

May 1, 2024

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Comments submitted to docket: Docket No. FAA-2024-0025

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RE: Docket No. FAA-2024-0025 – Inspection Programs for Single-Engine Turbine-Powered Airplanes and Unmanned Aircraft; and Miscellaneous Maintenance-Related Updates

The undersigned organizations represent persons that maintain U.S.-registered aircraft under 14 CFR¹ part 145 that are directly impacted by the proposed changes in the above referenced notice of proposed rulemaking (NPRM).

The proposal to clarify the responsibilities of part 145 applicants and certificate holders is welcome. The agency and industry have struggled with inconsistent language within part 145 for many years. The undersigned strongly support making the language in part 145 consistent and clarifying the verbiage and intent.

To address the pertinent portion of the agency’s proposal, it is set forth in *italics* (without footnotes), with comments and recommendations in **bold**.

F. Clarification of Part 145 Requirements on Documents and Data and Contract Maintenance

1. Current and Accessible Documents and Data (§ 145.109(d))

The FAA proposes to remove the last sentence and its prescriptive list of documents in § 145.109(d)^[1] that repair stations must keep “current and accessible” when performing maintenance, preventive maintenance, or alterations. The prescriptive list requires that the documents be “current and accessible when the relevant work is being done;” however, this conflicts with § 43.13(a) because not all of these documents must be “current” when used. For example, repair stations are also authorized to use maintenance and overhaul manuals that were current at the aircraft's certification instead of the manufacturer's most current version in time. Repair stations may also use other documents (including a manual revision that pre-dates the current version if the maintenance is performed using other acceptable methods, techniques, and practices).

A 2010 FAA legal interpretation^[2] clarified that “current” in § 145.109(d) means “up to date,” i.e., the most recent version (revision) of the document (e.g., maintenance manual) issued by the

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

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manufacturer. This interpretation also clarified that if a maintenance provider used a prior version or revision of a manual in performing maintenance, that person would not be in violation of the maintenance performance rules in § 43.13 unless the FAA could show that the information used was no longer acceptable. This is because of the flexibility provided in the maintenance regulations. For example, § 43.13(a) provides that the person performing maintenance shall use the current manufacturer's maintenance manual or ICA, "or other methods, techniques, and practices acceptable to the Administrator. . . ." If a repair station were to use "other methods, techniques, and practices acceptable to the Administrator" (for example, those contained in a prior manual revision), then the repair station would not be required to use the latest revision provided by the manufacturer. Therefore, the FAA proposes to remove the requirement in § 145.109(d) that the documents and data referred to in that section must be current.

The means for assuring appropriate data would be provided by the repair station's quality control system. Currently, § 145.211(a) requires that each repair station establish and maintain a quality control system acceptable to the FAA that ensures the airworthiness of the articles being maintained. Section 145.211(c) provides that, as part of a repair station's acceptable quality control system, the repair station must keep current a quality control manual in a format acceptable to the FAA and specify what that manual must include. Section 145.211(c)(1)(v) provides specifically that the manual must include a description of the procedures used for "[e]stablishing and maintaining current technical data for maintaining articles." In developing acceptable procedures for assuring the currency of the technical data, repair stations typically work with their responsible Flight Standards office to tailor procedures that consider realistic time frames in which to incorporate manual revisions and other changes and updates into their systems. Further, § 145.211(c)(2) requires that the manual include "[r]eferences, where applicable, to the manufacturer's inspection standards for a particular article, including reference to any data specified by that manufacturer."

Based on the above considerations, the FAA invites the public to comment on this proposal to remove the current requirement that a repair station must maintain the specified documents and that the documents be "current" and accessible when the relevant work is being done. In particular, we seek comments that address any concerns associated with repair stations using a manual that is not the most current revision issued by the manufacturer, in the context of the maintenance performance rule that permits using other acceptable methods, techniques, and practices, and any potential unintended impacts of the proposal. Based on the comments received, the FAA may consider alternatives to removing the requirements in § 145.109(d), including retaining or amending the provision.

The removal of unnecessary language is welcome; a similar proposal was submitted as a petition for rulemaking on December 23, [2019](#). Any concerns expressed by commenters must

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be reconciled with the fact that the proposal aligns with the basic requirement that all maintenance providers follow 14 CFR part 43 with very limited exceptions.²

The quality standard established by section 43.13 does not waiver; no matter the method, technique, or practice used, the work performed must return the article to its original or properly altered condition.

Until this proposal, a part 145 repair station was the only person authorized to perform maintenance under section 43.3 with the financial burden of keeping “current” manufacturer information. That burden exists today even when it conflicts with the directions from air carrier and commercial operator customers that must be followed under sections 121.1 and 145.205.

While it is true that repair stations must have quality systems that ensure the appropriate housing, facilities, equipment, qualified personnel, and data are used, the basic reason the proposal is completely justified is that it is redundant to part 43—thus, the current language unduly burdens only repair stations with no safety benefit.

Section 43.13 contains the quality standard for all maintenance, and section 145.211(a) requires a quality system that ensures the standard is met when work is performed by the certificated repair station. Thus, many sections of part 145 use the word “available to” denoting what the quality system must ensure to show compliance with part 43. For example, the phrase “available to” is used in section 145.51(b) for equipment, in section 145.107(b) for inspection personnel, in section 145.61 for rosters, in section 145.201(b) prohibiting work without the appropriate data, equipment, or facilities available, in section 145.215 for capability lists, in section 145.217 for maintenance functions and providers, and in section 145.219 for required records.

