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May 14, 2014

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Original delivered by Certified Mail
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Receipt No: 7011 0110 0001 3259 4249

Steven W. Douglas
Manager
Aircraft Maintenance Division
Federal Aviation Administration
950 L'Enfant Plaza, S.W.
5th Floor
Washington, DC 20024-2123

RE: 14 CFR § 145.213 Guidance

Dear Steve:

We are writing to follow up on our attached letter from 2010 regarding a disconnect between the agency's internal guidance material and the regulations. We did not receive a response and the erroneous information regarding 14 Code of Federal Regulation (14 CFR) § 145.213 remains despite 2013 and 2014 revisions to the relevant sections of Order 8900.1.

The purpose of this letter is to reiterate the request for a change to the Federal Aviation Administration's (FAA's) internal guidance material so that it correctly reflects the relevant regulations. There is definitely a regulatory distinction between the repair station personnel conducting a final inspection and those issuing a maintenance release that approves work for return to service. Contrary to current FAA guidance, only repair station personnel issuing a maintenance release need to have a part 65 certificate.¹

Section 145.213 makes clear that the final inspection must be performed before the work is approved for return to service.² It is equally clear that the person performing the final inspection must be qualified under § 145.155.³

¹ See §§ 145.155(a), 145.157(a), and 145.213(d).

² See § 145.213(a) (stating "A certificated repair station must inspect each article upon which it has performed maintenance, preventive maintenance, or alterations as described in paragraphs (b) and (c) of this section before approving that article for return to service.") (Emphasis added). See also § 145.213(b) (stating "A certificated repair station must certify on an article's maintenance release that the article is airworthy with respect to the maintenance, preventive maintenance, or alterations performed after—(1) The repair station performs work on the article; and (2) An inspector inspects the article on which the repair station has performed work and determines it to be airworthy with respect to the work performed.") (Emphasis added).

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While the association appreciates that most persons performing final inspections are also qualified to issue maintenance releases (and therefore are certificated under part 65), there are repair stations that separate the final inspection function from the issuance of the maintenance release that approves the work for return to service as required by §§ 43.9 and 145.219(a). Thus, the person performing final inspections need only be qualified under § 145.155 and is not required to meet the qualifications for issuing maintenance releases that approve the work for return to service as described in §145.157.

We understand that there may be confusion over this issue due to the language in §145.213(d) indicating that the final inspection must be “signed off” by a person certificated under part 65.⁴ However, that language merely emphasizes that the person authorized to approve the work for return to service must ensure that a final inspection has been performed before issuing the maintenance release as reflected in §145.213(a) and (b).

The association respectfully requests that the agency expedite a change to paragraph 6-1844C.7(a) in Order 8900.1, Volume 6, Chapter 9, Section 11 as follows:

- (1) The inspector performing the final inspection for the repair station is:
 - On the roster of inspection personnel; and
 - Meets the requirements of §145.155.
- (2) The person signing off on the accomplishment of the final inspection and issuing the approval for the article to return to service for the repair station is:
 - On the roster of inspection personnel; and
 - Meets the requirements of § 145.157.

Additionally, the association requests the definition of “maintenance function” in volume 2, chapter 11, section 1, paragraph 2-1182A.16 be changed in an expedited manner to:

“For the purposes of part 145 repair stations, a maintenance function is a step or series of steps in the process of performing maintenance, preventive maintenance, or alterations. Only persons authorized under 145.157(a) may approve the work on an article for return to service by signing a maintenance release.”

³ See § 145.213(c) (stating “For the purposes of paragraphs (a) and (b) of this section, an inspector must meet the requirements of §145.155.”) (Emphasis added).

⁴ See section 145.213(d) (stating “Except for individuals employed by a repair station located outside the United States, only an employee certificated under part 65 is authorized to sign off on final inspections and maintenance releases for the repair station.”) (Emphasis added).

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Thank you for your time on this matter and we look forward to the guidance being updated to mirror the regulations. If you have any questions, please do not hesitate to contact us.

Your Servant,

A handwritten signature in blue ink, appearing to read "Sarah MacLeod". The signature is fluid and cursive, with the first name "Sarah" written in a larger, more prominent script than the last name "MacLeod".

