

January 14, 2013

Ms. Margaret Gilligan
Associate Administrator
Aviation Safety
Federal Aviation Administration
800 Independence Ave, SW
Washington, DC 20004-0001

RE: Methodology for Determining and Correcting Inconsistencies in Operations Specifications Paragraphs

Dear Ms. Gilligan:

The Consistency of Regulatory Interpretation Aviation Rulemaking Committee (CRI ARC) determined that the variety and variability of the FAA's regulatory compliance information was a root-cause of inconsistent application.

During its deliberations, the committee studied the Operations Specifications (OpSpecs) language to develop an effective method for identifying, reviewing and improving this essential regulatory and oversight tool.

With the need for more efficiency in the administration of aviation safety compliance, we urge your attention to the methodology used to identify effective actions for improvement in this area.

Background

A study of the OpSpecs was chosen because of their importance to the agency and the regulated parties. OpSpecs are based on Title 49 of the United States Code (49 U.S.C.), which empowers the FAA to issue certificates; the law requires each certificate to include the terms, conditions, and limitations reasonably necessary to ensure safety in air transportation. Consequently, regulations under 14 Code of Federal Regulations (14 CFR) require operations in accordance with the terms, provisions and limitations of the OpSpecs.

The measurable standard for the agency's quality management system is the limited and specific legal purpose of the OpSpecs in general and each paragraph in particular. While it is a viable and necessary element to establishing and applying safety standards fairly and uniformly, misunderstanding or misuse can result in unenforceable actions by the agency and undue reliance by the industry. Paragraphs in the OpSpecs related to terms, conditions and limitations reasonably necessary for safety can be clearly differentiated from those recordkeeping or administrative paragraphs for efficient and effective administration of FAA requirements.

To ensure proper balance between measures that are required for safety and others that may need rulemaking for compliance, due process is established by the regulations. In the case of part 119 operators, changes to the OpSpecs may be challenged.

On another note, OpSpecs for air agency certificates, e.g., part 145 and 147 are part of the certificate; it takes a change to the certificate to amend the OpSpecs.

The FAA uses two types of templates for its OpSpecs:

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- Standard templates specify limitations, conditions, and other provisions that must be met. These are developed and maintained by an internal FAA OpSpecs working group and coordinated with the appropriate industry groups.
- Non-standard templates address unique situations, which may or may not describe a limitation, condition or other provision that must be met. Examples include:
 - Defining the equipment and operating limitations for emerging technologies where the parameters are not otherwise defined.
 - Data collection, e.g. on certificate holders/air operators/program managers conducting operations in sensitive international areas.

All non-standard OpSpecs paragraph language must be approved by the appropriate FAA Headquarters (HQ) policy division prior to it being issued.

Study Methodology

With data readily available to the FAA (and indeed the public), the following was reviewed:

- The part 145 Air Agency Operations Specifications (OpSpecs) database, specifically—
 - The definitions and abbreviations set forth in OpSpecs ¶ A002 vis-à-vis those used in the regulations, e.g., Title 14 of the Code of Federal Regulations (14 CFR) parts 1 and 145; and,
 - How the repair station's ratings are recorded on its air agency certificate versus the ratings and limitations listed in OpSpecs ¶ A003.
- The part 121 Air Carrier OpSpecs database for information recorded in specific paragraphs associated with an air carrier's continuous airworthiness maintenance program.

To determine whether the information was consistent with the legal purpose, definitions and abbreviations set forth in Part 145 OpSpec ¶ A002 was compared to the definitions and abbreviation used in the regulations, e.g., 14 CFR parts 1 and 145.

Part 145 OpSpec A003 for Class, Limited and Specialized Service ratings was queried and reviewed to determine whether the limitations and other conditions comported with the regulation and other issued guidance.

The part 121 OpSpecs database was queried to determine the consistency and clarity of recording an air carrier's continuous airworthiness maintenance program (OpSpec D072), use of contract maintenance providers (OpSpec D091), minimum equipment list authorization (OpSpec D095), aging aircraft maintenance program (OpSpec D097), aging airplane inspection and records review (OpSpec D485), and En Route Class II (OpSpec B032).