The plain language of part 145 recognizes the period between an applicant showing compliance with sections 145.51(a) and (c) and the requirements of a *certificated repair station* in subparts C through E. An applicant cannot perform maintenance as it does not yet hold the part 145 certificate required by section 43.3. Therefore, the requirement of section 145.51(b) that every nuance be in place for inspection before the certificate can be issued is impossible since subparts C through E are only applicable *after* the certificate is issued, i.e., to “a certificated repair station.”³

Under section 145.51(a) an applicant must show that it has created the repair station organization and procedures required by sections 145.207 and 145.209, the manual describing the quality control system required by 145.211(a), and a training program that ensures technical personnel are qualified to perform assigned tasks. Part 145 provides the ability to (a) contract maintenance and (b) the proposal recognizes that technical data is only

² While some sections of part 43 apply to all maintenance providers, there are certificate holders that are required to meet a higher degree of safety and therefore have more requirements, i.e., parts 121, 125, 135, and 145 mandate organization, quality control, and training manuals and procedures.

³ All sections of subparts C, D, and E start with “[a]” or “[e]ach...certificated repair station...”.

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required when the work is being performed. Compliance with section 145.51(a) allows the agency to find that the elements required for compliance with part 43 when work is performed are available to support the rating and limitations issued.

Once the certificate with appropriate ratings and limitations is issued, the *certificate holder* is required to maintain the capability to *properly* perform the work that it *approves for return to service*. Even if a repair station is appropriately rated, without the elements required to perform work satisfactorily, sections 43.9, 43.13, 145.201(b), and 145.211(a) prohibit the performance and approval for return to service unless and until the missing elements are available.

As the agency has changed part 145 over the years, it introduced inconsistent or contradictory language and redundancies in requirements within the various sections and paragraphs. Without a careful review of the interwoven requirements, a simple fix can create more problems than it solves.

The following is an explanation of why this proposal needs to be reconciled with other affected sections and paragraphs of part 145—language to accomplish the reconciliation is contained in the Commenter’s Recommendation column of Appendix 1.

(1) Section 145.51(b) requires the technical data be “in place for inspection” when the certificate or additional rating is approved, i.e., issued, by the FAA. That requirement would contradict the proposal which only requires the data to be available at the time the work is being performed. To distinguish between the information an applicant must submit to obtain a certificate and the certificate holder’s responsibilities for maintaining the certificate—

(a) Strike section 145.51(b) in its entirety. The submission of the items required by section 145.51(a) establishes the ability of an applicant to comply with parts 43 and 145. The quality system and the description of procedures required by section 145.211 ensure the applicant can fulfil the requirements of a certificate holder. The application form and section 145.51(a)(6) both require a list of maintenance functions that must be sent to another person, i.e., for articles or functions that cannot be performed in-house. Section 145.51(a) and 145.211(c) also require a description of housing, facilities, equipment, and materials along with the description of the quality system elements necessary to control the work to be or being performed. This information provides the agency with the assurance that when the air agency certificate is issued with appropriate ratings and limitations, the holder has the physical and quality capabilities to fulfill its obligations under parts 43 and 145 and honor the limitations of sections 43.13 and 145.201.

(b) Redesignate paragraphs (c), (d), (e), and (f) of section 145.51 to accommodate the removal of paragraph (b).

(c) Change section 145.53(a) to accommodate the redesignated paragraphs.

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- (2) Section 145.101 requires the certificated repair station to “provide” the data that meets the applicable requirements for the maintenance of the certificate and ratings held. The agency must ensure the word “provide” is interpreted to mean “make available” to accommodate this proposal’s clarification that the part 145 certificate holder make the technical data available at the time the work is performed. This is consistent with the current regulations which allow a certificate holder to (a) contract for housing, facilities, equipment, personnel, data, and materials, (b) contract maintenance that cannot be performed by the certificated repair station, and (c) to make the technical data available at the time the work is performed. In other words, the description of the repair station’s operations required by section 145.209(c) and quality control *system* required by section 145.211 now cover the requirement that the certificated repair station will ensure compliance with section 145.201 when work is being performed.
- (3) Section 145.205(d)(2) requires the certificated repair station to have the necessary technical data to perform the line maintenance for which it is authorized. Under the proposal technical data would only be required when the work is being performed. Since (a) the quality control system must have procedures on how that objective will be attained, and (b) the air carrier or commercial operator is obligated to provide the data,⁴ the proposal can address this contradictory language by changing section 145.205(d)(2) as recommended in Appendix 1.
- (4) Section 145.211(c)(1)(y) requires the quality control manual to contain a description of the system and procedures for “establishing and maintaining current technical data”. That language must be adjusted to accommodate the proposal’s requirement that the appropriate technical data be available when the work is performed. That objective can be achieved using the language under the Commenter’s Recommendation column for paragraph 145.211(a)(1)(y) in Appendix 1.
- (5) Section 145.215(c) requires the technical data be “in place” before an article may be added to a repair station’s capability list, language that is also contrary to the proposal. Appendix 1 contains language that will reconcile the difference in the Commenter’s Recommendation column for that section.

2. FAA Contract Maintenance (§§ 145.201(a)(2) and 145.217) Approval

We propose to amend §§ 145.201(a)(2) and 145.217, which address contract maintenance by a certificated repair station, to clarify that the requirements in § 145.217, including the need to obtain FAA approval of contract maintenance, are applicable only when the certificated repair station is assuming responsibility for the maintenance, preventive maintenance, and alterations work performed by an outside source.

Section 145.201(a)(2) contains the general authority for a certificated repair station to arrange (i.e., contract) for another person to perform maintenance, preventive maintenance, or alterations of any article for which it is rated. That regulation further requires that if the person to whom the

⁴ See, e.g., section 121.368.

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work is contracted is not certificated under part 145, the certificated repair station must ensure that the non-certificated person follows a quality control system equivalent to the system followed by the certificated repair station.

