

**Appendix B to Part 43—Recording of Major Repairs and Major Alterations**

The Association considers the proposed change to paragraph (b) (3) of Appendix B to Part 43 to be an administrative change only: AEA has no objection

**§ 91.171 VOR equipment check for IFR operations.**

The Association considers the proposed change to paragraph (b) (1) of § 91.171 to be an administrative change only: AEA has no objection

**§ 91.319 Aircraft having experimental certificates: Operating limitations.**

**§ 91.327 Aircraft having a special airworthiness certificate in the light-sport category: Operating limitations.**

**§ 91.409 Inspections.**

AEA DOES NOT Concur: The FAA did not discuss “why” they were making these changes. Current regulations clearly define “who” is appropriately rated. The proposal would require reference to other parts of the regulations or identify appropriately certificated person by policy.

Recommendation: Retain the current language in the regulations.

**§ 91.411 Altimeter system and altitude reporting equipment tests and inspections.**

**§ 91.413 ATC transponder tests and inspections.**

**Appendix A to Part 91—Category II Operations: Manual, Instruments, Equipment, and Maintenance**

AEA DOES NOT Concur: The FAA did not discuss “why” they were making these changes. In the case of 91.411/413 – the proposal is to cancel radio and instrument ratings as well as require all aircraft maintenance (including components attached to the aircraft) to be performed by an “airframe” rated facility. The current regulations clearly define “who” is appropriately rated. Currently an airframe rated mechanics does not have instrument repair or alteration authority so therefore it would be imprudent to authorize an airframe rated repair station to have authorities that exceed the current airframe rated “person”. The proposal would require reference to other parts of the regulations or identify **appropriately certificated person** by policy.

Recommendation: Retain the current language in the regulations.

## PART 145—REPAIR STATIONS

### § 145.1 Applicability.

The proposal is to run parallel regulatory systems for 24 months. The use of parallel systems will lead to confusion.

### § 145.12 Repair station records: Falsification, reproduction, or alteration.

In general the Association concurs with the objective. However, the proposal lacks due process. Individual inspector's ability to initiate an emergency revocation without due process has caused repair stations in the past to fight a legal battle without the benefit of the business.

Recommendation: The Agency must produce clear criterion regarding the definition, and process for handling falsification claims.

### § 145.51 Application for certificate.

The Association considers the proposed change to paragraphs (a) and (d) of § 145.51 to be an administrative change only: AEA has no objection

### § 145.53 Issue of certificate.

AEA DOES NOT concur: The FAA does not have the necessary resources to reissue approximately 5000 repair station certificates in 24 months.

The FAA has not defined a due date for submitting your application. While the proposal has what is implied as a 24 month "transition" period – in fact, there is no implementation period – the rule becomes effective 60 days after the final rule is published.

## II. Discussion of the Proposed Regulatory Requirements

### Transition

"All repair stations certificated before the effective date of the final rule would have to ***timely apply*** for certification under the proposed rules if they intend to continue to operate without interruption. Repair stations are cautioned that waiting until later in the 24-month transition period may increase the risk that unforeseen circumstances might result in the ***repair station not having an active certificate until such time as the FAA can review the submitted documents*** and provide the repair station with a new repair station certificate."

Each repair station MUST submit a new application, a revised Repair Station Manual, Quality Control Manual and Training Program and an extensive list of ALL capabilities (by make and model) for with enough time for the submissions to be “accepted by” their ASI and a new certificate issued. For one of my instrument shops the list of capabilities alone is in excess of 30,000 line items.

Recommendation:

The FAA must define a timeline for the public submission and then allow the repair station certificate to remain valid until the FAA issues the replacement. The idea that a repair station’s livelihood is dependent on timely servicing by the FAA District office is an unacceptable risk.

Subparts A through E should remain valid as long as necessary i.e the FAA has transitioned all of the current repair stations.

**§ 145.55 Duration and renewal of certificate.**

AEA DOES NOT concur: At a time when Repair Station applicants are placed into a queue at over a dozen District Office, as well as the potential operational impact of fiscal budget impacts, the FAA should not penalize a repair station because the FAA does not have the resources to transition the existing repair stations to the new system within the projected 24 months.

Recommendation:

The FAA must define a timeline for the public submission and then allow the repair station certificate to remain valid until the FAA issues the replacement. The idea that a repair station’s livelihood is dependent on timely servicing by the FAA District office is an unacceptable risk.

Subparts A through E should remain valid as long as necessary i.e the FAA has transitioned all of the current repair stations.

**§ 145.57 Amendment to or transfer of certificate.**

The Association considers the proposed change to paragraph (a) of § 145.57 to be an administrative change only: AEA has no objection.

**§ 145.105 Change of location, housing, or facilities.**

AEA CONCURS: The proposed change clarifies that the changes that need approval are those that that have a significant effect on its ability to perform the maintenance.

