintenance.

In your letter, you expand on the line maintenance definition in § 145.3(d) to indicate that “line maintenance . . . could include annual inspections of general aviation aircraft⁹ up to and including C-checks on part 121, 129 and 135 aircraft.”¹⁰ Unfortunately, your suggested definition of line maintenance cannot be reconciled with the FAA’s definition for two reasons. First, while the types of maintenance that fit the description of *line maintenance* found in the definition may be performed on part 91 operators’ aircraft,¹¹ this has no relevance to the required housing issues you raise. While § 145.103(c)¹² provides a general exception to the housing requirement in § 145.103(b), that section, by its terms, presupposes that the existing repair station already has

⁸ §145.3(d) *Line maintenance means*—

- (1) Any unscheduled maintenance resulting from unforeseen events; or
- (2) Scheduled checks that contain servicing and/or inspections that do not require specialized training, equipment, or facilities.

⁹ General aviation aircraft are commonly accepted as those that operate under the provisions of 14 CFR part 91. Section 40101 of Title 49 United States Code, defines in part “the term ‘general aviation entity’ means any person other than a scheduled air carrier or foreign air carrier, . . . that (1) operates nonmilitary aircraft under [14 CFR Part 91], for the purpose of conducting its primary business; . . .” Refer to Public Law 108-176, title VIII, §817, December 12, 2003, 117, Statute 2592.

¹⁰ Refer to footnote 1, page 4, of your subject letter dated April 30, 2014.

¹¹ *Line maintenance* is nothing more than a term for a sub-set of maintenance that has practical effect only when applied to that work being done for an air carrier—ref. § 145.205(d). The term appears nowhere else in part 145. Maintenance performed on general aviation aircraft operated under part 91 would not be performed under §145.205.

¹² §145.103(c) A certificated repair station may perform maintenance, preventive maintenance, or alterations on articles outside of its housing if it provides suitable facilities that are acceptable to the FAA and meet the requirements of §145.103(a) so that the work can be done in accordance with the requirements of part 43 of this chapter.

the required housing—the exception in § 145.103(c) allows work outside of *that* housing only if the work can be done in accordance with part 43. Implicit in that requirement is that the work be protected from adverse environmental conditions. In that regard, we stated in the preamble to the repair station rule: “If articles and workers performing maintenance . . . are not protected from these [environmental] elements, the work may not be performed properly.” (66 FR 41098, August 6, 2001.)

Second, C-checks are generally considered heavy checks and often warrant (1) a facility capable of housing the aircraft upon which the C-check is being performed; (2) personnel with specialized training (*e.g.* Required Inspection Items (RII), non-destructive testing (NDT), *etc.*); and (3) specialized equipment (*e.g.* boroscope, eddy current, ultra-sound, avionics testing equipment, *etc.*). The FAA grants line maintenance approval through the issuance of OpSpecs paragraph D107¹³, and those three considerations are not always addressed in line maintenance authorizations. Because each air carrier and its aircraft have unique maintenance and inspection programs, even if all but one air carrier’s C-check did not require specialized training, equipment, and facilities, adding the phrase “up to and including C-checks” to the definition of line maintenance is not universally applicable; therefore, it cannot be universally accepted or applied.

It should be noted, however, that if a repair station is authorized to perform line maintenance for an air carrier; and the air carrier’s line maintenance includes an inspection (*e.g.* C-check) that requires the aircraft to be housed, and the repair station is tasked with performing that check, then the repair station must have already been appropriately rated to perform the inspection, and the facility where it would occur should have already been identified and approved in OpSpecs D107.

Further, if *unscheduled maintenance* resulting from unforeseen events is such that it requires the subject aircraft to be housed for that maintenance, and the repair station is appropriately rated to perform the maintenance and the facility used to house the aircraft is identified in OpSpecs D107, then the repair station may perform this work under its line maintenance authorization in accordance with § 145.205(d). If, however, the repair station does not have a qualifying maintenance facility at the location identified in OpSpecs D107, then the repair station may not perform the work under its line maintenance authorization. Instead, the repair station must perform the unscheduled maintenance under the provisions of § 145.203 (Work performed at another location) based on its ratings and limitations set forth in its OpSpecs paragraph A003.¹⁴ In the case of work needing to be done on a recurring basis, the requirements of paragraph (b) of § 145.203 would apply, and the repair station would need appropriate procedures in its accepted repair station manual to accomplish this work at a place other than its fixed location. This work would be authorized under the repair station’s OpSpecs paragraph D100.

