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RE: Docket Number FAA-2006-26408

The Association represents persons and entities that are certificated under part 145 around the world. Our members range from large corporations that also design, produce and operate aircraft to small family-owned businesses. We recognize the difficulty in promulgating a regulation for repair stations that takes into account myriad of organizations, let alone the variety of the work these entities perform.

We commend the Federal Aviation Administration's (FAA's) continual efforts to improve the regulations. We urge the agency to contemplate the comments being submitted by this Association, as well as the other associations and individuals representing repair stations and those that use and oversee such certificated entities.

After incorporating the comments in a final rule, the Association urges the FAA to issue a Supplemental Notice of Proposed Rulemaking (SNPRM) to ensure it has addressed the concerns in an appropriate manner. Further, we urge the agency to provide draft guidance material to its inspectors and the public at the same time it issues a SNPRM. This step will ensure that the final rule will reflect the needs of the agency, the industry and the public both serve.

We deeply appreciate that the agency is constantly criticized for taking too long in its rulemaking activities. Unfortunately, rushing a rulemaking creates more work for both the agency and the industry. Experience indicates that a SNPRM will be less time consuming than passing a regulation that does not work!

The Association's comments include the agency's proposals, which are set forth in **italics**, with our observations and alternatives in **bold**. When the Association offers alternative regulatory language, it is represented in ***bold italics***.

If the agency wishes to obtain clarity on the Association's comments or observations, please do not hesitate to contact us.

Your Servant,

A handwritten signature in blue ink that reads "Sarah MacLeod". The signature is fluid and cursive, with the first name "Sarah" being more prominent than the last name "MacLeod".

Sarah MacLeod
Executive Director

Sec. 145.51 Application for certificate.

- (a) *An application for a repair station certificate and rating must be made in a format acceptable to the FAA and include the following:*
- (1) *A Letter of Compliance detailing how the applicant will comply with this chapter;*

The Association notes the following with respect to the proposed requirement:

- **In the notice of proposed rulemaking in 1999 and preamble to the final rule in 2001, the FAA specifically rejected the requirement for the accountable manager to sign a statement of compliance which was much less burdensome and more objective.**
- **While the preamble indicates that the requirements of the letter need only cover part 145, the term “chapter” means title 14 code of federal regulations (CFR) parts 1 through 199, the majority of which does not apply to either an applicant for or to a certificated repair station.**
- **If the FAA intended to obtain a statement of compliance only for part 145, it should note that there are many sections and paragraphs in that rule which are descriptive, proscriptive or explanatory; those sections or paragraphs do not require a showing of compliance.**
- **If the FAA intended to ensure that the applicant and part 145 certificate holder know which portions of the quality system or training program documentation establish compliance with the applicable sections or paragraphs of part 145, it must clearly state that in the rule, the preamble and its guidance to the public and its workforce.**
- **The FAA did not state any safety justification for requiring the letter of compliance. The preamble noted that it has historically requested the document, yet the letters of compliance previously requested only covered part 145, not the entire “chapter”.**
- **Even if the industry has adhered to an arbitrary requirement of the agency that is not a justification for continuation. Merely stating that the letter is an “essential” part of the application process without stating why that may be so is an inadequate justification for any requirement, even a long-standing one. In order for the FAA to justify a requirement, it must have a safety basis and it must set an objective standard that provides guidance as to what is expected to show compliance.**
- **While many of us steeped in regulatory compliance may “know” what is meant by the “letter of compliance”, anyone reading the plain words of the proposal would believe that all of 14 CFR would need to be reviewed to establish compliance with one “part”. Therefore, the current proposal is too broad.**
- **On the other hand, the requirements of part 145 will, depending upon the scope of the proposed operations, specifically extend to:**
 - **Part 21 if the repair station wishes to perform maintenance fabrication (which all must do);**
 - **Part 43 for maintenance standards and recordkeeping requirements;**

- **Part 65 for individual certification requirements for supervisors and persons authorized to approve for return to service; and**
- **Part 121, 125, 129 and 135 if the repair station will be working for an air carrier or commercial operator.**

If the FAA wishes to ensure applicants and certificate holders understand the requirements of part 145, it should state that explicitly by the following language:

- (1) A document establishing that each requirement in part 145 is addressed by the application documents including the quality system manual(s) and training program;***

This would allow the applicant to provide a matrix or other document that clearly establishes compliance with each section of the regulation vis-à-vis its repair station, quality and training program manual. The elements mentioned above can be discussed in the preamble and placed in guidance to both the industry and the inspector workforce to ensure proper information is included in the applicant's documentation. The documents would include a letter of compliance, a matrix or other data establishing compliance with the specific sections of the regulations applicable to the particular applicant's contemplated operations.

Alternatively, the FAA may wish to institute the previously rejected proposal that the accountable manager sign a statement establishing that the applicant has met and will continue to meet the requirements of part 145 for the scope of its contemplated operations. Suggested language would be:

- (1) A statement from the accountable manager that the applicant has established the quality system necessary to show compliance with the requirements of part 145 and applicable sections of other regulations as needed for the contemplated scope of operations and that the applicant will meet those requirements after the repair station certificate has been issued by the FAA.***

The Association requests the removal of the requirement in its entirety; including removal of the "silent" requirement in the agency's internal guidance material. There is not legal or practical necessity for the requirement. The applicant must establish compliance with part 145 and other paragraphs and sections of 14 CFR by its policies, procedures, quality system and training program. The FAA must find compliance with those requirements before a certificate may be issued. A statement by the applicant that it must do something that is already required by the plain language of the regulations is redundant and unnecessary.

- (2) A repair station manual acceptable to the FAA as required by Sec. 145.207;***
(3) A quality system manual acceptable to the FAA as required by Sec. 145.211(d);

The Association requests that the FAA make clear in its final rule that the requirements of sections 145.207 (as set forth in section 145.209) and 145.211 can be met with a single manual. There is still confusion and disagreement over the ability to meet these two paragraphs with a single document because each paragraph and corresponding section references its own “manual”.

Additionally, the FAA should make it clear that international or standard quality system requirements can be used to establish compliance with part 145. FAA inspectors’ rigidity in this arena has dissuaded companies from reaching for standards higher than the minimum established by part 145.

In other words, the FAA should make it clear to the public and its workforce that it does not matter how the documents are established, organized or maintained as long as all the elements listed in the regulations are covered. The continual “battle” over how a particular company decides to show compliance with the regulations applicable to its operation diverts resources for unnecessary wrangling. The need to assess risk in the aviation system should eliminate the individual aviation safety inspector “preferences” for particular formatting or documentation arrangement.

The Association suggests that removing the term “manual acceptable to the FAA” from the regulation would alleviate the artificial concern that the requirements of sections 145.207 and 145.211 mean any particular arrangement of documents. The phrase “acceptable to the FAA” is also redundant; if the documents contain the elements required by the referenced sections, the FAA must accept them. Alternatively, if the FAA does not find compliance with the sections, it must reject the application. That is how the law works. Therefore, the Association recommends the following language:

- (2) Documentation that contains the elements required by Sec. 145.207;***
- (3) Documentation that contains the elements required by Sec. 145.211(d);***

- (4) A list by manufacturer, type, make, model, or category, as appropriate, of each article for which the application is made;***

In the preamble, the FAA stated that its intent was to ensure consistency by adding the word “category” to this paragraph so it can correspond with section 145.215(b). That section currently reads: *The capability list must identify each article by make and model or other nomenclature designated by the article's manufacturer and be available in a format acceptable to the FAA.* **The FAA has recommended that the paragraph be changed to read: *The capability list for each certificated repair station must identify each article by manufacturer and the type, make, model, category, or other nomenclature designated by the article's manufacturer and be available in a format acceptable to the FAA.***

We believe adding the word “category” will cause confusion. The term is defined in section 1.1 of 14 CFR as follows:

Category:

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: airplane; rotorcraft; glider; and lighter-than-air; and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: transport, normal, utility, acrobatic, limited, restricted, and provisional.

The term is not being applied to either airmen or to aircraft, but rather to the certification and ratings of a repair station. The existing and proposed regulatory language is aimed at developing a comprehensive capabilities list for the repair station. That list establishes the scope of work, hence the rating, and subsequently the “appropriateness” of its housing, facilities, equipment, personnel, and data as well as the privileges and limitations of the repair station. Therefore, clarity and objectiveness in the application and capability list requirements are imperative. The term “category” is defined for other purposes in 14 CFR; it is inappropriate for part 145. It should therefore be removed from that part in its entirety.

While the Association believes this requirement is now redundant if the FAA’s proposal for a capabilities list becomes part of the final rule, the Association recommends that section 145.51(a)(4) read:

(4) A list by manufacturer and type or make or model or nomenclature, as appropriate, of each article for which the application is made;

We make a similar recommendation for changes to the wording of section 145.215 later in these comments. As is recognized in the FAA’s recommendation for the initial list during the application process, what the manufacturer calls something is not definitive. The FAA should always reference the definition section of the regulations when using terms. The term “type” is defined in 14 CFR and it includes references to makes and models of aircraft and aircraft engines, which can be adapted for propellers and other articles (as that term is defined in part 145). The definition of nomenclature has a plain meaning in a dictionary. The Association’s recommended language will help establish a more consistent list.

If the capabilities list required by the proposed change to section 145.215 becomes part of the final rule, section 145.51(a)(4) should read:

(4) The proposed capabilities list required by Sec. 145.215.

- (5) *An organizational chart of the repair station and the names and titles of managing and supervisory personnel;*
- (6) *A description of the housing and facilities, including the physical address, in accordance with Sec. 145.103;*
- (7) *A list of the maintenance functions, for approval by the FAA, to be performed for the repair station under contract by another person in accordance with Sec. 145.217; and*
- (8) *A training program for approval by the FAA in accordance with Sec. 145.163.*

The Association has no comments with respect to these paragraphs.

- (b) *The equipment, tools, test apparatus, personnel, data, housing, and facilities required for the certificate and rating, or for an additional rating, must be in place for inspection at the time of certification or rating approval by the FAA. However, the requirement to have the equipment, tools, and test apparatus in place at the time of initial certification or rating approval may be met if the applicant has a contract acceptable to the FAA with another person to make the equipment, tools, and test apparatus available to the repair station at any time it is necessary when the relevant work is being performed. * **

* * *

The Association requests several changes to this paragraph.

First, we support the FAA's effort to achieve consistency in all its rules. We agree tools, tooling, rigging and the like as well as test and inspection apparatus should be considered equipment. However, we caution that once you start adding words you run into the issue of not listing "all" the words that "could" or "should" be included. We therefore generally oppose the addition of the words "tools and test apparatus" since in other sections of the regulations, the words "inspection apparatus" are also used.

In any event, the FAA must check for all other references to "equipment" in parts 43 and 145 and make the necessary adjustments for consistency. Merely correcting the two referenced paragraphs will not ensure the stated need for continuity. Therefore, if the FAA decides to add words, it should make the following consistent adjustments to the following sections:

- **Section 145.101 to read—*A certificated repair station must provide housing, facilities, equipment (including tools and test and inspection apparatus), materials, data, personnel and training that meet the applicable requirements for the issuance of the certificate and ratings the repair station holds. The additional words "and inspection" are suggested to provide consistency with sections in part 145 that reference the need for such equipment (please review those sections set forth below).***

- Section 145.103(a)(1) to read—*Housing for the facilities, equipment (including tools and test and inspection apparatus), materials, data and personnel consistent with its ratings.*
- Section 145.107(b) to read—*Unless the FAA indicates otherwise, equipment (including tools and test apparatus), materials, data and personnel from the certificated repair station with managerial control and from each of the satellite repair stations may be shared. However, inspection personnel must be designated for each satellite repair station and available at the satellite repair station any time a determination of airworthiness or return to service is made. In other circumstances, inspection personnel may be away from the premises but must be available by telephone, radio, or other electronic means.*
- The title to section 145.109 to read—*Except as otherwise prescribed by the FAA, a certificated repair station must have the equipment (including tools and test and inspection apparatus), data, and materials necessary to perform the maintenance, preventive maintenance, or alterations under its repair station certificate and operations specifications in accordance with part 43. The equipment (including tools and test apparatus), data, and material must be located on the premises and under the repair station's control when the work is being done.*
- Section 145.109(b) to read—*A certificated repair station must ensure all equipment (including tools and test and inspection apparatus) used to make airworthiness determinations on articles are calibrated to a standard acceptable to the FAA.* This section will have a slight modification since the equipment referenced in this paragraph needs further clarification to include inspection apparatus.
- Section 145.109(c) to read—*The equipment (including tools and test apparatus) and material must be those recommended by the manufacturer of the article or must be at least equivalent to those recommended by the manufacturer and acceptable to the FAA.*
- Section 145.153(a)'s second sentence to read—*The supervisors must oversee the work performed by any individuals who are unfamiliar with the methods, techniques, practices, aids, and equipment (including tools) used to perform the maintenance, preventive maintenance, or alterations.* We did not include test apparatus in this reference since supervisors need not specifically understand the testing or inspection equipment as that would be the responsibility of the inspection department, please reference changes suggested to section 145.155.
- Section 145.153(b)(ii) to read—*Be trained in or thoroughly familiar with the methods, techniques, practices, aids, equipment (including tools) used to perform the maintenance, preventive maintenance, or alterations.* Once again, we left out the specific reference to test and inspection apparatus as stated immediately above.
- Section 145.155(a)(1) to read—*Thoroughly familiar with the applicable regulations in this chapter and with the inspection methods, techniques, practices, aids, equipment (including tools, test and inspection apparatus),*

and data used to determine the airworthiness of the article on which maintenance, preventive maintenance, or alterations are being performed; and