Section 145.217 contains additional specific procedures that a repair station must follow when contracting a maintenance function to an outside source. By the plain language of § 145.217(a)(1), FAA approval is required for a maintenance function to be contracted to an outside source, whether the outside source is an FAA-certificated repair station or a non-certificated person. This requirement has caused confusion in the past as some repair stations believed pre-approval was not required if: (1) the contract was with another FAA-certificated repair station that was rated for the task; and (2) after completing the requested work, the contracted repair station made the requisite airworthiness determination and approved the work performed for return to service.

In 2006, we attempted to address this confusion in a larger part 145 proposed rulemaking. In our proposal to amend § 145.217 [71 FR 70253, 70266, December 1, 2006], we proposed to remove the requirement in paragraph (a)(1) that maintenance functions contracted to all outside sources be approved by the FAA. We proposed to limit FAA approval to a maintenance function contracted to an outside source not certificated under part 145. A repair station contracting a maintenance function to a repair station certificated under part 145 would not have to obtain FAA approval. The FAA withdrew the large part 145 2006 NPRM because it did not adequately address the repair station operating environment at that time. It was also withdrawn because of the many significant issues commenters to the NPRM raised.^[13]

We believe the confusion surrounding the approval requirement is part of a broader misunderstanding of contract maintenance regulations. Section 145.217 applies when a certificated repair station contracts a maintenance function to an outside source with the intent of then assuming regulatory responsibility for the maintenance work performed by the outside source, regardless of whether that outside source is certificated under part 145. The certificated repair station, rather than the outside source, would approve the article for return to service.

The originating certificated repair station would be responsible for making the maintenance record entry required by 14 CFR 43.9(a), if applicable. Because it assumes responsibility for the outside source's performed maintenance, the certificated repair station must meet the requirements in § 145.217, notably to obtain FAA approval of the contract maintenance and to ensure that the work is accomplished in a satisfactory manner.

As written, however, §§ 145.201(a)(2) and 145.217 can be read to apply even to contract maintenance arrangements where the originating certificated repair station contracts work to another certificated repair station and that outside repair station then performs the work and approves the article for return to service under its own certificate, rating(s), and quality control system. This construction of the regulations was never intended. Compliance with this additional administrative procedure in § 145.217 does not provide any additional safety benefit in this scenario because the outside source is also certificated under part 145 with the appropriate rating(s) and will be using the privileges of its own certificate to perform the work and approve the article for return to service;^[14] therefore, this constitutes an unnecessary administrative

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burden on the requesting repair station and the FAA. The FAA would have already determined, through the issuance of the repair station certificate, operations specifications, ratings, and other authorizations or approvals, that the outside certificated repair station meets the qualifications under part 145 to perform, independently, the maintenance, preventive maintenance, or alterations on the type of article(s) in question.

Accordingly, the FAA proposes to amend § 145.201(a)(2) to clarify that compliance with § 145.217 is required only where the certificated repair station assumes responsibility for the outside source's performed work. Section 145.201(a)(2) currently authorizes a certificated repair station to “[a]rrange for another person to perform the maintenance, preventive maintenance, or alterations of any article for which the certificated repair station is rated.” The phrase “for which the certificated repair station is rated” is confusing because it can be read to imply that the certificated repair station may not arrange for another person to perform the maintenance, preventive maintenance, or alterations of any article for which the certificated repair station is not rated. Repair stations routinely arrange for other repair stations to perform work on articles for which the originating repair station is not rated or otherwise qualified to maintain or alter as long as the other repair station is rated to perform the work and approves the article for return to service. Thus, we will remove the phrase “for which the certificated station is rated” from § 145.201(a)(2) to clarify that part 145 contains no restriction on the ability of repair stations to arrange for other persons to perform work on articles for which the originating repair station is not rated. The section would now provide that a certificated repair station may “[a]rrange for another person to perform the maintenance, preventive maintenance, or alterations of any article.” As discussed below, we are also proposing clarifications to limitations on contract maintenance in § 145.217.

The FAA proposes to add language to § 145.201(a)(2) that would permit the originating certificated repair station to approve an article for return to service after work performed by an outside person only if the originating certificated repair station is: (1) rated to perform maintenance, preventive maintenance, or alterations on the article; and (2) complies with the requirements in § 145.217 for contract maintenance. This will make it more explicit that while a repair station can make arrangements for other persons to perform maintenance, preventive maintenance, or alterations, the repair station would be able to approve the article(s) for return to service only if it meets the additional contract maintenance requirements in § 145.217, including the requirement in § 145.217(a)(1) to obtain FAA approval, regardless of whether the outside person is certificated under part 145.

In addition, we will remove the second sentence in § 145.201(a)(2) because it is redundant; this subsection requires a certificated repair station that enters into an arrangement with a noncertificated person to “ensure that the noncertificated person follows a quality control system equivalent to the system followed by the certificated repair station.” This requirement is already contained in § 145.217(b)(1), and its inclusion in § 145.201(a)(2) is superfluous.

Additionally, the FAA proposes to revise paragraph § 145.217(a) to reflect the same proposal for § 145.201(a)(2) to clarify that the approval and other requirements in § 145.217 only apply when

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the originating certificated repair station approves an article for return to service after an outside source performs maintenance, preventive maintenance, or alterations.

The FAA is also proposing to move existing § 145.217(b)(3) into a new paragraph (a)(3). This provision currently applies when a certificated repair station contracts a maintenance function to a noncertificated person and requires that the originating certificated repair station verify, by test and/or inspection, that the work has been performed satisfactorily by the noncertificated person and that the article is airworthy before approving it for return to service.