Sarah MacLeod
Executive Director

Attachment November 30, 2010 Letter Re: section 145.213 Guidance

2 pages



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November 30, 2010

Delivered by e-mail carol.e.giles@faa.gov

Carol E. Giles
Manager
Aircraft Maintenance Division
Federal Aviation Administration
950 L'Enfant Plaza, S.W.,
5th Floor
Washington, DC 20024-2123

RE: 14 CFR section 145.213 Guidance

Dear Carol:

It has come to the association's attention that the Federal Aviation Administration's (FAA) guidance regarding 14 CFR section 145.213 is incorrect.

Specifically—

- (1) The note in Order 8900.1, Volume 6, Chapter 9, Section 10, paragraph 6-1856B.1 that indicates the person performing final inspections must be certificated under part 65.¹
- (2) The description of "maintenance function" found in Volume 2, Chapter 11, Section 1, paragraph 2-1182A.18 contains similar language.²

This is incorrect; the person performing a final inspection (not the approval for return to service) need only be qualified as an inspector under section 145.155.

Section 145.213 makes clear that the final inspection must be performed before the work is approved for return to service.³ It is equally clear that the person performing the final inspection must be qualified under section 145.155.⁴

¹ See, "NOTE: To satisfy the requirements of part 145, §§ 145.153(b)(1), 145.157(a), and 145.213(d), repair station personnel employed as repairmen with job functions including return to service, final inspection, or maintenance release of an aviation article, must have the appropriate rating on their repairman certificates." (Emphasis added.)

² "Maintenance Function. A maintenance function is 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. Only persons authorized under 145.157(a) and 145.213(d) may approve an article for return to service, perform a final inspection, or sign a maintenance release." (Emphasis added.)

³ See, section 145.213(a) which states: A certificated repair station must inspect each article upon which it has performed maintenance, preventive maintenance, or alterations as described in paragraphs (b) and (c) of this section before approving that article for return to service. (Emphasis added.) See, also, section 145.213(b), which states: A certificated repair station must certify on an article's maintenance release that the article is airworthy with respect to the maintenance, preventive maintenance, or alterations performed after—(1) The repair station performs work on the article; and (2) An inspector inspects the article on which the repair station has performed work and determines it to be airworthy with respect to the work performed. (Emphasis added.)

Carol E. Giles
November 30, 2010
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RE: 14 CFR section 145.213 Guidance

While the association appreciates that most persons performing the final inspection are also qualified to issue the approval for return to service (and therefore must be certificated under part 65), there are repair stations that separate the final inspection function from the approval for return to service. The person performing the final inspection must therefore only be qualified under section 145.155, not section 145.157.

We understand that there may be confusion over this issue due to the language in section 145.213(d) that indicates the final inspection must be "signed off" by a person certificated under part 65.⁵ That "requirement" merely means that the person authorized to approve the work for return to service must ensure that a final inspection has been performed before issuing the maintenance release.

The association respectfully requests that the note in Order 8900.1, Volume 6, Chapter 9, Section 10, paragraph 6-1856B.1 be changed to:

"NOTE: To satisfy the requirements of part 145, §§ 145.153(b)(1), 145.157(a), and 145.213(d), repair station personnel employed as repairmen with job functions including return to service or maintenance release of an aviation article, must have the appropriate rating on their repairman certificates."

Additionally, the association requests the definition of "maintenance function" in Volume 2, Chapter 11, Section 1, paragraph 2-1182A.18 be changed to:

"Maintenance Function. A maintenance function is 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. Only persons authorized under 145.157(a) and 145.213(d) may approve an article for return to service or sign a maintenance release."

We look forward to the guidance being updated. If you have any questions, please do not hesitate to contact us.

Your Servant,



Sarah MacLeod
Executive Director

⁴ See, section 145.213(c), which states: For the purposes of paragraphs (a) and (b) of this section, an inspector must meet the requirements of §145.155. (Emphasis added.)

⁵ See, section 145.213(d), which states: (d) Except for individuals employed by a repair station located outside the United States, only an employee certificated under part 65 is authorized to sign off on final inspections and maintenance releases for the repair station. (Emphasis added.)