- ***Section 145.155(a)(2) to read—Proficient in using the various types of inspection and test equipment (including tools) and visual inspection aids appropriate for the article being inspected; and....***
- ***Section 145.201(b) to read—A certificated repair station may not maintain or alter any article for which it is not rated, and may not maintain or alter any article for which it is rated if it requires housing, facilities, equipment (including tools and test and inspection apparatus), materials, data or personnel that are not available to it.***
- ***Section 145.203 to read—A certificated repair station may temporarily transport equipment (including tools and test and inspection apparatus), materials, data, 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:***
- ***Section 145.211(c)(1)(viii) to read—Procedures for calibrating the equipment (including tools and test and inspection apparatus) used in making airworthiness determinations during maintenance, preventive maintenance or alteration, including the intervals at which the equipment (including tools and test and inspection apparatus) will be calibrated; and....We varied this sentence to make it consistent with the requirement that only the equipment used to make airworthiness determinations need be calibrated (see section 145.109(b)).***
- ***Section 145.215(c) (proposed section 145.215(d)(1)) to read as recommended later in these comments.***

Alternatively, the agency could clarify that equipment includes tools, tooling and test and inspection apparatus and remove additional words from the referenced sections and paragraphs of part 145.

Second, the requirement to have the data in place before the work is being performed is also an unnecessary burden on repair stations. As it is clearly stated in the regulation for air carriers, the data specified by part 121, 125, 129 and 135 must be obtained from the operator. That does not necessarily take place before a repair station is certificated or gains a rating. Also, the regulations do not require manufacturers to provide the information before someone is rated, which creates a “catch-22” for repair stations seeking to add capabilities or ratings. Finally, the requirement for data is no less or more important to safety than equipment, therefore it is imperative that the agency be consistent.

Third, the same burden is true for facilities, including test cells, NDI rooms, clean rooms for certain avionics functions, etc. The repair station may make contractual arrangements for the maintenance functions under section 145.217 or it may need to add the facilities to its current housing before the work is

performed. That requirement is met through appropriate arrangements with the FAA when it changes its repair station manual describing its housing and facilities and the requirements of section 145.105.

Finally, the current requirement for a “contract” has unnecessarily limited repair stations from meeting the requirements necessary for ensuring work is performed correctly. The requirement for a contractual relationship for potential need is unattainable. Many companies will not provide a contract until the need is “real”; making it impossible to obtain a contract just to satisfy a future possibility. Additionally, many repair stations borrow the necessary equipment, tools, test apparatus and data from local facilities. Again, there is no official contract for these arrangements. The quality system under section 145.211 must establish a system or procedure that ensures the necessary housing, facilities, equipment, personnel, materials and data are available at the time the work is performed. That requirement ensures compliance with parts 43 and 145.

As noted in the preamble, constant repetition with different language creates loopholes and confusion. The Association strongly recommends that the FAA use the following in lieu of the proposed language:

(b) The housing, facilities, equipment, personnel or training, materials and data, required for the certificate and rating, or for an additional rating must be in place for inspection at the time of certification or rating approval by the FAA. However, the requirement to have the facilities, equipment, personnel, materials and data in place at the time of initial certification or rating approval may be met if the applicant has arrangements acceptable to the FAA to make the equipment, personnel or training, materials, and data available to the repair station at any time it is necessary for the relevant work to be performed in accordance with part 43 and those arrangements are set forth in the repair station procedures required by Sec. 145.209(d)(2).

Alternatively, if the FAA decides to retain the additional words following the term “equipment”, it should use those words consistently in paragraph (b).

(e) Unless otherwise authorized by the FAA, neither the holder of a repair station certificate that has been revoked, nor any person who had a substantial ownership interest or substantial control over the operations of a repair station that has had its certificate revoked and who materially contributed to the circumstances causing the revocation, may apply for a repair station certificate until one year after the date the certificate is surrendered to the FAA pursuant to the order of revocation.

The Association strongly opposes this section. The FAA has not defined the “person” that “holds” the repair station certificate with any objective criteria. Person is defined in section 1.1 as “an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a

trustee, receiver, assignee, or similar representative of any of them". **In the proposed section, the FAA seems to focus only on an individual. It does not define what "substantial ownership interest or substantial control over the operations of a repair station" means. Do those phrases automatically mean the accountable manager and the new chief inspector? If you have substantial control does that automatically mean you have "materially contributed to the circumstances causing the revocation"? Will these "persons" be identified during the revocation process so that the FAA can keep track of those "persons" for purposes of this proposed section as well as the proposed changes to section 145.53? How does this section reconcile with the proposed denial section set forth in sections 145.53(c)(3)-(5) which also applies to persons that were in the "process of" revocation?**

The Association requests the removal of this proposed paragraph in its entirety. While it appreciates the FAA's attempt to keep "bad" people out of repair station ownership and control, it cannot support such an arbitrary standard. If the agency determines that it will keep some form of the proposal, it suggests that the FAA develop a more definitive standard such as:

(e) Unless otherwise authorized by the FAA, no person who held a repair station certificate that was revoked may apply for a repair station certificate until one year after the date the certificate is surrendered to the FAA pursuant to the order of revocation.

The Association's proposal does not necessarily "get" to individuals since persons include more than individuals. Fortunately, there are already laws that prohibit certain convicted individuals from holding certificates and/or from being put in charge of repair station activities. Its alternative would, however, prohibit any person, specifically the corporate entity whose name actually appeared on a revoked certificate from reapplying in less than a year, which was the stated objective in the preamble. It should be noted, a corporate name or entity is not that difficult to change; therefore, even with this language, if someone wants to open a new organization and apply for a certificate, it can do so under either the agency's proposal or the Association's. Nothing prohibits bad actors from acting bad.

Sec. 145.53 Issuance of certificate.

(a) Except as provided in paragraph (c) of this section, a person who meets the requirements of this part is entitled to a repair station certificate with appropriate ratings prescribing such operations specifications and limitations as are necessary in the interest of safety.

The Association strongly opposes paragraph (c) for the reasons set forth below. Therefore, we request that this section of the regulation begin with “A person”, and that the FAA eliminate “Except as provided in paragraph (c) of this section,”.

(b) If the person is located in a country with which the United States has a bilateral aviation safety agreement, the FAA may find that the person meets the requirements of this part based on a certification from the civil aviation authority of that country or an authority acceptable to the FAA. This certification must be made in accordance with implementation procedures signed by the Administrator or the Administrator's designee.

The Association has no comment on this proposed paragraph.

*(c) An application for a repair station certificate may be denied if the FAA finds that:
(1) The applicant does not meet the eligibility requirements for the certificate sought, or does not complete the certification process;*

This language is totally unnecessary. An applicant that does not meet the requirements for the certificate is not entitled to a certificate, period. Obviously, if someone does not complete the certification process, it cannot be certificated. Therefore, the Association opposes the proposed section and paragraph in its entirety and requests that it be removed from the final rule.

(2) The applicant previously held a repair station certificate that was revoked;

As stated above, the Association supports keeping “bad actors” out of the aviation industry; however, it is also a strong advocate of due process. In the proposed language to section 145.51(e), the FAA states that a person who has had its certificate revoked (and who therefore goes through the due process afforded by the regulations) cannot apply for a certificate one year after the revocation.

Paragraph (2) however, suggests that even after the year is up, the FAA does not have to accept the application or will deny the certification based solely upon the revocation. No other certificate is handled in such a manner. Even an air carrier application is provided more due process. Therefore, the Association strongly opposes this proposal and requests that it be removed.

(3) The applicant intends to fill or fills a key management position, including the position of accountable manager or chief inspector, with an individual who exercised control over or who held the same or a similar position with a repair station whose certificate was revoked, or was in the process of being revoked, and that individual materially contributed to the circumstances causing the revocation or causing the revocation process;

- (4) *The applicant held a key management position, including the position of accountable manager or chief inspector, with a repair station whose certificate was revoked, or was in the process of being revoked, and the applicant materially contributed to the circumstances causing the revocation or causing the revocation process; or*
- (5) *An individual who will have control over or substantial ownership interest in the applicant had the same or similar control or interest in a repair station whose certificate was revoked, or was in the process of being revoked, and that individual materially contributed to the circumstances causing revocation or causing the revocation process.*

The Association finds all these paragraphs incomprehensible and totally lacking in due process. If a repair station voluntarily surrenders its certificate during a revocation process because it cannot afford to “fight” the allegations, the individuals holding “key” positions (who may have no ability to affect that decision) are punished forever. The Association cannot support such an unfair result.

If the FAA wishes to prohibit certain individuals from holding “key” positions in a repair station or from having “substantial control” over a repair station, it must afford some sort of due process to ensure those persons are truly responsible for the “bad acts” of the corporation or company. While this proposal suggests that the person must have “*materially contributed to the circumstances causing the revocation or causing the revocation process*” its rule provides no method for making such a determination. As mentioned earlier, persons convicted of certain crimes are already forbidden from being in any “key” position in repair stations. We believe that those individuals are at least provided due process before being permanently condemned and banned from aviation.

Also, we question whether the FAA would ever know who these persons are. How would they be tracked? How would the rule ever be enforced? We also question the justification for such a rule, other than the single instance cited in the preamble, is there any showing that these persons have decreased safety in any manner? Indeed, aren't the mechanics that performed the bad maintenance as “guilty” under the law as the persons “making” them perform the acts?

While the Association certainly appreciates the concerns of the agency and the National Transportation Safety Board (NTSB), the “mechanisms” in place for air carriers and commercial operators for some form of due process (sections 119.41 and 119.51) are not being contemplated for part 145. Until these concerns are addressed with plain language in the regulations, we adamantly oppose inclusion of section 145.53(c) in its entirety.

The Association does not know how the FAA is going to “fix” these proposed sections to ensure that the denials are handled uniformly. The FAA’s list of repair

stations is incomplete and often inaccurate. The mechanisms to track the individuals associated with air carriers and commercial operators are much more stringent and there are fewer certificate holders (less than a thousand versus over four thousand). The agency has difficulty tracking repair station applications, let alone the “applicants” (i.e., corporate entities) and individuals associated with “key” positions. The proposal assumes that the information upon which denials will be based is readily available to the agency. The facts do not support that assumption. We can offer no alternative to the language and we request its complete removal.

If the agency believes it has the safety and economic justification to include the language, the Association requests that at least the following paragraph be added:

(d) If an application is denied under paragraph (c), the FAA shall provide the specific reasons for the denial, including the objective evidence relating to the control or influence and material contribution set forth in paragraphs (c)(3)-(5) in writing. The applicant may seek reconsideration of the denial under the following process:

- (1) Within 30 days of the date the applicant received notification of the denial, the applicant shall submit written information, views, and arguments to the Director of Flight Standards Services.***
- (2) The Director of Flight Standards Services shall affirm the denial, partially affirm the denial, reject the denial or seek further information regarding the reasons for the denial within 90 days of receiving the applicant’s written, information, views and arguments.***

At least this or similar language will ensure some minimal due process and might help establish the method by which a certificate can be denied. Again, the Association strongly opposes the entirety of paragraph (c) and requests its removal from the final rule.

Sec. 145.59 Ratings.

The Association would like to commend the agency for attempting to clarify and simplify the rating system. No matter how the clarification is presented, there will be problems and questions. The Association’s members did not provided specific direction on the matter and we acknowledge that no decision on the rating system will be free of controversy.

To that end, we strongly recommend that the agency institute the language the Association recommended for section 145.201(b). That section states that even if it is rated, a repair station cannot perform work if it does not have the proper housing, facilities, equipment, materials, data and personnel. Together with the requirement for a repair station’s self-evaluation to add or change its capabilities

list and section 43.13, the agency has the tools necessary to ensure work is performed properly, whether or not the rating system is “perfect”.

The following ratings are issued under this subpart:

(a) Aircraft rating.

- (1) A certificated repair station with an Aircraft rating listed on its operations specifications may perform maintenance, preventive maintenance, and alterations on complete aircraft that are listed on the repair station's capability list required by Sec. 145.215.*
- (2) A certificated repair station with an Aircraft rating may not perform maintenance, preventive maintenance, and alterations on those articles for which a Powerplant, Propeller, or Avionics rating is required, unless the repair station possesses the appropriate rating.*
- (3) A certificated repair station with an Aircraft rating is not required to obtain a separate Component rating to maintain articles associated with its rating and capabilities.*

The Association supports the Aircraft rating, which makes it clear that a person can work on a completed aircraft as that article is defined in section 1.1. However, the Association does not understand the distinction between Avionics and Components.