We believe the requirement to verify an outside person's work should be applicable any time the originating certificated repair station approves an article for return to service following work performed by an outside person, regardless of whether that outside person is certificated. Even if the outside person is another certificated repair station, that person would not be exercising the full privileges of its certificate because it will not be approving the article(s) for return to service. Therefore, it is imperative that the originating certificated repair station, which will be approving the article for return to service, verify that the work has been performed satisfactorily and that the article is airworthy. By moving the requirement into paragraph (a), the originating certificated repair station would be required to verify the satisfactory performance of work performed by both certificated and noncertificated outside persons and the airworthiness of the article prior to approving it for return to service.

The undersigned fully support the proposed change to section 145.201. The agency should note the proposal perpetuates an inconsistency with the section 43.9 privilege of approving work for return to service. When maintenance or alteration is performed, it is not the article, but the work on the article that is approved for return to service by the maintenance provider. As clearly stated in section 43.9(a)(4), the maintenance provider is approving for return to service only the work performed, and only after ensuring it was satisfactorily performed. This rulemaking is an opportunity to correct the part 145 language to make it consistent with part 43 and with the privileges that are actually exercised by a repair station.

To align section 145.201 with section 43.9(a)(4), and make it more comprehensive, the following is suggested:

- (1) Change paragraph (a)(1) to include the language contained in proposed paragraph (a)(2) by adding a second sentence as set forth in Appendix 1 under the Commenter's Recommendation column.**
- (2) To correctly reflect the certification required by section 43.9(a)(4), change paragraph (a)(2) as set forth in Appendix 1 under the Commenter's Recommendation column.**
- (3) Change subparagraphs (c)(1), (2), and (3) to correctly reflect that the repair station only approves for return to service the work performed on an article.**

Additionally, similar conforming changes should be made to § 145.219(c) and § 145.223(c). Section 145.219(a) currently requires that records be kept for two years from the date an article was approved for return to service. The paragraph should be changed to two years from the date the work was approved for return to service. For the same reason, section

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145.223(c) (FAA inspections) should be revised to clarify that a non-certificated source must allow the FAA to inspect its work before a certificated repair station may approve for return to service the work performed by the non-certificated source. See Appendix 1 under the Commenter’s Recommendation column for the suggested revision to these paragraphs.

The use of the words “contract maintenance” in the title of section 145.217 is confusing. Other persons, i.e., “outside sources” are contracted to perform all sorts of maintenance tasks and functions. Section 145.217 would only apply when the part 145 repair station sending the article to another person for maintenance or alteration is going to issue an approval for return to service, i.e., take responsibility, for the work the other person performed. Those circumstances are much narrower than the words “contract maintenance” implies.

Further confusion exists because the words are also used in section 121.368 with the broad concept of entering into an arrangement to perform a maintenance service no matter the certificate holder approving the work for return to service. Since air carriers and commercial operators use repair stations as “contract maintenance”, understanding of how and when each part, i.e., 121 or 145 of 14 CFR, is in play becomes problematic.

Confusion also exists because the agency is inaccurate in its description of the responsibility taken by the certificated repair station when issuing an approval for return to service for the work performed by another person, i.e., “outside source”. A maintenance provider must complete a maintenance record for any work it performs (or in a contract situation, caused to be performed). As clearly stated in section 43.9(a)(4), the maintenance provider is approving for return to service the *work*, and only after ensuring it was satisfactorily performed.

Contract maintenance begins at certification. Ratings and limitations are based upon the applicant’s showing of its physical and “contracted” capabilities by submission of the application form and the information required by section 145.51. Limitations are imposed on the rating to ensure the *certificated repair station* does not perform work outside its physical and contracted capabilities or quality system requirements.

To put the proposed change to section 145.217 in perspective, it is important to acknowledge that the agency requests a list of the maintenance functions that an applicant for a repair station certificate will contract in Block 4 of the FAA Form 8310-3, and redundantly in section 145.51(a)(6). That list is to reflect the types of maintenance activities that will not be performed “in-house”, but rather “by contract” to another person (“outside source”). This begins the misunderstanding of what “contract maintenance” means in section 145.217.

During the application process, the agency is evaluating the ability for the applicant to perform work under the rating requested. Part of the evaluation is how much in-house capability exists and how much will need to be contracted under the ratings and limitations issued on the air agency certificate. The information in Block 4 and from section 145.51(a)(6)

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is used in conjunction with the other information submitted under section 145.51 to assess the applicant’s initial physical capabilities and those it will obtain through contract.

From information submitted under subparagraphs 145.51(a)(3), (4), (5), (6) and (7), the repair station procedures, the quality manual descriptions of the system and procedures, and the training program, the agency ascertains the nature and extent of the applicant’s physical capabilities, as well as those it will obtain by contract, and how those elements are controlled by the applicant’s quality system to ensure compliance with parts 43 and 145 when work is performed.

The agency must therefore acknowledge that the maintenance function list required by Block 4 of the application and section 145.51(a)(6) is approved when the certificate and operations specifications are issued.

If the certificate holder becomes EASA-approved, all its maintenance “contractors” must hold an EASA part 145 approval or be treated as “non-certificated” under section 145.217, for a “dual release” to be issued by the originating certificate holder. The approval of the initial list of maintenance functions can easily be updated during the FAA’s review of the additional documentation required for EASA to issue its part 145 certificate.

In any event, *certificated* repair stations must notify the agency of any changes in physical capabilities or contract maintenance function needs. For example, changes in housing and facilities are controlled by sections 145.57, 145.105, and 145.209(c), capability lists by section 145.209(d), and of course, section 145.217 requires an updated list of maintenance functions when necessary.

To make it clear that section 145.217 applies only when the certificated repair station contracting for the function will issue an approval for return to service for the work performed by the contractor, please use the language set forth in Appendix 1’s Commenter’s Recommendation column.