¹³ OpSpecs paragraph D107 authorizes a repair station to perform line maintenance functions that apply only to the certificate holders conducting air carrier operations under 14 CFR Parts 121 and 135 and for foreign air carriers or foreign persons operating a U.S.-registered aircraft in common carriage under 14 CFR Part 129.

¹⁴ OpSpecs paragraph A003 authorizes the ratings and/or limitations of a repair station.

Line Maintenance Authorization

Under § 145.205(d), the FAA may grant approval for an already-certificated repair station to perform line maintenance for an air carrier conducting operations under 14 CFR part 121 or part 135, or for a foreign air carrier or foreign person operating a U.S.-registered aircraft in common carriage under 14 CFR part 129. The FAA grants this approval along with appropriate limitations through the issuance of line maintenance authorization OpSpecs D107. Although the regulation is not prescriptive in requiring a repair station to have a contract with an air carrier before the repair station is granted approval to perform line maintenance for an air carrier, the FAA, in concert with its safety management systems methodology, has controls in place to ensure that the repair station is appropriately rated and adequately prepared to comply with §145.205(d); and, that the FAA has adequate controls in place for its continued operational safety oversight responsibilities. OpSpecs D107 serves as this control. A contract notwithstanding, in order for the FAA to properly evaluate whether a repair station is able to perform line maintenance in accordance with the air carrier's maintenance program and manual, and that it has the necessary equipment, personnel, and data, the name of the air carrier(s), the location(s) where the line maintenance will be performed, and the make and model of the aircraft to be worked on are required. As noted above, a repair station may perform line maintenance only in accordance with the approval granted and spelled out in OpSpecs D107. Unscheduled maintenance resulting from unforeseen events that occur at a location other than one already approved in OpSpecs D107, must be done under the provisions in § 145.203. Any exception to the housing requirements of § 145.103(b) must meet the requirements of § 145.103(c).

I refer you to the following excerpt from a letter dated October 8, 2008, addressed to Ms. Sarah McLeod, of the Aeronautical Repair Stations Association, from Ms. Carol Giles, Manager of the Aircraft Maintenance Division of the FAA's Flight Standards Service, that addresses this issue:

We offer the following additional information to address D107 in general.

The process of listing the name of the U.S. air carrier, make and model of aircraft, and location on OpSpecs D107 is a result of an Office of the Inspector General (OIG) finding and Congressional inquiries. The information required by D107 demonstrates to the OIG and Congress that the FAA is knowledgeable of where the repair station is utilizing its certificate and the FAA has the ability to perform proper oversight of that location. This same information is not required in Canada because the FAA does not issue repair station certificates in Canada in accordance with the agreement.

It is important to reiterate that line maintenance is not a rating; it is an authorization that is approved via issuance of OpSpecs D107 under the provision of the part 145 operating rules, specifically § 145.205(d). Although § 145.205(d) allows some deviation from the housing requirement, that requirement is based upon the repair station's having suitable housing at another location that meets the requirements of part 145.

In some cases, a repair station that has received FAA approval to perform line maintenance for an air carrier may choose to limit its work to only that line maintenance.

In these cases, the repair station must have a limited airframe rating. The actual limitations/authorizations governing the line maintenance will be listed in OpSpecs D107. Regardless of the type of airframe rating held, the line maintenance approval must be included in OpSpecs A003, and the repair station must still meet the housing and all other applicable requirements of part 145 to obtain and retain its certificate. In this regard, please note that in order for a repair station to continue to hold its certificate, initial certification requirements are continuing and ongoing. See *Alphin Aircraft, Inc.*, FAA Order No. 97-10 at 3 (1997).