First, many “components” incorporate “avionic” aspects and therefore neither the FAA nor the industry will be able to consistently distinguish between the two. Since, both ratings under the proposed change would require a capabilities list, we are not sure the distinction is necessary. Second, with respect to the application of those distinctions to an aircraft rating, the fact that an aircraft-rated repair station can work on the installed equipment, whether it is a powerplant, propeller, “avionic” or “component”, does not necessarily relate to its ability to work on those items off the aircraft. As the FAA points out in its preamble, each type of work (each type of rating, indeed, each article) requires the facilities, equipment, material, data, personnel and training appropriate to the work being contemplated or performed.

To achieve that end, the rating for aircraft should stand on its own under the definitions found in section 1.1. The term “aircraft” means “a device that is used or intended to be used for flight in the air.” If anything less than the “aircraft” needs maintenance, preventive maintenance or alteration activities the requirements for that rating should be established. While the additional “showing” may not be popular, it will ensure consistency with the regulatory scheme established by all the different parts and sections of the regulations. It will also help ensure equal treatment of all repair stations and applicants, since the distinction between “avionic” and “component” articles will not need to be constantly debated.

(b) Powerplant rating.

- (1) A certificated repair station with a Powerplant rating listed on its operations specifications may perform maintenance, preventive maintenance, and alterations on a powerplant listed on the repair station's capability list required by Sec. 145.215 under the following class ratings:
 - (i) Class 1: Reciprocating engines.*
 - (ii) Class 2: Turbine engines.*
 - (iii) Class 3: Auxiliary Power Units (APU).**
- (2) A certificated repair station with a Powerplant rating may not perform maintenance, preventive maintenance, and alterations on those articles associated with another rating, unless the repair station possesses the appropriate rating.*
- (3) A certificated repair station with a Powerplant rating is not required to obtain a separate Component rating to maintain articles associated with its rating and capabilities.*

The Association has the same concerns with this rating as it does with the Airframe rating. First, there is no definition of “powerplant” in section 1.1, nor is there a definition of “engine”. There is a definition of “aircraft engine”. It “*means an engine that is used or intended to be used for propelling aircraft. It includes turbosuperchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers.*”

Since all ratings would require a capabilities list under section 145.215, there seems to be no need for “class” ratings. The Association recommends that the agency require the powerplant rating to stand on its own as it has with aircraft. The capabilities list would reference the type of powerplant by nomenclature, i.e., reciprocating aircraft engine, turbine aircraft engine and auxillary power units. The appropriately rated repair station would be able to perform maintenance and preventive maintenance on the turbosuperchargers, appurtenances and accessories (i.e., components) necessary for its functioning, but not on any other articles without an appropriate rating.

(c) Propeller rating.

- (1) A certificated repair station with a Propeller rating listed on its operations specifications may perform maintenance, preventive maintenance, and alterations on propellers that are listed on the repair station's capability list required by Sec. 145.215, including individual component parts that are installed on or in those propellers.*
- (2) A certificated repair station with a Propeller rating may not perform maintenance, preventive maintenance, and alterations on those articles associated with another rating, unless the repair station possesses the appropriate rating.*

- (3) *A certificated repair station with a Propeller rating is not required to obtain a separate Component rating to maintain articles associated with its rating and capabilities.*

The Association does not agree with the limitation or requirement for capabilities listing in the proposed paragraph (c)(1) for the same reasons as stated above. The definition of propeller in section 1.1 must be referenced to ensure as much consistency as possible. That definition states that propeller “*means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.*”

If the FAA is going to require a propeller-rated repair station to provide a capabilities list for the components it is going to maintain under a “propeller” rating, why isn’t it requiring that same list for all product-rated repair stations? The justification for requiring the capabilities list is the same no matter what the rating—an assurance that the repair station has the appropriate housing, facilities, equipment, materials, data, personnel and training.

(d) Avionics rating.

- (1) *A certificated repair station with an Avionics rating listed on its operations specifications may perform maintenance, preventive maintenance, and alterations on aircraft electrical and electronic systems and components, instruments, radios, integrated modular systems, in-flight entertainment units, or other electrical and electronic articles that are listed on the repair station’s capability list required by Sec. 145.215.*
- (2) *A certificated repair station with an Avionics rating may remove and reinstall access panels, brackets, or clamps in accordance with the applicable maintenance instructions on aircraft, powerplants, or propellers, as needed, to gain access to those articles authorized in Sec. 145.59 (d)(1).*
- (3) *A certificated repair station with an Avionics rating may remove, replace, install, and test the avionics equipment on an aircraft.*
- (4) *A certificated repair station with an Avionics rating must have a limitation in accordance with Sec. 145.61 to an Aircraft, Powerplant, or Propeller rating to perform a major or minor alteration.*

The Association is concerned that the FAA is not able to distinguish between “avionic” articles and “components”. Indeed, the very words used in (d)(1) suggest that it cannot distinguish—e.g., not all “components” of an “aircraft electrical and electronic systems” are “avionic” in nature.

With that in mind, the Association does not believe that an “Avionic” repair station has any more capability to remove and replace items than a “Component”

repair station. Additionally, there is no discernible method for ensuring that “minor” alterations are not made during the removal and replacement activities. The “substitution” of a fastener not specified in a manufacturer’s maintenance instructions are by definition, minor alterations. Realistically, under the plain read of the proposed regulations, all “Avionic” rated repair stations would require limited aircraft, powerplant or propeller ratings.

As previously stated, no rating system is going to be clean and perfect. However, to have unclear distinctions ensures inconsistency. No matter the lines drawn, there will be consistent confusion between “avionics” and “components”. If a repair station wishes to remove and install equipment (whether of an avionic nature or not) on an aircraft, powerplant or propeller, a limited rating for those items can be issued once the required equipment, materials, data, personnel and training is established.

(e) Component rating.

- (1) A certificated repair station with a Component rating listed on its operations specifications may perform maintenance, preventive maintenance, and alterations on articles listed on the repair station's capability list required by Sec. 145.215 that are not installed on an aircraft, powerplant, propeller, or avionics article.*
- (2) A certificated repair station with a Component rating must have a limitation in accordance with Sec. 145.61 to an Aircraft, Powerplant, or Propeller rating to remove or install articles on those products.*

To help establish the most consistency internationally for a rating system, the Association believes the FAA should establish a Component rating along with an Aircraft, Powerplant, Propeller and Specialized Service ratings.

5. Revise Sec. 145.61 to read as follows:

Sec. 145.61 Limitations to ratings.

- (a) The FAA may issue limitations to the ratings of a certificated repair station that maintains or alters only a particular type of aircraft, powerplant, propeller, avionics, component, or part thereof, that is listed on the repair station's capability list required by Sec. 145.215. A limitation to a rating may be issued for a:
 - (1) Specific make and model aircraft, powerplant, or propeller.*
 - (2) Constituent part of any part.*
 - (3) Specific maintenance function or process.**
- (b) The repair station's operations specifications must identify the rating in Sec. 145.59 to which the limitation applies and the limitation to that rating must describe the maintenance capabilities of the repair station in sufficient detail.*

The Association supports appropriate limitations on repair stations to ensure the certificate holder, the agency and the public understands the extent of their capabilities. However, since the capabilities list establishes the limitations with respect to make and model or “part thereof”, paragraphs (a)(1)-(2) are unnecessary. We also note that a specialized service-rated repair station must also have a capabilities list, so paragraph (a)(3) seems redundant. The only limitations left which should be listed on the repair station’s certificate or operations specifications are scope of work and any other limitation deemed necessary by the FAA. This concept is supported by the FAA’s examples in the preamble.

The Association suggests the following alternative language:

- (a) The FAA may issue limitations to the ratings of a certificated repair station. A limitation to a rating may be issued for:
 - (1) Specific work scope capabilities.*
 - (2) Any purpose deemed appropriate by the FAA.****
- (b) The repair station's operations specifications must identify the rating in Sec. 145.59 to which the limitation applies and the limitation to that rating must be described in sufficient detail to ensure appropriate maintenance, preventive maintenance and alterations are performed by the certificate holder.***

6. Add Sec. 145.63 to read as follows:

Sec. 145.63 Specialized Service ratings.

- (a) The FAA may issue a Specialized Service rating to a certificated repair station that:
 - (1) Performs a specialized maintenance function that requires equipment and skills not ordinarily performed under another repair station rating;*
 - (2) Performs a maintenance function on articles not covered by its rating; or*
 - (3) Performs a maintenance function that is not described in the manufacturer's data.****

The Association supports a specialized service rating. However, it does not agree with the language specified to explain the rating in either the preamble or the proposed regulation. For example, most specialized services can and are performed under “another repair station rating”. Therefore, the standard for issuing the rating should be whether the repair station is going to be issuing an approval for return for service only for the specific maintenance function performed. In other words, if the only work to be performed on an article is welding, then a specialized service rating should be issued even if the welding is “ordinarily performed under another repair station rating”.

As was recognized during the Aviation Rulemaking Advisory Committee (ARAC) deliberations, the rating system should provide the agency, the certificate holder and the public with a realistic view of the capabilities of the particular repair

station. In other words, what is that company capable of performing with its housing, facilities, equipment, materials, data, personnel and training? As is recognized by the current rule, the quality system also allows for appropriate contracting of certain functions, which can in turn be approved for return to service by the certificate holder.

The concept that the rating system should recognize the ability of a repair station to approve specific work for return to service has been adopted by the European Aviation Safety Agency as well as other national aviation authorities. While the requirements for United States repair stations may not be exactly the same, the globalization of the aviation maintenance industry should encourage similar consideration by the FAA.

The Association is also extremely concerned over the language in the preamble that suggests that the work performed under a specialized service rating “might not constitute a complete repair sufficient to approve an article for return to service.” Pursuant to 14 CFR section 43.9(a)(4), an approval for return to service is issued for the work performed, not for an “article”. Any maintenance step or function can be approved for return to service by an appropriately rated repair station provided the work has been performed in accordance with parts 43 and 145.

With respect to paragraph (a)(3), the Association specifically opposes the language proposed. The term “maintenance function” was defined in the preamble to the 2001 final rule to “include those individual tasks that comprise the maintenance, preventive maintenance, and alterations required to return an article to service” (see 66 FR 41095). Just because an individual task is not specified in the manufacturer’s data does not make it a specialized service. The FAA, repair stations, even those held by manufacturers, air carriers and mechanics all use individual tasks (methods, techniques and practices) which are absent from manufacturer instructions. Those “tasks” are certainly not “specialized services”.

Methods, techniques and practices or other “tasks” for completing steps in maintenance, preventive maintenance and alteration activities are contained in Advisory Circulars, created by repair stations, mechanics and air carriers. Some data are merely used to explain information provided by the manufacturer, e.g., to fill in or specify information missing from the manufacturer’s manual. Other times, instructions are developed and approved by air carriers or by designated engineering representatives because there were none provided by the manufacturer. These instructions can be exactly the same as those normally provided by a manufacturer and should be treated no differently. Indeed, the requirements for creating those “instructions for continued airworthiness” are no different than those supporting the manufacturer developed procedures.

To require such maintenance or alteration instructions be listed as specialized services is incomprehensible and unsupportable. It would be impossible for the agency and the industry to keep up with all the different methods available for completing activities that are “not described in the manufacturer’s data.”

Therefore, the Association recommends the following language:

- (a) The FAA issues a Specialized Service rating to a certificated repair station that:***
- (1) Performs a specialized maintenance process; and,***
 - (2) Only approves that specialized maintenance process for return to service.***
- (b) A specialized maintenance function must be performed in accordance with an FAA-approved process specification.***
- (c) The repair station's operations specifications must contain the specification used to perform the specialized service. The specification may be:***
- (1) A current industry or military specification approved by the FAA.***
 - (2) A specification developed by the applicant and approved by the FAA.***
- (d) A certificated repair station may, under its Specialized Service rating, perform only the specialized services that are listed on the repair station's capability list required by Sec. 145.215.***

The Association is concerned by the language proposed by the agency. In the FAA’s proposed paragraph (b) it is requiring the repair station to perform the work in accordance with the approved process specification. We question how that requirement reconciles with 14 CFR section 43.13, including specific air carrier requirements under 14 CFR section 145.205 (i.e., section 43.13(c)).

We believe the FAA must make clear that this rating merely establishes that the entity (applicant or certificate holder) has the housing, facilities, equipment (including tooling, test and inspection apparatus), materials, personnel, data and training requirements to accomplish the process. That means that the entity can perform a “generic” or “standard practice” process, for instance, welding or heat treating.

How the process is actually applied will be dictated by the maintenance instructions from the article manufacturer or by other “how to” maintenance or alteration data acceptable to or approved by the FAA applicable to a particular article.