IV. Regulatory Notices and Analyses

C. Summary of Benefits and Costs

1. Who is potentially affected by this proposed rule?

- *Owners and operators of single-engine turbine-powered airplanes and unmanned aircraft operating under or otherwise using the inspection provisions of part 91.*
- *Manufacturers who choose to develop inspection programs.*

Obviously, part 145 repair stations should be added to the list of affected parties.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business

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Jobs Act of 2010 (Pub. L. 111–240), requires Federal agencies to consider regulatory action effects on small business and other small entities and to minimize any significant impact. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000.

We believe this proposed rule would not have a significant impact on a substantial number of entities for the following reasons:

The rule would not impose mandatory costs on small entities or result in any new costs to maintain the manufacturer inspection program.

- It is likely to result in cost savings on the order of about \$8,000 per aircraft for those small entities who voluntarily choose to use a manufacturer inspection program on their aircraft.*

Therefore, for the reasons provided, we certify that this proposed rulemaking will not result in a significant economic impact on a substantial number of small entities.

The FAA solicits comments regarding this determination.

The agency did not provide information on its analysis of the proposed clarifications to part 145. To articulate the savings to the industry, the following is offered:

- (1) The removal of the requirement that a repair station keeps “current” data when it may not be needed or used represents potentially millions of dollars in savings for certificated repair stations that comply with the current mandate. Since section 43.13 requires the appropriate data be used to return the article to at least its original or properly altered condition, and part 145 requires compliance with part 43, there is no degradation of safety or enforceability for persons that use improper data or perform improper work.**
- (2) Clarifying that section 145.217 only applies when the certificated repair station is approving another person’s work for return to service will save both the agency and the industry untold hours of wrangling that resulted in unnecessary and continuous changes to repair station and quality manuals, which, in turn require review by the agency.**

E. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

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The FAA has assessed the potential effect of this proposed rule and determined that it would only have a domestic impact; therefore, it will not create unnecessary obstacles to United States foreign commerce.

The clarification to section 145.217 does carry with it a requirement to notify EASA as it will impact the need for domestic repair stations to treat any maintenance contractors as non-certificated if the latter does not hold EASA part 145 approval.

G. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined this proposed rule will not result in any new information collection requirements.

The FAA proposes to lengthen the reporting interval for mechanical reliability reports, for aircraft operating under part 91, subpart K, fractional ownership rules, from 72 to 96 hours, and allow electronic report submissions. This increase in the reporting interval would align the requirement with similar reporting requirements in other regulations, for example, 14 CFR 121.703, 135.415, and 145.221.

Currently, the general aviation public, including part 91, subpart K, owners and operators, use FAA Form 8010–4, Malfunction and Defect Report, to submit voluntary reporting of occurrences or detection of failure, malfunctions, or defects. Approval to collect such information previously was granted by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) and was assigned OMB Control Number 2120–0663.

The supporting statement submitted to OMB for renewal of the Collection of Information 2120–0663 in October 2020 estimated that 2,000 respondents from the General Aviation public each year would use Form 8010–4 by spending 10 minutes each for an annual 334 total burden hours. The proposed change would simply align the required reporting interval from 72 hours to 96 hours with similar requirements for part 121, part 135, and part 145 operators of 14 CFR and would neither decrease nor increase the current burden hours on 2,000 respondents.

Therefore, we determined that there would be no new information collection requirements associated with the proposal to increase the reporting timeframe for mechanical reliability reports in 14 CFR 91.1415 from 72 to 96 hours and to allow for electronic submissions.

The agency did not evaluate the proposed changes to part 145 under its analysis; however, the proposal does not impact current reporting or collection requirements for repair station applicants or certificate holders.

Note: This concludes this document’s direct response to portions of the FAA’s rulemaking. The remainder of the comments are presented in plain text.

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RE: Docket No. FAA-2024-0025 – Inspection Programs for Single-Engine Turbine-Powered Airplanes and Unmanned Aircraft; and Miscellaneous Maintenance-Related Updates
Industry Comments

Additional Part 145 Clarifications Requested

Since there is conflicting language between sections 145.5(a) and 145.201(a)(1), we request an adjustment of the former during this clarification rulemaking activity. Currently, the two sections read:

§ 145.5 Certificate and operations specifications requirements.

- (a) *No person may operate as a certificated repair station without, or in violation of, a repair station certificate, ratings, or operations specifications issued under this part.*
- (b) *The certificate and operations specifications issued to a certificated repair station must be available on the premises for inspection by the public and the FAA.*

§ 145.201 Privileges and limitations of certificate.

- (a) *A certificated repair station may—*

- (1) *Perform maintenance, preventive maintenance, or alterations in accordance with part 43 on any article for which it is rated and within the limitations in its operations specifications.*

According to section 145.5(a) no person may operate as a certificated repair station without, or in violation of, a repair station certificate, ratings, or *operations specifications* issued under this part. In the agency’s notice of proposed rulemaking that last addressed this paragraph, it was made clear that the FAA had no intention of changing the meaning of the former paragraph (i.e., section 145.3).⁵

The only Office of Management and Budget Forms that could be found for repair stations are the Air Agency Certificate (Form 8000-4) and operations specifications (Form 8000-4-1). The latter are to be issued only to limit the ratings set forth on the certificate. Current operations specification paragraphs require, record, and make public, information from applicants and certificate holders that is not sanctioned by the Paperwork Reduction Act.

According to section 145.53(a), an applicant is *entitled to* a repair station certificate with appropriate ratings prescribing such operations specifications and limitations *as are necessary in the interest of safety*.

⁵ “The proposed section would retain the requirement found in current § 145.3 that no person may operate as a certificated repair station without, or in violation of, a repair station certificate. Specifically, it would state that a repair station may perform work only for which it is rated within the limitations of its Operations Specifications. Proposed paragraph (d) specifies the contents of the Operations Specifications that would be issued to each certificated repair station. The contents would include the repair station’s certificate number; class ratings; limited ratings, to include makes, models, or parts; specialized service ratings, to include the specification used; the air carrier’s geographic authorization, for repair stations located outside of the United States; and any other items the Administrator may require or allow to meet a particular situation.” 64 FR [33142](#) at 33144, June 21, 1999.

