

**Part 145 Working Group
Final Report to the
Aviation Rulemaking Advisory Committee**

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Working Group Chairs

December 2022 Meeting

Members of the Part 145 Working Group

- The membership of the Working Group remained steady throughout the process.
- Representation was associated with the amount, type, scope, and complexity of work being performed, and the certificate holders' size.
- Parties directly and indirectly impacted by the assignment were consulted and provided input to the reports and recommendations.

SUMMARY OF COMPLETED TASK

- Perform a comprehensive review of internal and external guidance material, in relation to the current laws and regulations, that pertain to certificating and overseeing all part 145 repair stations. This review will include pertinent—
 - FAA Orders, Notices, Advisory Circulars, Job Aids and Safety Assurance System (SAS) Data Collection Tools.
 - Laws and executive orders, particularly those associated with inclusion of small business and paperwork reduction act requirements in agency policy and guidance.

Preliminary report with analysis of internal and external guidance in relation to the current laws and regulations was approved by ARAC in December 2020 and forwarded to the agency.

SUMMARY OF COMPLETED TASK

- Develop recommendations on improvements to internal and external guidance material to ensure it is:
 - Aligned and compliant with the aviation safety regulations, other laws and executive orders reviewed in (1)(b).
 - Annotated to the applicable rule, other law or executive order; and,
 - Consistently numbered to ensure a comprehensive relationship between the guidance document and the annotated rule, law or executive order.
 - Developed to communicate the agency's expectations for compliance to the public and the FAA workforce in a comprehensive and consistent manner, including the tools necessary to ensure the application and evaluation of compliance includes performance-based oversight.
- Oversight by the FAA's domestic and foreign workforce vis-a`-vis the amount, type, scope, and complexity of work being performed and the certificate holders' size.

SUMMARY OF COMPLETED TASK

- Special report with an example of the Acceptable Means of Compliance (AMC) that ensures compliance with the task by being—
 - ✓ Numbered to establish a relationship between the guidance and the underlying regulation.
 - ✓ Clear on the applicant/certificate holder's responsibility for compliance and FAA workforce's finding of compliance in a comprehensive and consistent manner, with tools to ensure application, evaluation, and oversight is performance-based.
 - ✓ Aligned with and annotating the applicable regulations, laws, or executive orders.
 - ✓ Efficient in the oversight of repair stations vis-à-vis amount, type, scope and complexity of the certificate holders' work and its size.
- The Final Report with recommendations was provided November 8 to 9-awa-arac@faa.gov.

SCHEDULE

- Task was accepted by ARAC December 2017.
- First Working Group Meeting December 2018.
- Preliminary Report submitted December 2020.
- Final report with recommendations submitted November 8 for December 8, 2022 meeting.

RECOMMENDATION (1)

Adopt a single AMC document containing the compliance information needed by applicants and certificate holders to apply for and maintain, and for the agency's personnel to certificate and surveil part 145 repair stations.

RECOMMENDATION (1) LOGIC

The adoption of a single, consolidated document with acceptable ways of showing and finding compliance will ensure—

- Guidance is current and complete.
- The agency's findings of compliance remain directly aligned with the plain language and historical requirements of the aviation safety regulations and other legal mandates.

** Since the Working Group was unable to complete its draft AMC document, it asks the agency to accept the final report approved by ARAC and extend the task to allow time to complete the AMC.

RECOMMENDATION (2)

Develop regulation-based training that provides the history, intent, and expected results for the certification and oversight of repair stations using the chronological information on the control of civil aviation maintenance. (See, Part 145 Working Group [Preliminary](#) Report, December 2020, page 9 of 23.)

- (a) Develop the training in conjunction with industry, either through another task to the ARAC Working Group or through other collaborative avenues.
- (b) Make the training available to all applicants, certificate holders, and aviation safety inspectors.

RECOMMENDATION (2) LOGIC

By creating training based solely on the history and plain language of the current rules, the agency can ensure showings and findings of compliance and the agency's oversight remain directly aligned with the plain language of all regulations in Chapter 1 applicable to repair stations.

RECOMMENDATION (3)

Amend the SAS DCTs to clearly differentiate between compliance elements and risk indicators.

RECOMMENDATION (3) LOGIC

Compliance elements are those directly linked to the plain language of an applicable regulation and are the only ones needed to show and find compliance and issue the certificate to which the applicant is entitled.

Risk indicators are those that may, depending upon the amount, type, scope, and complexity of work performed, and the certificate holder's size, show a need to increase the agency's oversight.

RECOMMENDATION (3) LOGIC

With the current backlog in repair station applications and certification projects, the DCTs that do not reference a regulation must be given consideration only during surveillance planning.

RECOMMENDATION (4)(a)

Update the application process to reflect the current requirements of part 145—

- (a) Remove submittal of the pre-application statement of intent (Form 8400-6) or adjust the Office of Management and Budget information to accommodate repair stations.

RECOMMENDATION (4)(a) LOGIC

Update the application process to reflect the current requirements of part 145 by removing the “requirement” for Form 8400-6 (Pre-Application Statement of Intent)

- The OMB information submitted by FAA for Form 8400-6 does not reference part 145 applicants.
- It does not add any discernible value to the certification of a repair station.

RECOMMENDATION (4)(b)

Update the application process to reflect the current requirements of part 145—

(a) ...

(b) Adjust the information gathered on FAA Form 8310-3—

- (i) Adjust Block 1.b. to accommodate changes to multiple locations.
- (ii) Adjust Block 2 to accommodate all the requirements for submission and align it with the regulations.

RECOMMENDATION (4)(b) LOGIC

Update the application process to reflect the current requirements of part 145 by adjusting FAA Form 8310-3 to accommodate—

- Applications for multiple locations;
- All requirements for its submission by aligning the options with the regulations

The Report provides the details associated with this recommendation—the language in the Form was not carefully reviewed when the regulation changed for all the nuances associated with the new regulatory language.

RECOMMENDATION (4)(c)

Update the application process to reflect the current requirements of part 145—

(a)...

(b)...

(c) Remove the compliance checklist from the SAS on-line application process; the requirement was specifically rejected in the 2014 final rule.

RECOMMENDATION (4)(c) LOGIC

Update the application process to reflect the current requirements of part 145 by removing compliance checklist from the SAS on-line application process a requirement that was specifically rejected in the 2014 final rule.

The agency's organization discourages thorough coordination among the divisions (see, Preliminary Report, page 22, "*Agency Divisional Independence*").

RECOMMENDATION (5)

Review the operations specifications' paragraphs and remove any that are not safety limitations.

RECOMMENDATION (5) LOGIC

The letter sent by multiple trade associations to the Executive Director of Flight Standards Services and reviewed by the Working Group is based upon a statutory requirement that without “a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operations specification, policy, or guidance document that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.”

RECOMMENDATION (5) LOGIC

The industry letter sets forth a methodology that the agency could follow in establishing compliance with the congressional mandate and it would ensure control of the development of operations specifications by differentiating those that are issued—

- As required by the regulations, or
- For the convenience of the agency

AREAS for ARAC CONSIDERATION

- Adopt the Final Report and its recommendations in whole or in part.
- Request the FAA assign the existing Working Group—
 1. Completion of the AMC
 2. Development of training to support the AMC