Therefore, the method (TIG, MIG or electron beam), technique and practice (filler material, inspection requirements before and after the process, extent of the damage that can be corrected, etc.) will be dictated by the manufacturer’s or air carrier/commercial operator’s requirements. While the repair station may develop its own generic process specification for complying with the Specialized Service

rating requirements, to apply any particular process to a particular article, it would have to be included in or found equivalent to the article's particular maintenance or alteration specification.

The confusion over the term "process specification" has been longstanding. The time to differentiate between a "standard practice" and the application of that "process" to a particular article is upon us. As the FAA states in its preamble, the process specification referenced for a specialized service repair station should be generic in nature. It could be the standard practices established by a manufacturer or by a recognized organization such as the Society of Automotive Engineers or the American National Standards Institute (current industry specification) or by the military in one of its government specifications (military specification). The generic specification can also be developed by the applicant and approved by the FAA. However, the FAA should be careful to differentiate between the generic process that achieves a consistent result and the specific application of that process to an article. The process can be applied only if it is determined to be equivalent to the one specifically referenced in the article's maintenance instructions.

Therefore, the Association requests the FAA consider the following alternative regulatory language:

(b) The repair station's operations specifications must contain the specification applicable to the specialized service to be performed.

(c) The specification may be:

- (1) A current industry or military specification approved by the FAA; and/or,***
- (2) A specification developed by the applicant and approved by the FAA.***

This language ensures that the specification is separate from the maintenance data required by 14 CFR sections 43.13(a) and 145.109(d). It also removes the requirement (or ability) of a repair station to maintain a capabilities list with respect to the type of Specialized services it can perform. The only method by which a repair station may add a Specialized Service rating is through a change to its operations specifications.

7. Revise Sec. 145.101 to read as follows:

Sec. 145.101 General.

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

As previously suggested for consistency, the Association recommends the following language for this section:

A certificated repair station must provide housing, facilities, equipment (including tools and test and inspection apparatus), materials, data, personnel and training that meet the applicable requirements for the issuance of the certificate and ratings the repair station holds.

8. Revise Sec. 145.103(a)(1), (b), and (c) and add new paragraph (d) to read as follows:

Sec. 145.103 *Housing and facilities requirements.*

(a) * * *

(1) Permanent housing for the facilities, equipment, materials, and personnel consistent with its ratings.

The Association is concerned that the language used in the regulation does not reflect the agency's intent in the preamble. The preamble indicates that the agency is not against mobile capabilities, yet it does wish to ensure work is performed appropriately. There are maintenance, preventive maintenance and alteration activities that can be performed in any location. The facilities, equipment, tooling (including inspection and test apparatus), materials, data and personnel can be contained in a mobile vehicle. The environmental issues are controlled by the data and the location of the actual aircraft. Examples include fuel tank work, specialized services such as borescope testing of engines, and laser measuring.

Although the Association fully supports repair stations having fixed locations. We are not convinced that the fixed location need contain all the facilities, equipment (including tools and inspection and test apparatus), materials, data or personnel. Indeed, we believe that the repair station's quality system documentation requirements are strong enough to ensure work is performed correctly whether or not at the "fixed location".

The regulations must ensure the FAA is able to keep up with the changing specialties that encompass the aviation maintenance, preventive maintenance and alteration activities. The alternative to regulations that do not accommodate such specialties is to force the certificated repair station (or air carrier) to contract with a non-certificated specialist. We therefore suggest that the FAA allow mobile repair stations by adopting the following alternative language:

(1) A fixed physical location;

(2) Housing for the facilities, equipment, equipment (including tools and inspection and test apparatus), materials, data and personnel consistent with its ratings;

The final rule preamble should make clear that if the repair station rating is for “mobile” housing, the operations specifications must cite the limitations required to ensure that the location where the work is performed must ensure compliance with part 43, as is required by the proposed paragraph (c) below. The assurances that the FAA cites in its preamble are already covered by parts 43 and 145.

Repair stations are already “required to provide suitable housing to protect the articles being maintained from contamination, foreign object debris, or conditions that may promote corrosion or other deteriorating conditions” under part 43 and other sections/paragraphs of part 145. “Reinforcing” existing regulatory language only creates conflicting verbiage, which increases ambiguity. Performance-based regulations do not have to be reinforced; they have to be enforced uniformly and fairly.

(b) A certificated repair station with an Aircraft rating must provide suitable permanent housing to enclose the largest type and model of aircraft listed on its capability list.

The Association is extremely concerned by this section and the following preamble language:

This means protection of workers from unfavorable weather conditions so that their performance and the airworthiness of the articles they are maintaining is not adversely affected by those weather conditions.

There are times that work must be done in “unfavorable weather conditions”. Those conditions do not preclude work from being done in an airworthy manner. It does require measures be taken to ensure that workers are protected and the performance objectives of part 43 are achieved. To link those conditions to a requirement of “permanent housing” is adverse to the realities of the ability of maintenance providers to ensure airworthiness in all environments. It is also contrary to other language in part 145 allowing work to be performed outside the housing provided part 43 is met.

The requirement for permanent housing to enclose the largest aircraft has created untenable positions for both the agency and the industry. First, the ability to enclose the aircraft does not require the article be “completely enclosed” when work is being done. Hangar doors are often open and provided conditions are appropriate to the work being performed, there is no need for closed doors, or indeed for any doors. Just the opposite is also true, even if an aircraft is “completely enclosed”, it does not mean that the environmental conditions required for the work are present. The bottom line continues to be that the housing must be adequate for the work being performed as is required by 14 CFR sections 43.13 and 145.103(a).

Second, the FAA has been under “fire” for non-certificated entities doing work for air carriers. Part of the reason that these entities are non-certificated is that they

have difficulty getting an appropriate aircraft rating on airports that do not have housing that meets the “permanent” and/or “enclosure” requirements. By removing this unnecessary restriction, the requirements of housing would be dictated by the limitations of the certificate issued under part 145 and by the data requirements of section 43.13. It would also allow the FAA to issue aircraft ratings for specifically limited work scopes such as line maintenance, interior reconfigurations, avionics installations and the like.

Therefore, the Association strongly recommends that proposed section 145.103(b) be removed in its entirety. The requirement for housing, facilities, equipment (including tools and inspection and test apparatus), materials, data and personnel should be dictated by the rating.

(c) A certificated repair station may perform maintenance, preventive maintenance, and alterations on articles outside of its permanent housing if it provides suitable facilities that are acceptable to the FAA and meet the requirements of Sec. 145.103(a) and part 43 of this chapter.

With the suggested changes by the Association, this section would become 145.103(b). ARSA also suggests that the language “provides suitable facilities that are acceptable to the FAA” may cause confusion. The work may be performed away from the fixed location or outside the housing provided the requirements of section 145.103(a) and part 43 of this chapter are met with respect to more than just facilities. Indeed, section 145.103(a) would require that if housing is needed, it would have to be provided. For example, if the work requires a “dog house” or other non-permanent structure to ensure proper protection, that would have to be provided.

Therefore, we strongly recommend that in this case, less language will create more clarity. Work can be performed anywhere, anytime as long as it is within the scope of the repair station’s ratings and the proper housing, facilities, equipment (including tool and inspection and test apparatus), materials, data and personnel (or training) is available. With that in mind, the FAA should eliminate proposed section 145.103(c) or consider the following alternative language:

(b) A certificated repair station may perform maintenance, preventive maintenance, and alterations on articles outside of its permanent housing if it otherwise establishes that it meets the requirements of Sec. 145.103(a) and part 43 of this chapter.

(d) A certificated repair station may apply to use additional fixed locations within close proximity to the certificated repair station and to each other to perform the maintenance, preventative maintenance, alterations, for which it is rated.

(1) The repair station's request must be approved by the FAA before exercising the privileges of its certificate and ratings at each additional fixed location.

- (2) Any fixed location outside of the geographic boundary of the FAA office with oversight responsibility for the repair station must either be certificated as a satellite repair station and meet the requirements of Sec. 145.107, or must obtain its own repair station certificate under the provisions of Sec. 145.51 and Sec. 145.53.*

The Association supports the concept of allowing more than one fixed location on a repair station certificate. It is, however, concerned by the ambiguity of the language “within close proximity”. Additional fixed locations should be allowed within the geographic boundaries of the Certificate Management Office of the FAA. Any other language or limitation will be subjective and result in differing interpretations. As long as the Flight Standards District Office is in control of all the locations, the appropriate controls for and consistency of oversight will be in place.

The Association is actually more concerned that the FAA did not tie the ability to have additional fixed locations to the requirements of sections 145.209 and/or 145.211. The repair station must describe how the management, housing, facilities, equipment, materials, data, quality system and training required by those sections cover each location. We therefore suggest at least the following change to the proposed section.

- (d) A certificated repair station may apply to use additional fixed locations to perform the maintenance, preventative maintenance, alterations for which it is rated.***
- (1) The additional locations must be within the geographic boundaries of its FAA Certificate Management Office. Any fixed location outside of the geographic boundary of the FAA office with oversight responsibility for the repair station must either be certificated as a satellite repair station and meet the requirements of Sec. 145.107, or must obtain its own repair station certificate under the provisions of Sec. 145.51 and Sec. 145.53.***
- (2) The repair station's request must be approved by the FAA before exercising the privileges of its certificate and ratings at each additional fixed location.***
- (3) The repair station's request must include the information required by Sec. 145.163, 145.207, Sec. 145.209, and Sec. 145.211 which describes how the management, housing, facilities, equipment, materials, data, quality system and training manual required by those sections is provided at each location.***

Alternatively, the FAA should make appropriate changes to 14 CFR sections 145.209 and 145.211 to request information on the additional locations allowed under this proposed section. In any event, we envision that a change to the repair station and quality system documentation would have to be made to accommodate the additional locations. If this is not made clear by the regulatory

language, the privilege will result in vastly different “requirements” for showing compliance with part 145.

9. Revise Sec. 145.107(a) and (b) to read as follows:

Sec. 145.107 Satellite repair stations.

- (a) A certificated repair station under the managerial control of another certificated repair station may operate as a satellite repair station with its own certificate issued by the FAA. A satellite repair station:*
- (1) Must meet the requirements for each rating it holds;*
 - (2) Must submit a repair station manual acceptable to the FAA;*
 - (3) Must submit a quality system manual acceptable to the FAA; and*
 - (4) May submit the same repair station and quality system manuals as the repair station that exercises managerial control over the satellite repair station. The manuals must identify any specific processes or procedures unique to the satellite repair station in appendices or additional sections.*
- (b) Unless the FAA indicates otherwise, personnel and equipment from the certificated repair station with managerial control and each satellite repair station may be shared. However, inspection personnel must be designated for each satellite repair station and be available at the satellite repair station any time a determination of airworthiness or an approval for return to service is made. In other circumstances, inspection personnel may be away from the premises but must be readily available.*

While the Association supports the concept behind the theory of allowing satellite repair stations, it has never understood the need for each satellite to have its own rating or repair station quality system documentation. With that said, we have no specific comments to the changes proposed by the FAA.

We do recommend that the FAA change the language with respect to requiring “manuals” to comply with sections 145.163, 145.207, 145.209 and 145.211. We therefore request the following change:

- (a) A certificated repair station under the managerial control of another certificated repair station may operate as a satellite repair station with its own certificate issued by the FAA. A satellite repair station:***
- (1) Must meet the requirements of part 145 for each rating it holds;***
 - (2) Must submit documentation acceptable to the FAA establishing compliance with Sec. 145.163;***
 - (3) Must submit documentation acceptable to the FAA establishing compliance with Sec. 145.207 and Sec. 145.209***
 - (3) Must submit documentation to the FAA establishing compliance with Sec. 145.211; and***
 - (4) May submit the same documentation as the repair station that exercises managerial control over the satellite repair station. The documentation***

from the repair station with managerial control must identify any specific processes or procedures unique to the satellite repair station.

10. Revise Sec. 145.109, section heading, paragraph (a), and paragraph (d) introductory text to read as follows:

Sec. 145.109 Equipment, tools, test apparatus, materials, and data requirements.

(a) Except as otherwise prescribed by the FAA, when a repair station is performing work under its repair station certificate and operations specifications, the repair station must have on the premises and under its control the equipment, tools, test apparatus, and materials necessary to perform the maintenance, preventive maintenance, or alterations in accordance with part 43.

As it stated earlier in these comments, the Association supports standard language. We actually encourage the elimination of the words “tools” and “test apparatus” and for maintaining the simple word “equipment”. However if the FAA is going to add words, it must do so throughout the regulations. We therefore recommend that “inspection apparatus” also be added. Therefore the language we recommend is as follows:

Sec. 145.109 Equipment (including tools and inspection and test apparatus), materials, and data requirements.

(a) Except as otherwise prescribed by the FAA, when a repair station is performing work under its repair station certificate and operations specifications, the repair station must have on the premises and under its control the equipment (including tools and inspection and test apparatus), materials and data necessary to perform the maintenance, preventive maintenance, or alterations in accordance with part 43.