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According to section 145.201(a) once certificated, the repair station may perform maintenance, preventive maintenance, or alterations in accordance with part 43 on any article for which it is rated and *within the limitations in its operations specifications*.

Today’s language causes confusion because “in violation of its operations specifications” has been taken to include not just the paragraph with safety limitations, but those added by the agency for *internal* information or convenience. Section 145.5 certainly cannot be used to violate certificate holders for paragraphs that are solely within the agency’s control, are universally applied, and have nothing to do with safety.⁶

During the last rulemaking that dealt with language in section 145.201, the agency responded to comments on the duplicative language by agreeing to correct it, but the final rule failed to do so.⁷

Now the agency can standardize its language based upon its promise in 2001. We offer two options.

- (1) Since the operations specifications are part of the repair station certificate, section 145.5(a) can simply state: “*No person may operate as a certificated repair station without, or in violation of a repair station certificate issued under this part.*”
- (2) Use the verbiage from section 145.53 by having 145.5(a) state: “*No person may operate as a certificated repair station without, or in violation of, a repair station certificate, ratings, or the limitations in its operations specifications issued under this part.*”

In either event, the agency must also reconcile the operations specifications paragraphs being issued under its automated program with the Paperwork Reduction Act, the Privacy Act, and the E-Government Act.

Thank you for the opportunity to comment on these improvements to part 145.

Sincerely,

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⁶ See, recommendation 5 in the Aviation Rulemaking Advisory Committee’s Part 145 Working Group [Report](#).

⁷ “The FAA agrees that proposed paragraph (b) is similar to proposed § 145.215(a)(1), now § 145.201(a)(1) and, therefore, has not included proposed paragraph (b) in § 145.5. However, the FAA notes that proposed § 145.215(a)(1), now § 145.201(a)(1), did not contain “and within the limitations placed in its operations specifications,” which was included in proposed § 145.5(b). Therefore, that phrase has been added to § 145.201(a)(1).” 66 FR [41088](#) at 41093, August 6, 2001.

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May 1, 2024

Industry Comments submitted to docket:
Mr. Bryan B. Davis

Docket No. FAA-2024-0025

RE: Inspection Programs for Single-Engine Turbine-Powered Airplanes and Unmanned Aircraft; and Miscellaneous Maintenance-Related Updates
Industry Comments – Appendix 1

Appendix 1

Current rules	Agency proposal	Commenters' Recommendation
145.5(a)		
(a) No person may operate as a certificated repair station without, or in violation of, a repair station certificate, ratings, or operations specifications issued under this part.	N/A	(a) No person may operate as a certificated repair station without, or in violation of a repair station certificate issued under this part. or (a) No person may operate as a certificated repair station without, or in violation of, a repair station certificate, ratings, or the limitations in its operations specifications issued under this part.
§ 145.51 Application for certificate.		
(a) An application for a repair station certificate and rating must be made in a format acceptable to the FAA and must include the following:	N/A	N/A
(1) A repair station manual acceptable to the FAA as required by § 145.207;	N/A	N/A
(2) A quality control manual acceptable to the FAA as required by § 145.211(c);	N/A	N/A
(3) A list by type, make, or model, as appropriate, of each article for which the application is made;	N/A	N/A
(4) An organizational chart of the repair station and the names and titles of managing and supervisory personnel;	N/A	N/A
(5) A description of the housing and facilities, including the physical address, in accordance with § 145.103;	N/A	N/A
(6) A list of the maintenance functions, for approval by the FAA, to be performed for the repair station under contract by another person in accordance with § 145.217; and	N/A	N/A
(7) A training program for approval by the FAA in accordance with § 145.163.	N/A	N/A
(b) The equipment, personnel, technical data, and housing and facilities required for the certificate and rating, or for an additional rating, must be in place for inspection at the time of certification or rating approval by the FAA. However, the requirement to have the equipment in place at the time of initial certification or rating approval may be met if the applicant has a contract acceptable to the FAA with another person to make the equipment available to the repair station at any time it is necessary when the relevant work is being performed.	N/A	Remove
(c) In addition to meeting the other applicable requirements for a repair station certificate and rating, an applicant for a repair station certificate and rating located outside the United States must meet the following requirements:	N/A	(b) In addition to meeting the other applicable requirements for a repair station certificate and rating, an applicant for a repair station certificate and rating located outside the United States must meet the following requirements:
(1) The applicant must show that the repair station certificate and/or rating is necessary for maintaining or altering the following:	N/A	N/A