Part 145 OpSpec ¶ A002 Discussion and Findings

The need for and use of this paragraph is unclear. Some OpSpec ¶ A002 terms match definitions in the CFR while others conflicted. Some of the terms are not in the regulations, but are defined in FAA Advisory Circulars (AC) and Orders, as well as international documents.

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There are terms with no clear definition, therefore meaning had to be deduced, e.g., “Certificate Holder.” Still other items in the paragraph referenced out of date terms, such as Domestic and Foreign repair stations.

Some terms are defined by the European Aviation Safety Agency. Where the terms have been somewhat harmonized with U.S. regulations, there is still a different definition in guidance material. The A002 paragraph table with comments from the review can be found in [Attachment A](#) to this report.

The paragraph does not appear to be a privilege or limitation. Since the information is duplicative and incorrect, it is unclear as to its purpose or intent.

Part 145 OpSpecs ¶ A003 Discussion and Findings

The apparent purpose of OpSpecs ¶ A003 is to define limitations and/or privileges associated with the repair station operation.

Generally, OpSpec ¶ A003 database information corresponded to the ratings listed on the air agency certificate.

Of the repair stations sampled with a full class rating, the information was clear and complete.

OpSpec ¶ A003 language for limited and specialized service-rated repair stations lacked standardization. The ratings, limitations and references to capability lists in the OpSpecs were erratic.

Detailed review of the paragraph established different methods and language used by the agency’s workforce to limit the work of a repair station. Some inconsistent usages were found in the same region in addition to the differences between regions. Most “limitations” columns only restated the regulations. The majority of the other “limitations” on maintenance, preventive maintenance and alterations was unclear vis-à-vis the air agency certificate rating.

Other observations include:

- Using words and terms that are not defined or appropriate, e.g., repair and overhaul rather than maintenance, preventive maintenance and alteration. Using repair could indicate that the repair station was unable to perform preventive maintenance or alterations or could not perform overhaul activities.
- Listing line maintenance as a rating when it is an authorization. The FAA’s guidance states that a “Line Maintenance Authorization does not constitute a rating. The certificate holder must be appropriately rated for the type of work performed under a limited rating or class rating to perform inspections and minor maintenance associated with this Line Maintenance Authorization.”¹

¹ See OpSpec D107(c)(1). See also Notice 8900.178, OpSpecs A001, A002, and D107 for Part 145 (1/12/12), Appendix C.

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- Using the certification standard, 14 CFR parts 23, 23, 27, etc., including CAR 3B and 4B as limitations.

Even though entries for the limitations section were misleading or redundant, all of those entries were standard, i.e., the FAA workforce is making the same standard mistake.

Terms, provisions and limitations on ratings or repair station operations is the purpose for this OpSpecs paragraph. It is central to the agency's oversight and the repair station's ability to accept and perform work. The language used must be clear on its face and should not contain language redundant to regulations.

Various Part 121 Air Carrier OpSpecs Paragraph Review

OpSpecs paragraphs B032-Enroute Class II, D095 MEL Authorizations, D097 Aging Aircraft Programs, and D072 Continuous Airworthiness Maintenance Program Authorization (CAMP) were queried. The purposes of these paragraphs vary and a determination of whether information was required or informational was not made.

The text and entries found in each of the paragraphs were fairly consistent with the guidance in FAA Order 8900.1. However, the language of each paragraph was not studied to determine if the compliance elements were clearly established with respect to any terms, provisions and limitations applicable to the certificate holder versus language that may be administrative or redundant or slightly different than the regulations.

Conclusion and Recommendation

The committee found that changes and amendments to the OpSpecs were often used as a proxy for rulemaking or regulation. The proliferation of changes create inconsistent application and confusion among operators. For that reason, the committee's recommendation regarding OpSpecs closely follows the primary recommendation in the CRI ARC, which is that the FAA should initially and periodically review the reasons for each OpSpecs paragraph and:

- Remove the ones that are redundant to regulatory requirements, i.e., do not repeat regulatory language in any OpSpecs paragraph.
- Ensure that the rest and any that are added clearly delineate between—
 - A requirement for safety that must be followed by the certificate holder (and can be appealed if disagreement surfaces), and
 - A data collection activity for internal or external use, which is used as a convenient method of holding information, but is not "required to be followed" in the interest of safety.