(d) A certificated repair station must maintain, in a format acceptable to the FAA, the documents and data required for the performance of maintenance, preventive maintenance, and alterations under its repair station certificate and operations specifications in accordance with part 43. The following documents and data must be current, available, and accessible when the relevant work is accomplished:

The Association has no comment on the removal of the word “technical” in front of data. It would note that the words in part 43 indicate that the maintenance provider must have the methods, techniques and practices required to perform the work correctly available at the time the work is performed. Hopefully, that is what the FAA means by the term “data”.

11. Revise Sec. 145.151 to read as follows:

Sec. 145.151 Personnel requirements.

Each certificated repair station must:

(a) Designate a repair station employee as the accountable manager;

As there are no particular changes to this paragraph, the Association has no comment.

(b) Designate a repair station employee as the chief inspector;

The Association does not support the addition of a “chief inspector” to the required personnel in a repair station. The term means nothing without a definition. A definition means nothing without prescribed duties and responsibilities. Furthermore, the FAA states the term in a singular manner here, i.e., “the chief inspector”, yet places it in a plural text in its proposed change to section 145.155.

The preamble indicates that the FAA has been requested to add this position and that there “needs to be a technical person with the responsibility for regulatory compliance as well as the quality control duties.”

We remind the FAA that under its own definition, the accountable manager is responsible for ensuring regulatory compliance. Therefore, that responsibility is not up to the “chief inspector”. Also, the totality of the regulations on a repair station is that checks and balances exist to each aspect of the quality system to ensure compliance with the technical requirements for the entire work scope being performed. There may be one person or numerous persons responsible for technical work, including inspection. There is nothing in the current regulations that prohibits the appointment of a chief inspector and if that position exists, the particular repair station should assign duties, responsibilities and authorities as required by 14 CFR section 145.209.

The FAA further justifies its proposed change by stating that it would reconcile the requirements of parts 121 with 145. The Association reminds the agency that the majority of repair stations in the United States do not work for part 121 operators. The cost that would be associated with the confusion over the ambiguous and contradictory requirement would far outweigh any increase in safety that might result.

Therefore, we request this paragraph be removed in its entirety. If it is kept, we request that the FAA clarify the exact nature of the position, not only its qualifications (as is already required under 14 CFR section 145.155), but its duties, responsibilities and authority. That authority cannot impinge on the responsibilities of the accountable manager without an appropriate change to that position’s definition.

Finally, if the FAA wishes to ensure that the proper persons are employed by the repair station, the Association suggests a change to the language in 14 CFR section 145.209(a) as follows:

(a) An organizational chart identifying—

- (1) Each management position with authority to act on behalf of the repair station,**
- (2) Each position responsible for performing, supervising or inspection the maintenance, preventive maintenance or alteration performed under the authority of the repair station certificate.**
- (3) The duties, area of responsibility, responsibilities, and authority of each position required by paragraphs (1) and (2).**

(c) Provide qualified personnel to plan, supervise, perform, and approve for return to service the maintenance, preventive maintenance, and alterations performed under the repair station certificate and operations specifications;

The Association has no comment to this paragraph.

(d) Ensure it has a sufficient number of employees with the training, knowledge, and experience in the performance of maintenance, preventive maintenance, and alterations authorized by the repair station certificate and operations specifications to ensure all maintenance is performed in accordance with part 43; and

The Association opposes the elimination of the word “or” between training and knowledge in this paragraph. Training does not take into account the knowledge and experience required to ensure work is performed properly. While a repair station may have extensively trained personnel that alone will not replace knowledge or experience. Indeed, the elimination of the word “or” will create havoc in the industry by disqualifying many knowledgeable and experience personnel who have not received any official or documented “training”.

Finally, the advisory material associated with the required approved training programs make it clear that training is not required when experience and knowledge can be tested to ensure that the person is capable of performing the assigned tasks.

Indeed, the FAA must either justify its requirement that everyone working for a repair station is “formally” trained or replace the word “or” in the paragraph. The cost of ensuring every person within a repair station has appropriate training would be extremely burdensome without any showing that it would increase safety.

(e) Determine the abilities of its noncertified employees performing maintenance, preventive maintenance, and alterations based on training, knowledge, experience, or practical tests.

Since the FAA has proposed a change to this section (by removing the word “or” between “training” and “knowledge”), the Association would like to propose a change of its own to this section. The Association strongly recommends that the agency make this paragraph consistent with the general requirement that a repair station have appropriately trained or knowledgeable and experienced personnel. Therefore, we request the removal of the term “noncertified” (which should have been noncertificated) entirely and a replacement of the word “or” as follows:

(e) Determine the abilities of its employees performing maintenance, preventive maintenance, and alterations based on training or knowledge and experience, or practical tests.

The Association’s change makes it clear that a certificate alone does not validate the requirements of an employee for any repair station. It is clear that the new training programs must evaluate all employees to determine whether any one has the capability to perform assigned tasks. Therefore, the repair station must evaluate all of its employees based upon training or knowledge and experience or practical tests to ensure that the proper training takes place.

12. Revise Sec. 145.155 (a)(2) and add new paragraphs (c) and (d) to read as follows:

Sec. 145.155 Inspection personnel requirements.

*(a) * * **

*(1) * * **

(2) Proficient in using the various types of inspection equipment and techniques appropriate for the article being inspected.

The Association recommends that the FAA continue its desire for consistency by mirroring the equipment language that it has proposed using with the following language for this paragraph.

(2) Proficient in using the various methods, techniques and practices and types of equipment (including tools and inspection and test apparatus) used for inspection appropriate for the article being inspected.

(c) The chief inspector of a repair station located within the United States must be certificated under part 65.

(d) Personnel designated as chief inspectors for certificated repair stations within and outside the United States must have at least three years experience using the

various types of inspection equipment and techniques appropriate for the article being inspected.

The Association strongly opposes all the language associated with the proposed designation of chief inspector. We emphasize the objections we made above by pointing out that the FAA uses a singular text for “the” chief inspector in paragraph (c) and a plural usage of the term in paragraph (d). Since no single person can have the experience requirements for all of a complex repair station’s ratings required by paragraph (c), we would assume that more than one person could be designated as a chief inspector. However, that is certainly not what the preamble to the proposed rule would suggest.

Finally, the preamble indicates that the three year requirement is equivalent to the inspection authorization (IA) privileges. However, the IA privileges are exercised by an individual not an entity with the checks and balances required in its quality system and other requirements. While the FAA indicates that the IA and the chief inspector would be making similar decisions, there is no requirement that this new “chief inspector” be the person that issues approvals for return to service. The FAA advanced no definition for the person, only that a repair station designates a body with specific qualifications to the “position”. We are mystified as to what the position actually adds to the requirements of safety or to the repair station’s quality system.

The Association therefore requests that the FAA withdraw its proposal that a chief inspector be designated unless the agency specifies a specific definition for the position or person and that it justify the expense associated with designating that person against an increase in safety. The fact that it may be a “good idea” is not persuasive. There is certainly no corresponding requirement from other national aviation authorities upon which the industry or the FAA can determine its usefulness or necessity. Our members may very well have appointed such a person, but we are opposed to it being a regulatory requirement with such little justification.

13. Revise Sec. 145.161(a)(2) and (a)(4)(i), (ii), (iii), and (iv) and remove paragraph (a)(4)(v) to read as follows:

Sec. 145.161 Records of management, supervisory, and inspection personnel.

*(a) * * **

(2) A roster with the names of all inspection personnel, including the chief inspector;

** * * * **

*(4) * * **

(i) Present title.

- (ii) *Past relevant employment with names of employers, periods of employment, positions, and types of maintenance performed.*
- (iii) *Scope of present employment.*
- (iv) *The type of mechanic or repairman certificate held and the ratings on that certificate, if applicable.*

The Association is opposed to the addition of the language “including the chief inspector” not only because it is against the position, but because it is redundant. The title itself indicates that it must be an inspector; therefore the position must be listed on the roster.

The Association commends the FAA for removing the requirement for the number of years of employment as being redundant. We therefore request further consolidation of that section.

The FAA requires the company to establish the abilities of technical supervisors and inspection personnel under the auspices of sections 145.163, 145.151, 145.153, 145.155, and 145.157. The requirements for a listing (roster) and for the summaries of employment for the persons on that listing are only a method for assuring the repair station has accomplished its duties under those sections of the regulations. Further, the requirement for scope of the person’s present employment can be found in the repair station’s requirements under 14 CFR section 145.209(a). That section requires a list of the management personnel and each person’s duties, areas of responsibility, responsibilities and authority (and if the recommendation of ARSA is accepted the supervisors, inspectors and other persons performing maintenance, preventive maintenance and alterations would also be covered by that requirement).

Members of the Association have indicated frustration with the language in this section of the rule that indicates that there must be “a” roster for various different listings. Some members keep all the listings on one “roster” while others separate management, from inspection or supervisors. In the end, the matter is of little import provided the required information is “listed” in a convenient manner for the company and the agency. The Association therefore suggests the FAA make clear that the roster may be in the form of one list or several, and that the information required by a “summary” could also be made available through the information obtained and maintained by the human resources department of a company. In other words, the need for a “summary” is redundant if the information is otherwise readily available.

Therefore, the Association urges the FAA to further consolidate the requirements of section 145.161 as follows:

Sec. 145.161 Records of management, supervisory, and inspection personnel.

(a) A certificated repair station must maintain and make available the following information:

(1) Listing by name of:

- (i) Management and supervisory personnel that includes the repair station officials who are responsible for its management and the supervisors who oversee maintenance functions, with each person's general area(s) of responsibility and any limitations.**
- (ii) All inspection personnel, each person's general area(s) of responsibility and any limitations.**
- (iii) Personnel authorized to approve the maintenance, preventive maintenance or alteration for return to service under the repair station's certificate and ratings, each person's general area of responsibility and any limitations.**

(3) For each individual whose name is on the personnel listing required by paragraphs (a)(1) of this section:

- (i) The person's present title,**
- (ii) Past relevant employment with positions, names of employers and periods of employment,**
- (iii) The type of certificate held and if the certificate was issued under part 65 of this chapter, the ratings on that certificate.**

(b) Within 5 business days of the change, the listing required by this section must reflect changes caused by termination, reassignment, or addition of personnel.

14. Amend Sec. 145.203 by redesignating the introductory text as paragraph (a), redesignating paragraphs (a) and (b) as paragraphs (a)(1) and (a)(2) respectively, and adding new paragraph (b) to read as follows:

Sec. 145.203 *Work performed at another location.*

* * * * *

(b) A certificated repair station may not perform maintenance, preventive maintenance, or alterations outside its domicile country unless:

- (1) The repair station obtains authorization from the country where the work is to be performed;**
- (2) The repair station submits a request to the FAA accompanied by:
 - (i) A description of the procedures that will be used to ensure that repair station personnel adhere to the procedures identified in its manual;**
 - (ii) Evidence of authorization to perform the work from the country where that work is to be performed.****
- (3) The performance of that work has been approved in writing by the FAA prior to its commencement.**

The Association strongly opposes this unnecessary and unintelligible addition to the regulations. If an N-registered aircraft requires maintenance, preventive maintenance or alteration anywhere in the world the work is under the jurisdiction of the FAA and must be performed by an appropriate certificated person under 14 CFR part 43. One of the choices the operator has is a part 145-certificated entity. The Association's opposition is based upon the following facts and concerns.

First, the current regulation requires the organization to have procedures for working away from its fixed location or obtain approval of each occurrence. If the work is performed on a recurring basis and the procedure is in the repair station's procedures, why does the FAA have to approve the performance of that work again as suggested by the proposal? If it will be approved on a case-by-case basis, then the requirement is also redundant.

Second, the regulation does not indicate how the non-domicile country would issue the required "approval." To require a repair station to obtain permission from "somebody" in the country in which the work is to be performed ensures the work will be delayed indefinitely. What agency or person would provide such permission? What if the country didn't want to provide the permission? Would that mean the work over which the FAA has sole jurisdiction could not be done? There are certainly laws that require workers from other countries to obtain permission to perform work in the "foreign" country. Is that the permission FAA is requesting be obtained? If that is the case, what interest does the FAA have in ensuring a company is in compliance with another country's non-aviation safety laws and regulations? What if the "foreign worker" laws did not apply to the particular situation, then who would the part 145 repair station need to obtain permission from? In Europe for instance, would it be European Aviation Safety Agency (EASA) or the national aviation authority (NAA) of the country in which the work was going to be done?

Third, why in the world would the country need to approve that work on a U.S.-registered aircraft be done by an FAA-certificated repair station? Isn't that the jurisdiction of the FAA? Why does the FAA need assurance from that country for an aircraft under the United State's safety regulations?