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Current rules	Agency proposal	Commenters' Recommendation
(i) U.S.-registered aircraft and articles for use on U.S.-registered aircraft, or	N/A	N/A
(ii) Foreign-registered aircraft operated under the provisions of part 121 or part 135, and articles for use on these aircraft.	N/A	N/A
(2) The applicant must show that the fee prescribed by the FAA has been paid.	N/A	N/A
(d) An application for an additional rating, amended repair station certificate, or renewal of a repair station certificate must be made in a format acceptable to the FAA. The application must include only that information necessary to substantiate the change or renewal of the certificate.	N/A	(e) An application for an additional rating, amended repair station certificate, or renewal of a repair station certificate must be made in a format acceptable to the FAA. The application must include only that information necessary to substantiate the change or renewal of the certificate.
(e) The FAA may deny an application for a repair station certificate if the FAA finds that:	N/A	(d) The FAA may deny an application for a repair station certificate if the FAA finds that:
(1) The applicant holds a repair station certificate in the process of being revoked, or previously held a repair station certificate that was revoked;	N/A	N/A
(2) The applicant intends to fill or fills a management position with an individual who exercised control over or who held the same or a similar position with a certificate holder whose repair station certificate was revoked, or is in the process of being revoked, and that individual materially contributed to the circumstances causing the revocation or causing the revocation process; or	N/A	N/A
(3) An individual who will have control over or substantial ownership interest in the applicant had the same or similar control or interest in a certificate holder whose repair station certificate was revoked, or is in the process of being revoked, and that individual materially contributed to the circumstances causing the revocation or causing the revocation process.	N/A	N/A
(f) If the FAA revokes a repair station certificate, an individual described in paragraphs (e)(2) and (3) of this section is subject to an order under the procedures set forth in 14 CFR 13.20, finding that the individual materially contributed to the circumstances causing the revocation or causing the revocation process.	N/A	(e) If the FAA revokes a repair station certificate, an individual described in paragraphs (d)(2) and (3) of this section is subject to an order under the procedures set forth in 14 CFR § 13.20, finding that the individual materially contributed to the circumstances causing the revocation or causing the revocation process.
§ 145.53 Issue of certificate.		
(a) Except as provided in § 145.51(e) or paragraph (b), (c), or (d) of this section, a person who meets the requirements of subparts A through E of this part is entitled to a repair station certificate with appropriate ratings prescribing such operations specifications and limitations as are necessary in the interest of safety.	N/A	(a) Except as provided in § 145.51(d) or paragraph (b), or (c) of this section, a person who shows compliance with § 145.51 is entitled to a repair station certificate with appropriate ratings prescribing such operations specifications and limitations as are necessary in the interest of safety.
§ 145.101 General.		
A certificated repair station must provide housing, facilities, equipment, materials, and data that meet the applicable requirements for the issuance of the certificate and ratings the repair station holds.		A certificated repair station must make available the housing, facilities, equipment, materials, and data that meet the applicable requirements for the issuance of the certificate and ratings the repair station holds.

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Current rules	Agency proposal	Commenters' Recommendation
§ 145.109 Equipment, materials, and data requirements.		
(d) A certificated repair station must maintain, in a format acceptable to the FAA, the documents and data required for the performance of maintenance, preventive maintenance, or alterations under its repair station certificate and operations specifications in accordance with part 43. The following documents and data must be current and accessible when the relevant work is being done: (1) Airworthiness directives, (2) Instructions for continued airworthiness, (3) Maintenance manuals, (4) Overhaul manuals, (5) Standard practice manuals, (6) Service bulletins, and (7) Other applicable data acceptable to or approved by the FAA.	(d) A certificated repair station must maintain, in a format acceptable to the FAA, the documents and data required for the performance of maintenance, preventive maintenance, or alterations under its repair station certificate and operations specifications in accordance with part 43 of this chapter. These documents and data must be accessible when the relevant work is being done.	N/A
145.201 Privileges and limitations of certificate.		
(a) A certificated repair station may—	N/A	N/A
(1) Perform maintenance, preventive maintenance, or alterations in accordance with part 43 on any article for which it is rated and within the limitations in its operations specifications.	N/A	(1) Perform maintenance, preventive maintenance, or alterations in accordance with part 43 on any article for which it is rated and within the limitations in its operations specifications. The certificated repair station may approve for return to service the work on any article for which the certificated repair station is rated after it has performed maintenance, preventive maintenance, or alteration in accordance with part 43.
(2) Arrange for another person to perform the maintenance, preventive maintenance, or alterations of any article for which the certificated repair station is rated. If that person is not certificated under part 145, the certificated repair station must ensure that the noncertificated person follows a quality control system equivalent to the system followed by the certificated repair station.	(2) Arrange for another person to perform the maintenance, preventive maintenance, or alterations of any article. The certificated repair station may approve an article for return to service following the maintenance, preventive maintenance, or alterations performed on the article by the other person if—	(2) Arrange for another person to perform the maintenance, preventive maintenance, or alterations of any article. The certificated repair station may approve the work for return to service following the maintenance, preventive maintenance, or alterations performed on the article by the other person if—
	(i) The certificated repair station is rated to perform preventive maintenance, or alterations on the article; and	(i) The maintenance, preventive maintenance, or alterations on the article is within the scope of the certificated repair station ratings and limitation in its operations specifications; and
	(ii) The requirements for contract maintenance in § 145.217 have been met.	(ii) The requirements in § 145.217 have been met.
(3) Approve for return to service any article for which it is rated after it has performed maintenance, preventive maintenance, or an alteration in accordance with part 43.	N/A	Remove
(c) A certificated repair station may not approve for return to service	N/A	N/A
(1) Any article unless the maintenance, preventive maintenance, or alteration was performed in accordance with the applicable approved technical data or data acceptable to the FAA.	N/A	(1) The work performed on any article unless the maintenance, preventive maintenance, or alteration was performed in accordance with the applicable approved technical data or data acceptable to the FAA.