We appreciate your attention to this matter and if the industry can assist in any manner, please do not hesitate to contact us collectively or independently.

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Sincerely,



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 APPENDIX A

Definitions and Abbreviations	Definition	Defined in Regulations Y/N	Defined Elsewhere	Differences (if applicable)	Notes
Bilateral Aviation Safety Agreement (BASA)	An executive agreement concluded between the United States and a foreign country or international entity (i.e., the EC) for the purpose of promoting aviation safety; also known as an Agreement for the Promotion of Aviation Safety	N	AC 21-22B. FAA Aircraft Certification website, FAA Orders, presentations that describe the US/EC Bilateral Agreement Implementation; AC 43-10 FAA Order 8000.58	The definitions vary; however, none are helpful without a fuller understanding of the ramifications.	The inclusion of the definition is unnecessary; it is not in the regulation or the US Code and unrelated to the issuance of a privilege or limitation—the purpose of the OpSpecs.
Certificate Holder	In these operations specifications the term "certificate holder" shall mean the holder of the repair station certificate described in these operations specifications in Part A paragraph A001 and any of its officers, employees, or agents used in the conduct of operations under this certificate.	N	Only in part 119, which is inapplicable; nominally, 145.1 defines that the regulation "...applies to any person who holds, or is required to hold, a repair station certificate issued under this part."	The part 119 definition is only for that "part" of the regulations; the definition in A002 is incorrect and incomplete.	The definition is incorrect and unnecessary. A "repair station certificate"; does not exist; the agency issues an "air agency certificate" to a "person" authorized to perform work as a "repair station". Furthermore, a repair station has no regulatory obligation to "sign" an OpSpecs paragraph and, therefore, the definition is legally meaningless.
CFR	Code of Federal Regulations	N	Government Printing Office (GPO)	None	Again, the definition is unnecessary.

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Class Rating	As used with respect to the certification, ratings, privileges, and limitations of aircraft within a category having similar operating characteristics	Section 1.1	Part 145 defines the types of “class” ratings for repair stations. AC 145-9 defines a rating, not a class rating	<i>Section 1.1 Rating</i> means a statement that, as a part of a certificate, sets forth special conditions, privileges, or limitations; and <i>Class</i> —As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: single engine; multiengine; land; water... Class rating is a term specific to Part 145; the definition used is not contrary to the term defined in section 1.1.	While not contrary to section 1.1, it is unnecessary since does not pertain to a privilege or limitation, it is merely an explanation better placed in guidance.
Domestic Repair Station	A certificated repair station located in the United States.	N	FAA order 8900.1		The definition is incorrect. The United States and its territories are included in the “definition” of domestic.

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Exemption	An authorization that permits an alternate means of compliance with a specific CFR. The exemption must meet the procedural requirements of CFR 14, Part 11.	14 CFR part 11	The definition in the FAA Order 8900.1 does not match the regulation.	The A002 definition is incorrect; a petition for exemption requests and grants <i>relief from the requirements of a current regulation</i> . It does not require nor is it an “alternative means of complying” with a regulations.	The definition is incorrect.
FAA Accountable Manager	A person designated by the certificated repair station who is responsible for and has authority over all repair station operations that are conducted under 14 CFR Part 145, including ensuring that the repair station’s personnel follow the regulations and serving as the primary contact with the FAA.	Part 145	FAA/EASA Maintenance Annex Guide (MAG) AC 145-9	The guidance material and the MAG do not have corresponding definitions.	The definition is unnecessary since it matches the regulations. The A002 definition matches the regulations; however, it does not jive with EASA rules or the MAG.

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FAA Form 8000-4-1	The FAA Form 8000-4-1 has been replaced with the form contained within this operations specifications application (OPSS) for the generation of the 14 CFR Part 145 Repair Station Operations Specifications	N	N	N	The unnecessary “definition” in A002 is a description of an internal FAA action. The regulations require an application for amendments to a repair station certificate be submitted in the format acceptable to the FAA. Since the OpSpecs are not changes to a certificate, there should be no reference to an internal issue on a “limiting” document.
Foreign Repair Station	A certificated repair station located outside of the United States.	Y	N	The FAA Job Task Analysis (JTA) still refers to certifying a foreign repair station. It is not current with the regulation	The definition is unnecessary. It is in the regulations and is not a limitation on a repair station.