Finally, what problem is the FAA attempting to solve with this unexplained and unworkable proposal? The preamble states that the proposal would "standardize the practice used to permit repair stations to perform work outside the country in which they are domiciled". The Association is unaware of any problems associated with any FAA-certificated repair station having any issues working on an N-registered aircraft anywhere in the world. We do understand that there has been an issue regarding an EASA-certificated repair station working on EASA-registered aircraft away from its U.S. location. Those aircraft are not under the FAA jurisdiction, so that cannot be the basis for the proposal.

As is well known, unless the FAA has a safety justification or reason for a proposal, it should not adopt it. In this case, there are no safety issues being advanced. The burden of this requirement would virtually halt work by appropriately certificated organizations outside its country of domicile. This is a regular practice for airframe and engine-rated repair stations around the world. The proposal is incomprehensible and must be withdrawn.

15. Revise Sec. 145.205(a), (b), (c), and (d) introductory text to read as follows:

Sec. 145.205 Maintenance, preventive maintenance, and alterations performed for certificate holders operating under parts 121, 125, or 135, or for foreign air carriers or foreign persons operating U.S.-registered aircraft in common carriage under part 129.

(a) A certificated repair station that performs maintenance, preventive maintenance, or alterations for an air carrier or commercial operator that has a continuous airworthiness maintenance program under part 121 or part 135 must comply with the applicable parts of this chapter and follow the air carrier or commercial operator's program and applicable sections of its maintenance manual.

The Association's members, air carriers and FAA inspectors continue to have difficulty with the phrase "the applicable sections of its [the operator's] maintenance manual" contained in section 145.205(a). For example, FAA guidance material indicates that a repair station must comply with the air carrier's calibration program because this subject is typically covered in the air carrier's General Maintenance Manual (GMM) or similar manual. However, all repair stations are required to have acceptable calibration programs that meet the requirements of section 145.109(b). While the calibration issue is one example of this problem, the same issue arises in any case where an air carrier provides no specific direction and the repair station merely wants to apply a procedure contained in its repair station or quality manual procedures.

Further, we find that the lack of clarity with respect to the requirements is resulting in uneven application of this regulation. Therefore, the Association believes that in the absence of a specific directive from the air carrier/commercial operator to the contrary, the maintenance provider should be able to follow its own procedures. At the same time, we recognize the need to follow the operator's specific maintenance, preventive maintenance and alteration directions.

We request the following change to paragraph (a) to specify what "applicable sections" of the maintenance manual must be followed.

(a) A certificated repair station that performs maintenance, preventive maintenance, or alterations for an air carrier or commercial operator that has a continuous airworthiness maintenance program under part 121 or part 135 must follow the air carrier or commercial operator's program and the

appropriate sections of its maintenance manual when that information is furnished to the repair station along with the operator's written instruction that it be followed. In the absence of such written instructions, a repair station shall comply with the pertinent sections of parts 43 and the repair station's procedures required by sections 145.207, 145.209 and 145.211 of this part.

This change recognizes that a certificated repair station has its own FAA-accepted and approved procedures that it should be allowed to follow in the absence of a specific written instruction from the air carrier or commercial operator customer. It also allows the air carriers or commercial operators to determine when the repair station is required to follow a specific section of their manual.

The change also recognizes that requiring adherence to different procedures is not in the interests of safety, particularly in those areas (such as calibration) where the requirements are basic to compliance with part 43, which is required of both parts 121 and 145. In the alternative, the FAA must clarify the limit of its guidance to those repair stations that perform Airframe heavy maintenance on the operator's behalf.

- (b) A certificated repair station that performs inspections for a certificate holder conducting operations under part 125 must comply with the applicable parts of this chapter and follow the operator's FAA-approved inspection program.*
- (c) A certificated repair station that performs maintenance, preventive maintenance, or alterations for a foreign air carrier or foreign person operating a U.S.-registered aircraft under part 129 must comply with the applicable parts of this chapter and follow the operator's FAA-approved maintenance program.*
- (d) Notwithstanding the housing requirement of Sec. 145.103(b), the FAA may grant approval for an appropriately-rated repair station to perform line maintenance for an air carrier or commercial operator conducting operations 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 operated by that air carrier, commercial operator, or person, provided:*

The Association does not agree with the “clarification” for paragraph (d). First, no repair station can work outside its ratings so the language is redundant. As we have mentioned before, repeating words when such are not needed does not clarify, it confuses. The practice begs the question as to why more words aren't in other paragraphs or sections.

It is our understanding that an appropriately rated (today airframe) repair station does not need authority to perform “line maintenance” since it would do that work under its rating at its actual housing and facilities (within the current housing exception) or on a “work away from the fixed location” basis (see 14 CFR section 145.203). If the repair station did not have the appropriate housing,

facilities, equipment, materials, data and personnel to obtain an airframe (soon to be aircraft) rating, the FAA could still provide its permission to perform line maintenance provided the remaining paragraphs of (d) were met. Again, the repair station would not be working outside its rating if the FAA gave it a limited airframe for line maintenance only on particular manufacturer's aircraft.

In other words, even if the agency doesn't take the Association's recommendation to remove the requirement for an aircraft-rated repair station to have permanent housing to enclose the largest aircraft; the agency has a regulatory provision that says the work can be done outside the hangar provided it is done correctly. Therefore, the appropriate rating for line maintenance is aircraft with an appropriately limited capabilities list. The capabilities list could be limited to line maintenance for certain manufacturers, or types or makes or models, as deemed appropriate. Therefore, the proposed "clarification" is not needed.

Further, the FAA needs to seriously consider its ability to provide a limited rating for line maintenance. That rating would encourage the non-certificated entities that are currently performing such activities to obtain a repair station certificate. The applicant's repair station documentation would have to provide for the procurement of the appropriate housing (whether temporary or permanent), facilities, equipment (including tools and inspection and test apparatus), materials, data, personnel and training to perform the scope of work on the anticipated aircraft types. The controls recommended by the Department of Transportation Inspector General and Congress would be available to the agency and the entities. That is not the case today.

16. Revise Sec. 145.211 to read as follows:

Sec. 145.211 Quality system.

- (a) A certificated repair station must establish and maintain a quality system acceptable to the FAA that ensures—*
- (1) The maintenance, preventive maintenance, and alterations performed by the repair station and its contractors result in articles that are airworthy with respect to the work performed;*
 - (2) The repair station's procedures are complied with and are appropriate for the ratings it holds and the complexity and scope of the maintenance accomplished; and*
 - (3) The repair station remains in compliance with the applicable regulations of this chapter.*

The Association believes that the additional requirements proposed are already required under the current language. We recommend the following clarification be made to the proposal:

- (a) A certificated repair station must establish, maintain and document a quality system acceptable to the FAA that ensures—**
- (1) The maintenance, preventive maintenance, and alterations performed by the repair station and its contractors result in articles that are airworthy with respect to the work performed;**
 - (2) The repair station's quality system procedures are made available to personnel and contractors required to comply with those procedures;**
 - (3) The repair station's procedures are appropriate to its ratings and the complexity and scope of the maintenance, preventive maintenance and alterations accomplished; and**
 - (3) The repair station remains in compliance with the applicable regulations of this chapter.**

The FAA should also clarify 14 CFR sections 145.207 and 145.209 to ensure the quality system includes the elements currently associated with the “repair station manual”. We must eliminate the need for a “manual” or “manuals”. The method by which a repair station documents its compliance with the regulation must be left to the discretion of the applicant or certificate holder. The adherence to international quality systems must be encouraged; it can be if the FAA would eliminate its restrictive language in the regulations.

The Association offers that the following changes be made to sections 145.207 and 145.209:

Sec. 145.207 Repair station elements.

- (a) A certificated repair station must establish, maintain in a current condition and document the elements required by this section in a manner acceptable to the FAA.**
- (b) The documentation required by this section must be accessible to the repair station personnel and contractors required to follow any of the elements.**
- (c) A certificated repair station must provide to its certificate holding district office the current repair station documentation in a format acceptable to the FAA.**
- (d) A certificated repair station must notify its certificate holding district office of each revision of its repair station documentation in accordance with the procedures required by Sec. 145.207(e)(10).**
- (e) A certificated repair station's documentation must include the following:**
 - (1) An organizational chart identifying—**
 - (i) Each management position with authority to act on behalf of the repair station,**
 - (ii) Each position responsible for performing, supervising or inspecting the maintenance, preventive maintenance or alteration performed under the authority of the repair station certificate.**

- (iii) The duties, area of responsibility, responsibilities, and authority of each position required by paragraphs (e)(1)(i) and (ii).*
- (2) Procedures for maintaining and revising the rosters required by Sec. 145.161;*
- (3) A description of the certificated repair station's operations, including the housing, facilities, equipment, and materials required by subpart C of this part;*
- (4) Procedures for—*
- (i) Revising the capability list provided required by Sec. 145.215 and notifying the certificate holding district office of revisions to the list, including how often the certificate holding district office will be notified of revisions; and*
- (ii) The self-evaluation required by Sec. 145.215(c) for revising the capability list, including methods and frequency of such evaluations, and procedures for reporting the results to the appropriate manager for review and action;*
- (5) Procedures for revising the training program required by Sec. 145.163 and submitting revisions to the certificate holding district office for approval;*
- (6) Procedures to govern work performed at another location in accordance with Sec. 145.203;*
- (7) Procedures for maintenance, preventive maintenance, or alterations performed under Sec. 145.205;*
- (8) Procedures for—*
- (i) Maintaining and revising the contract maintenance information required by Sec. 145.217(a)(2)(i), including submitting revisions to the certificate holding district office for approval; and*
- (ii) Maintaining and revising the contract maintenance information required by Sec. 145.217(a)(2)(ii) and notifying the certificate holding district office of revisions to this information, including how often the certificate holding district office will be notified of revisions;*
- (9) A description of the required records and the recordkeeping system used to obtain, store, and retrieve the required records;*
- (10) Procedures for revising the repair station's manual and notifying its certificate holding district office of revisions to the manual, including how often the certificate holding district office will be notified of revisions; and*
- (11) A description of the system used to identify and control sections of the repair station manual.*

Obviously, various paragraphs of the section may need further revision depending upon what is retained in the final rule. The purpose of our request is to ensure that the requirements of current sections 145.207, 145.209 and 145.211 can all be contained in one quality system.

- (b) The quality system must include the following elements:*
- (1) An inspection system and procedures for—*

- (i) Inspecting incoming raw materials and articles to ensure acceptable quality;*
- (ii) Performing preliminary inspection of all articles that are maintained;*
- (iii) Inspecting all articles that have been involved in an accident or incident for hidden damage before maintenance, preventive maintenance, or alteration is performed; and*
- (iv) Performing final inspection and approval for return to service of maintained articles.*

The Association agrees with the concepts embodied in the FAA's suggested revisions, it requests further clarification as follows:

(b) The quality system must include the following elements:

(1) Procedures for performing—

- (i) Incoming verification of equipment (including tools and inspection and test apparatus) and articles destined for use in performing maintenance, preventive maintenance and alteration to ensure acceptable quality;***
- (ii) Preliminary inspection of all articles upon which maintenance, preventive maintenance and alteration will be performed consistent with the work scope to be accomplished;***
- (iii) Inspections of all articles that have been involved in an accident or incident for hidden damage before maintenance, preventive maintenance, or alteration is accomplished;***
- (iv) In-process inspections, as applicable to the maintenance, preventive maintenance or alteration to be accomplished;***
- (v) Final inspection of the work performed consistent with the work scope accomplished; and,***
- (vi) Approval for return to service of the maintenance, preventive maintenance or alteration on articles with respect to the work performed under the repair station certificate, ratings and operations specifications with all associated privileges and limitations.***

- (2) An internal evaluation program to ensure the repair station's manuals and procedures comply with the requirements of this part.*
- (3) A reporting system to record and maintain completed evaluations and corrective action plans.*
- (4) A schedule for conducting annual quality system evaluations.*
- (5) A corrective action procedure to ensure any deficiencies are corrected.*
- (6) Procedures for conducting follow-up evaluations to ensure corrective action(s) bring any deficiencies into compliance.*
- (7) Procedures for qualifying, training, and authorizing persons to perform quality system internal evaluations.*
- (8) Procedures for revising the repair station's internal evaluation system as its ratings or capabilities change and for notifying the FAA certificate holding district office of revisions to its quality system.*

The Association strongly opposes the inclusion of these requirements in the repair station rules applicable to all types of operations. The membership of the Association is primarily those certificate holders that work for domestic and international air carriers. Those entities already have quality assurance systems that meet the requirements of the air carriers and the EASA. Therefore, we recommend that these elements be moved to 14 CFR section 145.205 to reflect the requirement for a higher level of safety when working for those entities providing services to the general public.

The preamble provided examples of where an internal evaluation may have prevented an unairworthy article from being installed on a product. However, the result is problematic. An internal evaluation is not going to identify bad data from a structural or component repair manual or process; it is not going to ensure that the internal evaluation is performed properly, and it is not going to ensure that processes and procedures required of other certificate holders are followed by those responsible parties. In other words, a repair station cannot be held responsible for compliance with the entire chapter of 14 CFR, it can only be held responsible for ensuring compliance with the requirements over which it has specific responsibility and control.