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Current rules	Agency proposal	Commenters' Recommendation
(2) Any article after a major repair or major alteration unless the major repair or major alteration was performed in accordance with applicable approved technical data; and		(2) The work performed on any article after a major repair or major alteration unless the major repair or major alteration was performed in accordance with applicable approved technical data; and
(3) Any experimental aircraft after a major repair or major alteration performed under § 43.1(b) unless the major repair or major alteration was performed in accordance with methods and applicable technical data acceptable to the FAA.		(3) The work performed on any experimental aircraft after a major repair or major alteration performed under § 43.1(b) unless the major repair or major alteration was performed in accordance with methods and applicable technical data acceptable to the FAA.
Section 145.205(d)(2)		
(d) The FAA may grant approval for a certificated repair station to perform line maintenance for an air carrier certificated under part 121 or part 135 of this chapter, or a foreign air carrier or foreign person operating a U.S.-registered aircraft in common carriage under part 129 of this chapter on any aircraft of that air carrier or person, provided- *** (2) The certificated repair station has the necessary equipment, trained personnel, and technical data to perform such line maintenance; and	N/A	(d) The FAA may grant approval for a certificated repair station to perform line maintenance for an air carrier certificated under part 121 or part 135 of this chapter, or a foreign air carrier or foreign person operating a U.S.-registered aircraft in common carriage under part 129 of this chapter on any aircraft of that air carrier or person, provided- *** (2) The certificated repair station has available to it the necessary equipment, trained personnel, and technical data to perform such line maintenance; and
§ 145.211 Quality control system.		
(c) A certificated repair station must prepare and keep current a quality control manual in a format acceptable to the FAA that includes the following:	N/A	N/A
(1) A description of the system and procedures used for—	N/A	N/A
(v) Establishing and maintaining current technical data for maintaining articles;	N/A	(v) Ensuring appropriate technical data is available and used when work is being performed;
Section 145.215(c)		
(c) An article may be listed on the capability list only if the article is within the scope of the ratings of the repair station's certificate, and only after the repair station has performed a self-evaluation in accordance with the procedures under § 145.209(d)(2). The repair station must perform this self-evaluation to determine that the repair station has all of the housing, facilities, equipment, material, technical data, processes, and trained personnel in place to perform the work on the article as required by part 145. The repair station must retain on file documentation of the evaluation.	N/A	(c) An article may be listed on the capability list only if the article is within the scope of the repair station's ratings and operations specifications, and only after the repair station has performed a self-evaluation in accordance with the procedures under § 145.209(d)(2). The repair station must perform this self-evaluation to determine that the repair station has the housing, facilities, equipment, material, technical data, processes, and trained personnel available when the work is to be performed on the article as required by parts 43 and 145. The repair station must retain on file documentation of the evaluation.
145.217 Contract Maintenance.		
(a) A certificated repair station may contract a maintenance function pertaining to an article to an outside source provided—	(a) A certificated repair station may approve an article for return to service following the maintenance, preventive maintenance, or alterations performed on an article by an outside source under contract or other arrangement, in accordance with § 145.201(a)(2), provided all the following conditions are met:	(a) Before a certificated repair station can approve for return to service the maintenance, preventive maintenance, or alterations performed on an article by another person under contract or other arrangement in accordance with § 145.201(a)(2), the following conditions must have been met:
(1) The FAA approves the maintenance function to be contracted to the outside source; and	(1) The FAA approves the maintenance function to be contracted to the outside source.	(1) The FAA approves the maintenance function to be contracted.

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Current rules	Agency proposal	Commenters' Recommendation
(2) The repair station maintains and makes available to its responsible Flight Standards office, in a format acceptable to the FAA, the following information:	N/A	N/A
(i) The maintenance functions contracted to each outside facility; and	N/A	N/A
(ii) The name of each outside facility to whom the repair station contracts maintenance functions and the type of certificate and ratings, if any, held by each facility.		N/A
N/A	(3) The certificated repair station verifies, by test and/or inspection, that the work has been performed satisfactorily by the noncertificated person and that the article is airworthy before approving it for return to service.	(3) The certificated repair station verifies, by test and/or inspection, that the work has been performed satisfactorily by the other person before approving the work for return to service.
(b) A certificated repair station may contract a maintenance function pertaining to an article to a noncertificated person provided—	N/A	(b) A certificated repair station may contract for maintenance preventive maintenance, or alteration to be performed on an article by a noncertificated person under § 145.217(a) provided—
(1) The noncertificated person follows a quality control system equivalent to the system followed by the certificated repair station;	(1) The noncertificated person follows a quality control system equivalent to the system followed by the certificated repair station; and	N/A
(2) The certificated repair station remains directly in charge of the work performed by the noncertificated person; and	(2) The certificated repair station remains directly in charge of the work performed by the noncertificated person.	N/A
(3) The certificated repair station verifies, by test and/or inspection, that the work has been performed satisfactorily by the noncertificated person and that the article is airworthy before approving it for return to service.	Removed	N/A
145.219 Recordkeeping		
(a) A certificated repair station must retain records in English that demonstrate compliance with the requirements of part 43. The records must be retained in a format acceptable to the FAA.	N/A	N/A
(b) A certificated repair station must provide a copy of the maintenance release to the owner or operator of the article on which the maintenance, preventive maintenance, or alteration was performed.	N/A	N/A
(c) A certificated repair station must retain the records required by this section for at least 2 years from the date the article was approved for return to service.	N/A	(c) A certificated repair station must retain the records required by this section for at least 2 years from the date the work was approved for return to service.
(d) A certificated repair station must make all required records available for inspection by the FAA and the National Transportation Safety Board	N/A	N/A
145.223 FAA inspections		
(a) A certificated repair station must allow the FAA to inspect that repair station at any time to determine compliance with this chapter.	N/A	N/A

Appendix 1

Current rules	Agency proposal	Commenters' Recommendation
(b) A certificated repair station may not contract for the performance of a maintenance function on an article with a noncertificated person unless it provides in its contract with the noncertificated person that the FAA may make an inspection and observe the performance of the noncertificated person's work on the article.	N/A	N/A
(c) A certificated repair station may not return to service any article on which a maintenance function was performed by a noncertificated person if the noncertificated person does not permit the FAA to make the inspection described in paragraph (b) of this section.	N/A	(c) A certificated repair station may not approve for return to service any work on which a maintenance function was performed by a noncertificated person if the noncertificated person does not permit the FAA to make the inspection described in paragraph (b) of this section.