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Geographic Authorization	An approval provided to a foreign repair station to perform maintenance support under contract for a US air carrier, or operator of US-registered aircraft under 14 CFR Part 129, at a location other than the repair station facility. A geographic authorization is issued by the FAA to respond to the need of a US air carrier or Part 129 foreign operator for maintenance at a station where the frequency and scope of that maintenance does not warrant permanently staffing and equipping the station for its accomplishment.	N	FAA Order 8900.1 International Field Office Procedures for Certificating/Renewing/Amending a Part 145 Repair Station Located Outside the United States and Its Territories and not under a Maintenance Implementation Procedure, FAA Order 8000.58	There is no regulatory requirement for this "limitation."	This is an "old" unnecessary requirement that is not supported by regulation.
EASA	European Aviation Safety Agency	N	EASA website	None	This is not a definition and it is unnecessary.
EASA Accountable Manager	The manager who has corporate authority for ensuring that all maintenance required by the customer can be financed and carried out to the standard required by the EASA full member Authority.	N in FAA part 145, but Y in EASA Part 145	FAA/EASA Maintenance Annex Guide (MAG)	EASA focuses on financial responsibility, while the FAA's focus is on compliance.	The definition is unnecessary and confusing. The MAG requires compliance with FAA requirements first, if this is a "difference" for the certificate holder it should be explained as such.

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Limited Rating	Rating issued to repair stations for the performance of maintenance on particular makes and models of airframes, powerplants, propellers, radios, instruments, accessories, and/or parts.	Section 1.1 and part 145 defines the types of ratings issued to repair stations	AC 145-9- defines a rating not a limited rating	The definition in Part 1 does not align with the use of limited ratings in part 145, which are specific to a repair station.	The definition is unnecessary. The term is defined in part 145 and the limitations should be listed in another paragraph of the OpSpecs.
Limited Ratings Specialized Services	Rating issued for a special maintenance function when the function is performed in accordance with a specification or data acceptable to the Administrator.	Y Section 145.61	N	The definition of a specialized function is one that requires equipment and skills not ordinarily performed under other ratings.	The one in A002 is actually contrary to the regulations and is also unnecessary
RSM	Repair Station Manual	Part 145 describes what is to be contained in this "manual"	AC 145-9	None	The A002 usage is as an abbreviation.
Line Maintenance	Any unscheduled maintenance resulting from unforeseen events; or scheduled checks where certain servicing and/or inspections do not require specialized training, equipment, or facilities.	Part 145	AC 145-9 FAA Order 8900.1 EASA AMC 145.A.10 Scope	The EASA and guidance material are more definitive as to what can be accomplished under the "definition".	The definition is unnecessary; as previously observed, there should be nothing in the OpSpecs that could be considered a limitation.

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Maintenance	The inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.	Section 1.1	AC 145-9, FAA Order 8900.1, 8000.58 EASA part 145 Article 2 Definitions, MAG	EASA's definition is different from the US in a literal sense yet can be seen as the same intent as the FAA definition.	Since the term is defined by the regulations, it is unnecessary in the OpSpecs.
Maintenance Implementation Procedures (MIP)	Procedures for implementing the provisions of a BASA that applies to maintenance.	N	FAA Order 8000.58	The A002 definition is limited whereas the definition in the FAA Order is more detailed	The definition is unnecessary.
Maintenance Organization Exposition (MOE)	Pertains to European Aviation Safety Agency member countries that use an MOE in place of a Repair Station Manual and a Quality Control Manual.	N	EASA 145 145.A.70	The EASA definition is more detailed and should be applicable to "foreign repair stations" that obtain the approval under a BASA.	Whenever a definition is controlled by another entity, it should be referenced, not defined. So, this A002 definition is unnecessary and incomplete.
Preventive Maintenance	As defined in Appendix A subparagraph (c) of 14 CFR Part 43.	Y Section 1.1, examples in part 43	Y	Section 1.1 states "means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.	The section 1.1 definition should be referenced in the Appendix merely as a reminder; in either case it is unnecessary for the purposes of the OpSpecs.