The cost for all repair stations to comply with an internal evaluation requirement would far outweigh any benefit to the public. Indeed, the FAA is yet to provide a convincing argument that the quality assurance system would prevent any unsafe occurrences. Indeed, in the case of most ADs, the certificate holders responsible for the “inadequacy” (usually type and/or production approval holders) have internal evaluation or quality assurance systems. The fact that the certificate holder has an internal evaluation system did not (does not) necessarily prevent the unsafe condition. Therefore, the FAA needs to reevaluate whether the system actually prevents the occurrence or merely ensures the occurrence might be found and corrected in a timely manner.

That said, the Association recognizes that the international requirements for many certificated repair stations already require the quality assurance system. Further, most of its members have a quality assurance system that would meet the requirements of the proposal. Therefore, we request that the FAA reorder section 145.205 to add the following:

(d) A certificated repair station that performs maintenance, preventive maintenance, and alterations for certificate holders under parts 121, 125, and 135, and for foreign air carriers or foreign persons operating a U.S.-registered aircraft in common carriage under part 129 must include in the documentation required by Sec. 145.211 of this part the following:

- (1) *An internal evaluation program to ensure the repair station's documented procedures comply with the requirements of this part. The internal evaluation program shall include the following elements—***
 - (i) A schedule for conducting annual quality system evaluations.***
 - (ii) A corrective action procedure to ensure deficiencies are corrected.***
 - (iii) Procedures for conducting follow-up evaluations to ensure corrective action(s) eliminate the deficiencies.***
 - (iv) A reporting system to record and maintain completed evaluations and corrective action plans for a period of two years after the corrective action has been verified.***
- (2) *Procedures for qualifying, training, and authorizing persons to perform quality system internal evaluations. This requirement may be accomplished in accordance with the program required under Sec. 145.163 of this part.***
- (3) *Procedures for revising the repair station's internal evaluation system and for notifying the FAA certificate holding district office of revisions in the internal evaluation program.***
- (4) *The certificated repair station must make its quality system evaluations and its corrective action plans available for inspection by the FAA.***

The information required to be collected by this program must be handled very carefully by the agency. The agency is basically asking the certificate holder to collect information on potential violations of the regulations. If that information is collected by the agency in any manner, it cannot be protected from a request under the Freedom of Information Act (FOIA). If the agency includes this requirement in its final rule, the requirement to collect negative information on itself becomes mandatory; obviously, the self evaluation and its results would no longer be considered a voluntary collection of information. Therefore, the Association strongly recommends that if the agency wishes to review the information collected under these requirements it not obtain a copy from the certificate holder. In other words, as long as the information is not in the government's possession it cannot be reached by a FOIA request. If the agency wishes to review the data, it should do so on the certificate holders' premises.

- (9) Procedures for establishing and maintaining proficiency of inspection personnel.***

The Association requests the removal of this paragraph. The establishment and maintenance of all persons performing maintenance (which includes inspection by its definition in 14 CFR section 1.1), preventive maintenance and alteration is covered by the approved training program required by section 145.163.

- (10) Procedures for establishing and maintaining current data for maintaining articles.***

The FAA should be aware that it is not always the current data that is required to perform the listed activities. Air carriers and commercial operators may require

specific revision levels or adherence to specific service bulletins in lieu of the latest revision. Additionally, it is not just “maintaining” that takes place in a repair station. Therefore, to ensure consistency and clarity, the Association requests the following language be used for this paragraph:

(10) Procedures for ensuring the applicable data are available and used during the performance of maintenance, preventive maintenance and alteration.

(11) Procedures for establishing and maintaining a suspected unapproved parts program.

The Association opposes this requirement and requests its removal. The need for a specific program to report suspected unapproved parts (none of those words by the way are defined in the regulation) is problematic. The repair station is required to ensure that the parts it uses are airworthy. The FAA’s database on the reports and parts does not ensure a thorough investigation or disposition under its due process requirements. To further complicate the repair station’s requirements with a nebulous program that adds nothing to the current requirements nor the proposed internal evaluation requirements is unacceptable.

The one sentence addition does not “formalize” any requirements as suggested by the FAA’s preamble explaining this addition. What are the requirements of such a program? The FAA’s preamble admits that there are “a number of different practices” for establishing such a “program” within a repair station. What exactly are those elements? The FAA has delineated specific requirements for other “programs”, yet fails to do so for a “suspected unapproved” part program. Indeed, it put parenthesis around the term “unapproved” since there is no regulatory definition for that word.

The Association does not believe that the addition of such a program adds to the safety of our system. Indeed, the Association’s experience with the program ensures questions are unanswered. Therefore, we request the removal of the paragraph in the final rule.

(12) Procedures for qualifying and surveilling noncertificated persons who perform maintenance, preventive maintenance, or alterations for the repair station.

The Association requests that the FAA clarify this paragraph further by ensuring that it applies to non-certificated persons acting as contractors under section 145.217(b). We suggest the following language:

(12) Procedures for qualifying and surveilling non-certificated persons who perform maintenance, preventive maintenance, or alterations for the repair station under Sec. 145.217(b).

(13) Procedures for calibrating measuring and test equipment used in maintaining articles, including the intervals at which the equipment will be calibrated.

To ensure consistency with respect to the word “equipment” and calibration of the equipment used to make airworthiness determinations, as we suggested in earlier in our comments, the language should read:

(13) Procedures for calibrating the equipment (including tools and test and inspection apparatus) used in making airworthiness determinations during maintenance, preventive maintenance or alteration, including the intervals at which the equipment (including tools and test and inspection apparatus) will be calibrated; and

(c) A certificated repair station must make its quality system evaluations and its corrective action plans available for inspection by the FAA.

As suggested earlier, the Association requests that this paragraph be moved to section 145.205.

(d) A certificated repair station must prepare and keep current a quality system manual in a format acceptable to the FAA that includes the following:

- (1) A description of the elements defined in Sec. 145.211(b).*
- (2) References, where applicable, to the manufacturer's or other applicable inspection standards for a particular article, including reference to any data specified in those standards.*
- (3) A sample of the inspection and maintenance forms and instructions for completing such forms or a reference to a separate forms manual.*
- (4) Procedures for revising the quality system manual required under this section.*
- (5) Procedures for notifying its certificate holding district office of revisions to its quality system manual.*

(e) Repair station personnel must follow the quality system manual when performing maintenance, preventive maintenance, and alterations under the repair station certificate and operations specifications.

The Association suggests the following language in place of the proposal:

(d) A certificated repair station must prepare and keep current quality system documentation that includes the following:

- (1) A description of the elements defined in Sec. 145.211(b).***
- (2) A sample of the forms used during maintenance (including inspection), preventive maintenance and alteration and instructions for completing such forms, including references, where applicable, to the manufacturers' or other applicable inspection standards for a particular article, including reference to any data specified in those standards. This requirement may***

be fulfilled by referencing a separate document containing the required information.

(3) Procedures for revising the quality system documentation required under this section.

(4) Procedures for notifying its certificate holding district office of revisions to its quality system documentation.

(e) Repair station personnel and contractors must follow the quality system documentation when performing maintenance, preventive maintenance, and alterations under the repair station certificate, ratings and operations specifications, including all applicable privileges and limitations.

The changes suggested by the Association are meant to ensure consistency with the other requirements in parts 43 and 145. They are also meant to eliminate the word “manual”, which constantly limit the FAA’s ability to readily change or accept improvements in how system safety is achieved.

17. Revise Sec. 145.215 to read as follows:

Sec. 145.215 Capability list.

(a) Each certificated repair station must establish and maintain a capability list acceptable to the FAA that includes all the articles for which it is rated to perform maintenance, preventive maintenance, and alterations.

The Association is deeply concerned about the use of the term “all” in the regulatory language. ARSA, despite its expertise in the law and regulations cannot determine exactly what the FAA wants on a capability list. It is certainly not clear from either the language in section 145.215 or from the preamble.

It is therefore very concerned that the FAA inspectors and the industry will not truly understand what must be listed and how any particular article must be designated. If the repair station does not have a particular item listed “properly”, it can be deemed to have worked outside its rating even if it may have the appropriate overall rating (for example, component) with the full capability to perform the work (i.e., has the appropriate housing, facilities, equipment, materials, data and trained or knowledgeable and experienced personnel). Additionally, we are unsure how a specialized service repair station would add a capability without a change in rating. Therefore, we recommend that those repair stations would not have to maintain a capabilities list to perform the specialized service on any particular article.

We recommend the following alternative language to paragraph (a):

(a) Except for specialized service-rated repair stations, each certificated repair station must establish and maintain a capability list acceptable to the FAA that

includes the articles for which it has the appropriate housing, facilities, equipment (including tools and inspection and test apparatus), materials, data and trained or knowledgeable and experienced personnel to perform maintenance, preventive maintenance, and alterations as required by this part.

(b) The capability list for each certificated repair station must identify each article by manufacturer and the type, make, model, category, or other nomenclature designated by the article's manufacturer and be available in a format acceptable to the FAA.

The Association requests the agency take the comments associated with section 145.51(a)(4) into consideration when determining the nature and extent of capabilities lists. We specifically recommend the following clarification to proposed paragraph (b):

(b) The capability list for each certificated repair station must identify each article by manufacturer and the type or make or model, or nomenclature as appropriate to the work performed under the repair station's ratings and operations specifications. The list must be available in a format acceptable to the FAA.

(c) The capability list for a certificated repair station with an Avionics or Component rating must also be organized by category of article.

Since the Association has requested a removal of the word "category", we request the removal of this paragraph in its entirety. "Nomenclature" means name or designation¹ and therefore can be used to define a "category" as described in the FAA's preamble. Therefore, the use of the term "category" is unnecessary and as noted earlier is not appropriate for use in a repair station setting.

(d) An article may be listed on the capability list only if the article is within the scope of the ratings of the repair station's certificate, and only after the repair station has performed a self-evaluation in accordance with the procedures described in its repair station manual.

(1) The repair station must perform this self-evaluation to determine that the repair station has the housing, facilities, equipment, tools, test apparatus, material, data, processes, and trained personnel in place to perform the work on the article in accordance with part 145.

(i) A repair station with an aircraft rating may not perform a self-evaluation to add a different type of aircraft to its Aircraft rating.

(ii) A repair station with a Powerplant rating may not perform a self-evaluation to add a different class powerplant to its Powerplant rating.

¹ See, <http://www.m-w.com/dictionary/nomenclature>.

The Association is concerned by the limitations set forth in paragraphs (i) and (ii). The ability to perform work on any article, including an aircraft is determined by the same capabilities—that is, the housing, facilities, equipment, materials, data and personnel. Further, the regulations establish that even if a repair station is rated, it cannot perform any work unless it does have the requisite capabilities to execute it correctly. Finally, even if it has both the rating and the capability, if it performs the work improperly, it must have a method for correcting any deficiencies.

Any imitation that will confuse the industry or add an unnecessary burden to the agency should be avoided. We therefore request the complete removal of those paragraphs. If the FAA wishes to limit the ability of a repair station to add its own capabilities, it should do so during the initial rating process. In other words, place the Aircraft or Powerplant “type” on the repair station’s certificate or place a limitation in the operations specifications. Alternatively, it can provide limitations on the type of work the repair station can perform (e.g., line maintenance) in the operations specifications.

The Association also requests the FAA ensure all terms, words and language are consistent throughout part 145.

Therefore, it suggests the following changes to the proposed paragraphs

(d) Except as provided in paragraphs (d)(1)(i) and (ii), an article may be added to a capability list only if that article is within the scope of the ratings and operations specifications of the repair station's certificate and only after the repair station has performed a self-evaluation in accordance with the procedures described in its repair station documentation required by Sec. 145.209.

(1) The repair station must perform this self-evaluation to determine that it has the housing, facilities, equipment (including tools and test and inspection apparatus), materials, data, personnel and training in place to perform the work on the article in accordance with parts 43 and 145.

(2) The repair station must retain the documentation of the self-evaluation and ensure that completed self-evaluations are available to the FAA.

The Association has no particular concerns with the language of paragraph (2); it does however, caution the FAA that the repair station need only have the particular capabilities at the time the work is actually performed. No capabilities list is going to be “current”. There are just too many variables that need to be tracked. If the FAA uses the list as a hammer, it will quickly make it impossible for any repair station to comply with the regulations.

All ASIs responsible for repair station oversight must be completely trained and familiar with all the requirements of part 145 for capabilities lists to work appropriately. The Association is particularly concerned about the FAA's desire to "standardize" the capabilities lists and make those lists available to the public. The discussion during the Association's Annual Symposium created a real concern that the business information contained in a list would be used negatively by the agency and competitors. The unintended consequences of actions must be considered, particularly during rulemaking processes. Once a rule is in place, it is difficult to reverse direction.

