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June 26, 2019

Delivered by email; read receipt requested: rick.domingo@faa.gov

Rick Domingo
Executive Director, Flight Standards Service
Federal Aviation Administration
800 Independence Avenue, S.W.
Room 831
Washington DC 20553-0002

Re: Follow Up on May 2018 ARSA/AEA Submission Regarding "Part 145 Letter of Compliance"

Rick,

On May 29, 2018, my office delivered a letter to John Duncan, then the executive director of the Flight Standards Service, with the subject "Part 145 Letter of Compliance."

The letter was co-signed by ARSA Executive Director Sarah MacLeod and Aircraft Electronics Association (AEA) Vice President of Government & Industry Affairs Ric Peri, who were appointed co-chairs of ARAC's Part 145 Working Group after it was delivered. Their submission described inconsistency between FAA guidance and the plain language of 14 CFR part 145 regarding the requirement (or absence thereof) for repair station certificate applicants "to provide the FAA with a letter explaining how the applicant intends to comply with requirements of part 145."

I am writing today to inquire about the status of this letter and the agency's response. Though I possess receipts confirming delivery both by our email system and the U.S. Postal Service, I do not have record of a reply from the FAA. Please update both ARSA and AEA on this matter at your earliest convenience. For your reference, the May 2018 letter is attached.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brett Levanto", is written over a light blue horizontal line.

Brett Levanto
Vice President of Operations
Aeronautical Repair Station Association
121 North Henry Street
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703.739.9543 Ext. 103
brett.levanto@arsa.org

Attachment: Letter to John Duncan, FAA, Re: "Part 145 Letter of Compliance," May 29 2018.

CC: Sarah MacLeod (sarah.macleod@arsa.org)
Ric Peri (ricp@aea.net)
Amanda Kemp (amanda.ctr.kemp@faa.gov)

May 29, 2018

Delivered by email; read receipt requested: john.s.duncan@faa.gov

Original delivered by certified mail

Return receipt requested

Receipt no: 7017 2680 0000 1157 2193

John S. Duncan
Executive Director, Flight Standards Service
Federal Aviation Administration
800 Independence Avenue, S.W.
Room 831
Washington DC 20553-0002

Re: Part 145 Letter of Compliance

Dear Mr. Duncan:

It has come to the attention of the undersigned that the agency's guidance material is contrary to the plain language of 14 CFR part 145 and the FAA's rulemaking documents regarding the above referenced issue.

In 2006, the FAA issued a notice of proposed rulemaking (NPRM) on part 145 which included a requirement for "an applicant...to provide the FAA with a letter explaining how the applicant intends to comply with the requirements of part 145. Under longstanding FAA policy and practice, repair station certificate applicants have provided this letter that the FAA refers to as a "Letter of Compliance" (see, [71 FR 70256](#)).

In the 2009, that proposal was withdrawn (see [74 FR 21287](#)) with the following observation:

"We are withdrawing the December 2006 Repair Station NPRM because it does not adequately address the current repair station operating environment. Also, we are withdrawing it because of the many significant issues commenters to the NPRM raised, which the FAA needs to consider in developing a better proposal."

One of the areas where significant issues drew comment was the proposal for a "letter of compliance."

Notwithstanding the specific withdrawal of the need for a letter of compliance in rulemaking, the current Flight Standards Information Management System still "requires" the "long standing practice" of submitting such a letter during the application process (see, [Phase-1](#)—Preapplication with a "requirement" for a "Sample letter of compliance" and [Phase 2](#)—Formal Application, which "requires" the "formal attachments" described in Phase 1). More specifically, in one place of many, the "guidance" states:

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John S. Duncan
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Re: Part 145 Letter of Compliance

H. Compliance Statement.

1) The letter of compliance will ensure that the part [145](#) regulatory requirements are addressed during the certification process. This is accomplished by listing, in sequence, each section of part [145](#). After each section, include a brief narrative or specific reference to a manual/document that describes how the applicant will comply with that regulation. Review the letter of compliance to ensure that the applicant has a clear understanding of the regulation and that the proposed method of compliance meets the intent of the regulation.

2) Where the compliance information has been developed (for example, the manual material submitted with the formal application), a manual reference or description of the method of compliance must be entered next to the applicable regulatory section. (Emphasis added.)

Considering (1) the rulemaking procedure specifically declined to impose the requirement for an applicant to submit a letter of compliance and (2) the introduction of the data collection tools of the safety assurance system eliminates the need for such a document, we request the agency withdraw all references to a letter of compliance in its guidance material as soon as possible.

Thank you for your prompt attention to this matter.

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CC: Rick Domingo
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