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BY E-Mail:

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RE: Repair Station Preparation of Airworthiness Release/Log Entries under § 135.443

Dear Jim and Rebecca:

The Aeronautical Repair Station Association (ARSA) and the National Air Transportation Association (NATA) are concerned that the Federal Aviation Administration (FAA) may require part 121 or 135 air carriers to change their General Maintenance Manuals to prohibit appropriately certificated 14 CFR part 145¹ repair stations from issuing an airworthiness release or log entry approving the work on an aircraft for return to service.

This concern emanates from incorrect information found in numerous places in guidance documents. For example, we found language in Order 8900.1, Volume 3, Chapter 42, paragraph 3-3843M, which states:

M. Airworthiness Release or Aircraft Log Entry Required by §§ [121.709](#) and [135.443](#). For the purposes of outsourcing maintenance, it is important to note that §§ [121.709\(b\)\(3\)](#) and [135.443\(b\)\(3\)](#) outline personnel requirements for preparing a airworthiness release or aircraft log entry. These regulations require a repairman, or appropriately certificated mechanic that is authorized by the air carrier to make these entries. These regulations do not contain provisions for a certificated repair station (inside the United States) to make the certification to meet the requirements of §§ [121.709](#) and [135.443](#). This is particularly important for the air carriers to take into consideration when allowing outsource providers, especially repair stations approved under § [145.205\(d\)](#) to perform line maintenance.

Similarly, language in Volume 3, Chapter 31, paragraph 3-3080-A-11 states:

Consistent with the definition of “person” in § 1.1, the regulations do not permit an FAA-certificated part 145 repair station to execute the airworthiness release or log entry on behalf of the air carrier. The airworthiness release or log entry must be issued by an authorized, appropriately certificated individual

¹ All references are to Title 14 Code of Federal Regulations (CFR) unless otherwise noted.

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as described in the regulation. Nonetheless, an authorized, appropriately certificated individual may be a repair station employee. However they would be acting on behalf of the air carrier not the repair station.

Finally, information on the FAA's Website at the following location http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/afs300/analysis/media/analysis.pdf?CFID=33017771&CFTOKEN=68a6ccfa194f8965-64B0FD8F-1372-4132-EDF421467A4CABAA&jsessionid=4a30fea3db9c674e1552, states in pertinent part:

14 CFR section 121.379(b) and 135.437(b) enable the air carrier to approve for return to service any airplane, airframe, airplane engine, propeller, or appliance after maintenance, preventive maintenance, and alterations that are performed under the provisions of section 121.379(a) or 135.437(a). These sections, as well as sections 121.709 and 135.443, do not enable any person, other than an air carrier, to approve an air carrier airplane for return to service. 14 CFR sections 121.709(b)(3) and 135.443(b)(3) outline personnel requirements for making a log entry or issuing an air carrier airworthiness release under parts 121 or 135. These regulations require a repairman, or certificated airframe and powerplant mechanic that is authorized by the air carrier to make a log entry or issue an airworthiness release for the air carrier. These regulations do not contain provisions for a certificated repair station to make an air carrier log entry or airworthiness release under sections 121.709 or 135.443.

14 CFR section 43.7 outlines requirements for making an approval for return to service under part 145. Section 145.51(b) [section 145.201(a)(3) in the revised part 145] contains the specific provision. This section does not contain a provision enabling a certificated repair station to make an air carrier log entry or airworthiness release under either section 121.709 or section 135.443.

These are incorrect interpretations of §§ 121.709 and 135.443 and the authority granted a repair station under §§ 43.3, 43.7 and 145.201(a). Air carriers are required to meet the highest standards in the interest of aviation safety. To that end, the regulations create layers of checks and balances. The fact that the airworthiness release or log entry must be signed by an appropriately authorized and certificated individual does not eliminate a domestic repair station from being the person that performs the work, prepares the airworthiness release/log entry and approves that work for return to service (i.e., "makes the certification to meet the requirements of §§ 121.709 and 134.443").

As you know, the definition in § 1.1 of person includes corporations and companies, such as part 145 repair stations. We are also sure that you are aware that while numerous persons may perform work on an article (in this case an aircraft), only one

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person can approve that work for return to service. Numerous sections of parts 121 and 135 allow the operator to arrange for another person to perform maintenance, preventive maintenance or alterations under its programs and procedures. Sections 43.3, 43.7 and 145.201(a) make clear that a repair station may perform and approve maintenance, preventive maintenance and alterations for return to service under its certificate and ratings. Under parts 121, 135 and 145, the certificate holders must ensure that only properly qualified individuals are authorized to perform certain functions.

Being certificated under part 65, subparts D and E is only one of the qualifications for individuals that are—

- Authorized to perform supervisory duties (§ 145.157),
- Authorized to perform required inspection item (RII) inspections (§§ 121.371(a) and 135.435(a)),
- Authorized to be directly in charge of maintenance (§§ 121.378(a) and 135.435(b),
- Authorized to issue approvals for return to service (§ 145.157) and
- Authorized to sign airworthiness releases or log entries (§§ 121.709(b)(3) and 135.443(b)(3)).

Some of the other qualifications and requirements for those positions include—

- Appropriate knowledge through training or experience (§§ 145.151(b), 121.375 and 135.425(b)) to perform the activities in compliance with part 43 (including the air carrier's procedures).
- Training, qualification and authorization by the air carrier for RII items (§§ 121.371(a) and 135.429(a)).
- Development and maintenance of a summary of employment history (§ 145.161(a)(4)).
- Listing on both the air carrier's (§ 121.371(d) and 135.429(e)) and the repair station's rosters (§ 145.161(a)(1)-(3)).

To believe that a repairman can issue an approval for return to service separate from the repair station by which that individual is employed is incorrect. To state that a repair station is not authorized to prepare an airworthiness release or log entry and approve the work performed on an air carrier's aircraft for return to service is also incorrect.

It is correct to require that repair stations ensure that the persons authorized to sign the airworthiness release/log entry (approval for return to service) for air carriers are appropriately qualified and authorized. As stated above, one of the qualifications is that the individual be certificated under part 65, subpart D or E.

We request that an appropriate interpretation of the regulations be issued making it clear that properly rated repair stations are authorized to prepare airworthiness releases and log entries approving the maintenance, preventive maintenance or alterations

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performed on an air carrier's aircraft for return to service, provided the person authorized to sign those releases is appropriately certificated, and otherwise qualified and authorized by the repair station and its air carrier customer.

To that end, we recommend the language be used in replace of the misinformation referenced above as well as in any other document or location that has an incorrect interpretation:

Airworthiness Release or Aircraft Log Entry Required by §§ [121.709](#) and [135.443](#). For the purposes of contract maintenance, it is important to note that §§ [121.709\(b\)\(3\)](#) and [135.443\(b\)\(3\)](#) outline specific requirements for the individuals authorized to sign an airworthiness release or aircraft log entry. While a repair station may be the "person" under the regulations that is issuing the approval for return to service, the individual signing the airworthiness release or log entry must be appropriately qualified and authorized by the repair station and the air carrier as required by its General Maintenance Manual. One of the qualification requirements is that the individual be certificated under part 65, subparts D or E (i.e., be a repairman or certificated mechanic). The exception in the rule is that repair stations outside the United States are not required to have the individual certificated under part 65, however, the individual signing the airworthiness release/log entry must still otherwise be qualified and authorized to perform that function.

Please let us know if you have any questions or desire additional information.

Sincerely,

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Aeronautical Repair Station Association

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National Air Transportation Association

cc: Carol E. Giles
Daniel Bachelder