Therefore, the agency is urged to carefully consider placing any requirement on repair station's to make their capabilities lists available to the public. Additionally, since the proposed regulation makes no mention of the list becoming part of the operations specifications, we remind the agency that the list is confidential business information that if released could cause harm to a company. Finally, we urge the agency to ensure its ASIs understand that the list is only good for the day the work is performed; it will not represent the "current" capabilities of a repair station, nor does it have to under the requirements of parts 43 and 145.

(e) Within 30 business days of listing an additional article on its capability list, the repair station must provide its FAA certificate holding district office with a copy of the revised capability list in accordance with the procedures described in its repair station manual.

The Association urges the FAA to remove paragraph (e) entirely. Having the capabilities lists updated and forwarded to the FAA within 30-days serves no safety purpose. It places an unnecessary burden on the agency and the industry. Further, some repair stations have arranged for the FAA to have constant access to repair station documentation, this would lessen the FAA's ability to have that contact.

While some repair stations rarely change their lists, others constantly change capabilities. In the latter case, the local office would never know what the current status was since it would constantly receive new lists to comply with the 30-day "rule". The Association urges the agency to keep its current regulatory language that allows the agency and the certificate holder to determine when the list should actually be sent to the FAA. The rule allows the FAA to review it or request it at any time.

18. Revise Sec. 145.217(a) and (b) and add new paragraph (d) to read as follows:

Sec. 145.217 Contract maintenance.

- (a) *A certificated repair station may contract a maintenance function pertaining to an article to an outside source provided the repair station maintains and makes available to its certificate holding district office, in a format acceptable to the FAA:*
- (1) The maintenance functions contracted to each outside facility; and*
 - (2) The name of each outside facility to which the repair station contracts maintenance functions and the type of certificate and ratings, if any, held by each facility.*
- (b) *A certificated repair station may contract a maintenance function pertaining to an article to a person not certificated under part 145 provided:*
- (1) The FAA approves the maintenance function;*
 - (2) The noncertificated person follows a quality system equivalent to the system followed by the certificated repair station;*
 - (3) The certificated repair station remains directly in charge of the maintenance performed by the noncertificated person; and*
 - (4) The certificated repair station verifies, by test and/or inspection, that the maintenance, preventive maintenance, and alterations have been performed satisfactorily by the noncertificated person and that the article is airworthy before approving it for return to service.*

The Association is extremely leery of the proposal to require approval of only those maintenance functions contracted to non-certificated sources.

- **First, the FAA removed Appendix A and replaced it with the requirement that repair stations provide a list of those functions it was incapable of performing in-house (did not have the requisite housing, facilities, equipment, materials, data or personnel to perform). The purpose of requiring an approval of those maintenance functions was to prevent “paper” repair stations.**
- **Second, the FAA should approve any maintenance function contracted to certificated sources when the repair station:**
 - **(1) Exercises the privileges of its certificate, and**
 - **(2) Issues an approval for return to service for the exact same workscope performed by another certificated entity. This will cover those situations where a repair station issues only an approval for return to service for an article other than a completed type-certificated product (i.e., “overtagging” by taking credit and responsibility for the work performed as if the contractor was non-certificated). This is allowed under section 145.201(a)(2) as limited only by section 145.217(c).**
- **Third, FAA guidance must distinguish between contract maintenance functions requiring approval and purely commercial activities that are not subject to the rule, such as sales, exchanges and brokerage transactions.**

Although not defined in part 145, the term “maintenance function” is explained in AC 145-9 and Inspector’s Handbook 8300.10.

- **AC 145-9: A step or series of steps in the process of performing maintenance, preventative maintenance, or alterations, which result in approving an article for return to service. (Emphasis added.)**
- **Order 8300.10: A step or series of steps in the process of performing maintenance, preventive maintenance, or alterations, which may result in approving an article for return to service. (Emphasis added.)**

According to FAA Order 8300.10, Vol. 2, Chapter 161 (current guidance), and the proposal, a maintenance function need only be approved by the FAA if it is (1) within the scope of the repair station's rating, and (2) is contracted out to a non-certificated provider. As the FAA has pointed out in that guidance, contract maintenance occurs in several situations.

The first is when the repair station contracts work to a non-certificated entity under the privileges of its certificate. It is clear that such maintenance functions require FAA approval because the repair station is responsible for the airworthiness of the work performed.

Another situation occurs when the repair station does not possess the equipment and materials on its premises. For example, a repair station with a Powerplant rating is authorized to overhaul a particular make and model engine under section 145.201(a). Although a Powerplant rating would require the ability to heat-treat, the certificate holder may contract out this function if it does not have the capability to perform it "in-house". Although the FAA must always ensure that the repair station possesses the necessary facilities, equipment and materials to obtain and keep its overall rating (Powerplant), in this case (under current guidance to inspectors and the proposal), the maintenance function being contracted would not require FAA approval because the work is performed and approved for return to service by another certificated entity.

In other words, the contracting (Powerplant) repair station is not exercising the privileges of its certificate. However, the FAA should know that the originating repair station no longer had the capabilities to perform the work. Indeed, if the repair station continued to shed capabilities by contracting out more and more work, the FAA would no doubt like to be informed of that "change". The current rule would require an approval of the maintenance functions to be contracted; the proposal would not require any notification if the work went to certificated repair stations.

The third scenario involves repair stations that have the infrastructure necessary to accomplish the work, but wish to contract to other entities to address short-term business needs, such as a customer's turn time requirements or because the repair station's equipment is malfunctioning. Again, the proposal (and current guidance) indicates that there would be no need for the FAA to approve the

contracted function provided a certificated repair station performs the work and approves it for return to service.

The fourth situation arises when a repair station elects to issue “only an approval for return to service” for work performed by another (in this case) certificated entity. This activity is prohibited by section 145.217(c) ONLY if the article is a completed type certificated product; the activity is allowed in other situations (such as component maintenance), see section 145.201(a)(2).

Under current guidance and the proposal, the FAA does/would not require the maintenance function to be approved (because the repair station that performed the work is certificated). Left unchecked, a repair station could contract out virtually all the maintenance for which it is rated, reserving for itself only the approval for return to service of the work on articles. We do not believe this is the result the FAA wishes. Indeed, we fear it would open the FAA and the industry to more severe criticism than it already must endure.

In the situations where the repair station is contracting to anyone with the intent of “taking credit” for the work performed, ARSA believes the regulation must require the contracting repair station to treat the entity that performed the work as a non-certificated source. The contracting repair station is undoubtedly exercising the privileges of its certificate when it elects to issue an approval for return to service for the same scope of work performed. Therefore, it should demonstrate that it conducted inspections or tests and complied with the other requirements applicable to non-certificating entities specified in sections 145.217(c) and 145.223.

To ensure the Association’s position on this issue is as clear as the industry and regulations will allow, we wish to note that there are commercial transactions that are often confused with a contract maintenance function under part 145. These transactions are not subject to the FAA requirements. For example, a repair station that purchases a maintained part (including one that will be exchanged for a customer’s incoming part) is not contracting under part 145 regardless of whether it is rated to perform the maintenance function performed by the seller. The repair station is merely purchasing a component maintained and approved for return to service by another certificated entity in the same manner as it might purchase a new part.

Another situation that is sometimes confused with contracting under part 145 is a brokerage transaction. Brokerage occurs when a repair station does not exercise the privileges of its certificate and acts solely as an intermediary to help a customer accomplish requested maintenance. The originating “repair station” arranges for another certificated entity to perform the work and approve it for return to service. The second certificated entity sends the article back to the originating entity, which returns it to the customer. Maintenance is not being

performed under the originating repair station's certificate or ratings; therefore, this activity is not governed by 14 CFR part 145.

In addition to requiring FAA approval of maintenance functions contracted to non-certificated entities, approval of maintenance functions should be required whenever a repair station:

- (1) Exercises the privileges of its certificate in connection with the contracted workscope, and**
- (2) Approves for return to service the exact same workscope which it contracted out.**

This will cover situations where the contracted maintenance function was performed and approved for return to service by a part 145 certificate holder, and then another repair station issued "only an approval for return to service" as is specifically allowed by sections 145.201(a)(2) and 145.217(c).

For the forgoing reasons, the Association does not support the change to the regulation without a complete understanding of the reason we are being required to provide a list of maintenance functions at all. The current regulation is only burdensome because neither the FAA nor the industry is applying it properly. The underlying reason for the confusion does not change with the proposed revision to the regulation. The repair station must take responsibility for the work it is having performed under the privileges of its certificate, whether by itself internally or by a contractor acting in a non-certificated capacity. The proposed change does not clarify that requirement.

Further, the change would not accommodate those situations where a certificated source is lost and a non-certificated source is found for the work. The maintenance function that the repair station was incapable of performing (in-house) would not have changed, merely who was doing the work. The discipline necessary to determine what can and cannot be accomplished by the in-house capabilities does not change; merely the contractor.

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(d) A certificated repair station may not contract any maintenance functions for which it is not rated to a noncertificated person.

The Association is opposed to inclusion of this paragraph as redundant and confusing. First, it can be misconstrued to mean that a repair station that is not rated to perform certain work is prohibited from acting in any other capacity. For example, the work may be for military or non-U.S. customers and therefore not being performing under the privileges (and limitations) of the FAA-certificate. We do not believe the agency intended to prohibit these activities, nor do we believe the FAA can prohibit activities over which it has no jurisdiction. Second, the repair station is already prohibited from performing work for which it is not rated per section 145.201(b).

We request the removal of this proposed paragraph.

19. Amend Sec. 145.223 by revising paragraph (c) and adding new paragraph (d) to read as follows:

Sec. 145.223 FAA inspections.

(c) A certificated repair station may not contract for the performance of a maintenance function on an article with a noncertificated person when the maintenance function is to be performed under the terms of an aviation safety agreement and the article is subject to the airworthiness regulation of another civil aviation authority unless the contract with the noncertificated person specifies that the FAA may inspect and observe the performance of the work on behalf of that civil aviation authority.

The Association specifically objects to the inclusion of this paragraph in the regulations. First, we believe the FAA is trying to cover situations where the United States has entered into a bilateral aviation safety agreement. What the agency is trying to accomplish is a mystery. The current rule covers all situations over which FAA has jurisdiction of the work performed, i.e., all non-certificated maintenance functions performed under the privileges of part 145.

In all cases, the maintenance function is not being performed under a bilateral or any other agreement between nations; it is being performed under a contract with a certificated entity. In all situations where the FAA has a bilateral, the underlying requirement for all entities certificated under part 145, is that the entity comply with that rule. The current rule requires contracts with all non-certificated entities performing maintenance functions for the certificated entity to allow the FAA to inspect work being performed (see, 14 CFR section 145.223(b)).

The proposed addition adds nothing but confusion to the current rule. This is a situation where the FAA should issue specific guidance on an issue that is clearly established by the current regulations. Adding another paragraph doesn't solve whatever problem the FAA is trying to address, it only confuses those of us trying to understand and comply with the rules!

(d) A certificated repair station may not approve any article for return to service on which a maintenance function was performed by a noncertificated person if the noncertificated person does not permit the FAA to inspect and observe the performance of the work as described in paragraphs (b) and (c) of this section.

The Association would like to suggest a clarification to this paragraph. Since the repair station must verify by inspection or test that the work was performed properly, the prohibition against approval for return to service is not appropriate. Rather, the repair station must cease using that entity to perform the function on

its behalf until and unless the non-certificated source allows the FAA to inspect the work being performed. Therefore, the Association suggests the following change to paragraph (d):

(d) A certificated repair station must immediately cease using a noncertificated source to perform maintenance, preventive maintenance or alteration function(s) on its behalf if that noncertificated person does not permit the FAA to inspect and observe the performance of the work as described in paragraphs (b) of this section.

The Association does not believe the FAA has appropriately substantiated the costs associated with its proposed changes to the rule. First, the vast majority of repair stations are not using computer; therefore, assuming that the capabilities associated with them is available is faulty. Second, the cost of reviewing, changing and maintaining the new quality system requirements will be conducted by non-administrative persons; therefore assuming costs based upon an administrative salary is faulty. Third, the cost of the new capability lists cannot be estimated until the needs for such lists are clarified. Additionally, we did not observe any accounting for the cost of constantly updating the lists nor for the yearly audits, corrective actions and costs associated with maintaining the quality system other than in an “electronic” manner.

The Association asserts that the vast majority of repair stations have not instituted quality assurance systems “voluntarily”. Rather, the vast majority work for general aviation, are small and fairly unsophisticated in their approach to compliance with part 145.

The Association also questions the benefits allegedly associated with the quality system. The assumption that the system will ensure that Airworthiness Directives will not be issued is faulty. The majority of type and production certificate holders have voluntary quality assurance systems yet ADs against those companies continue unabated; indeed, the number and frequency of ADs have increased rather than decreased over the last ten years. The FAA needs to carefully consider the alternatives presented by this Association and others to ensure that the cost does indeed bring benefit to the agency, the industry and the public we all serve.