Work Performed at Another Location

Under § 145.203, a certificated repair station may temporarily perform work for which it is rated at a place other than the repair station's fixed location if certain requirements are met. Foremost, per § 145.209(f), the repair station's manual must have procedures to govern the work performed at another location in accordance with §145.203. If the work is necessary due to a special circumstance, the repair station may temporarily perform work at another location as determined by the FAA on a case-by-case basis. To be issued OpSpecs D100, which authorizes work to be performed at a place other than the repair station's fixed location(s) on a recurring basis, the repair station must show the FAA that it is necessary to perform work at another location on a recurring basis. In addition, as noted above, the repair station's manual must include the procedures for accomplishing maintenance, preventive maintenance, alterations, or specialized services at a place other than the repair station's fixed location

Recommendation A

You recommend the FAA issue an Info bulletin that outlines the requirements for obtaining a limited airframe and/or powerplant rating that allows for authorization to perform line maintenance. You also recommend that this bulletin address the housing requirement for line maintenance by stating that it means the repair station *"must have access to—Permanent housing, suitable for performing 'line maintenance' for an air carrier; that is, a hangar available on an 'as needed' basis to enclose the largest aircraft upon which it will be working."* You added: *"The repair station must explain how it will ensure it has the housing, facilities, . . . necessary for performing the work . . . , including when the aircraft may need to be ferried to the hangar and how that housing will be made available when necessary."* The FAA does not concur with this recommendation.

A repair station, as authorized by its ratings and/or limitations, already has the authority to work at a place other than its fixed location either under a special circumstance or on a recurring basis as explained above. If in the performance of line maintenance, the aircraft needs to be ferried to a hangar or positioned to a "base" where maintenance or alterations are to be performed, and the base is not a facility listed in D107, then the repair station may not perform the unscheduled maintenance under its line maintenance authority.

Instead, if the repair station is appropriately rated to perform the unscheduled maintenance, it must perform the maintenance under the provision of its OpSpecs A003, and D100 if applicable. Under the provisions of paragraphs A003 and D100, the repair station must have already

provided the housing upon which the authority was granted. If the base is not the housing upon which the authority of A003 or D100 was granted, and the certificated repair station is rated to perform the unscheduled maintenance, in accordance with § 145.203(a), it may temporarily transport material, equipment, and personnel needed to perform the work to a place other than the repair station's fixed location if the work is necessary due to a special circumstance, as determined by the FAA.

As stated above, line maintenance is an authorization, not a rating. A repair station's rating may be *limited to line maintenance only*. OpSpecs D107 limits where a repair station may exercise that authorization. Moreover, it is the repair station's ratings that dictate its housing and facilities requirements as defined by § 145.103. Operating rule § 145.205(d) allows for deviation from the housing requirement of § 145.103(b).

If you are suggesting that a repair station be allowed to provide suitable housing to enclose the largest aircraft for which it is rated, only on an "as needed" basis, then it appears you are suggesting a blanket exemption to § 145.103, which the agency cannot provide.

Recommendation B

Query the LAX FSDO on the AJETON matter.

We have queried the personnel of the LAX FSDO, and this response is based in part on the information we obtained.

Recommendation C

If the situation is as reported, revise AJETON's OpSpecs by reinstating paragraph D100.

The situation is somewhat as reported, however we support the LAX FSDO's actions. Upon reviewing AJETON's certification process, subsequent surveillance activities, and the rescinding of OpSpecs D100, we regret that we are unable to revise AJETON's OpSpecs by reinstating OpSpecs D100 for, but not limited to, the following reasons:


1. AJETON does not have procedures in its Repair Station Manual to govern work performed at another location in accordance with § 145.203.
2. OpSpecs D100 can be issued to AJETON only after AJETON demonstrates that:
 - a. Work away from its fixed location on a recurring basis is necessary;
 - b. Its manual includes procedures for accomplishing maintenance, preventive maintenance, or alterations at a place other than the repair station's fixed location; and
 - c. It provides suitable housing and facilities acceptable to the FAA that meet the requirements of § 145.103(a) so that the work can be done in accordance with the

requirements of 14 CFR part 43 at a location other than its fixed location.¹⁵

We welcome AJETON's submittal of an application with supporting documentation for a change to its ratings. We will review the package to ensure that AJETON meets applicable regulatory requirements, re-evaluate its housing and facilities to ensure they are suitable for the ratings sought, and will take the appropriate certification steps necessary to resolve this issue.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact Mr. Bruce Allen, Manager, Technical Support Branch – GA, AWP-230 at (310) 725-7222.

Sincerely,


Nicholas Reyes, Manager
Regional Flight Standards Division

cc: Steven Douglas, AFS-300
Pat McNall, Acting AGC-1

¹⁵ Currently AJETON would have to demonstrate that it met these requirements for maintaining Boeing 727 and 737 aircraft through the C-check level, and Pratt & Whitney JT8D and GE CFM56 powerplants. These were listed in AJETON's OpSpecs D100 paragraph when it was issued on November 30, 2009.