**§ 145.1001 Applicability.**

AEA DOES NOT concur: Currently the language “to which part 43 applies” causes problems when performing required avionics inspections under part 91 (91.411/413) on aircraft which are outside of the regulatory authority of part 43 but are under the regulatory of part 91.

Recommendation: The regulatory change should correct this by including “or as otherwise required by this chapter”.

**§ 145.1003 Definition of terms. (c) Avionics (e) Line maintenance**

AEA DOES NOT concur. With regards to Avionics: Avionics should include both mechanical and electronic radios, indicators and instruments. In addition, although the Agency defined “avionics” they never use the term in part 145.

With regards to Line Maintenance: Maintenance “authorization” may be limited to commercial operators however, the definition of line maintenance is much broader than unscheduled maintenance for a 121/135 air carrier.

**§ 145.1005 Certificate and operations specifications requirements.**

The Association considers the proposed change to § 145.1005 to be an administrative change only: AEA has no objection.

**§ 145.1012 Repair station records: Falsification, reproduction, or alteration.**

See comments under § 145.12.

**§ 145.1051 Application for certificate.**

The Association considers the proposed change to paragraph (a) (1) – (7) of § 145.1051 to be an administrative change only: AEA has no objection.

AEA DOES NOT Concur with the proposed change to § 145.1051 (a) (8) A description of the training program for approval by the FAA in accordance with § 145.1163. The current regulation requires the FAA to approve the RSTP – not the description of the program, Advisory Circular 145-10 makes this clear. The method of compliance is company specific. This is a significant change to the RSTP requirement. The FAA has not justified the failure of the current training program and the need to increase the regulatory burden.

AEA DOES NOT Concur with the proposed change to § 145.1051 (b) The technical data, housing, facilities, equipment, tools, test apparatus, materials, and personnel. The requirement for the equipment, tools, test apparatus, materials, and personnel to be present at time of certification

is unrealistic. Many of today's modern materials are shelf-life limited and would likely expire during the application and approval process. And while key personnel are certainly necessary, it is unrealistic to begin hiring technician when the repair station certification process may take as long as 24 to 36 months.

AEA DOES NOT Concur with the proposed change to § 145.1051 (e) This provision, while well intended, allows the FAA to determine who you can and cannot hire thereby creating a functional McCarthyism style blacklist.

Recommendation:

With regards to § 145.1051 (a) (8), retain the current language: "A training program for approval by the FAA in accordance with § 145.1163."

With regards to § 145.1051 (b), retain the current language of § 145.51 (b) and revise the language to also allow flexibility and accountability during the repair station certification process to reduce the extended delays and the associated cost of maintaining a compliant repair stations that is not certificated.

**§ 145.1053 Issue of certificate.**

AEA DOES NOT Concur with (a): there is a subtle difference between be "entitled to" and "eligible to" as proposed in the regulation. Entitled means to furnish with proper grounds for seeking – Eligible simply means that the applicant is qualified to participate without any promise to furnish the certificate.

Recommendation: Retain the language in the current regulation.

AEA Does CONCUR with (b). This allows for reciprocal management as allowed for under Bilateral Aviation Safety Agreements.

**§ 145.1055 Duration and renewal of certificate.**

AEA DOES NOT Concur: What does "...and the FAA accepts it for cancellation" mean? Does it mean physically receives it or does it mean that the FAA has to explicitly agree with the surrender and "accept" the surrender of the certificate?

Recommendation: The FAA should retain the current regulatory language.

**§ 145.1056 Amendment to or transfer of certificate.**

AEA Concur: The proposal clarifies current processes as well as allowing the transfer of a repair station certificate.

**§ 145.1057 Operations specifications.**

AEA Concur.

**§ 145.1058 Amending operations specifications.**

AEA DOES NOT Concur: Specifically, AEA objects to § 145.1058 (2) and (3). Since Ops Specs policy is not regulatory any change to Ops Spec policy is outside of normal rulemaking. This proposal will fosters rulemaking by policy.

**§ 145.1059 Ratings.**

AEA DOES NOT Concur: Fundamentally, the Association objects to the proposed changes because they are flawed as written and the changes in the rating system is the basis for the reissuance of the repair station certificates. The perceived added benefit of the ratings revision does not justify the extreme cost of reapplication.

Recommendation: Retain the current classifications with better description of the maintenance each rating is authorized to perform.

(a) Airframe rating. The following categories are authorized under the airframe rating:

(1) Category 1: Aircraft certificated under parts 23 and 27.

(2) Category 2: Aircraft certificated under parts 25 and 29.

(3) Category 3: All other aircraft.

These 3 categories work well on paper but lack “real-world” applicability. Any repair station that works on part 23 aircraft work on CAR 3 aircraft which would require Categories both 1 and 3. As well as a repair station that works on part 25 will likely work on CAR 4 aircraft. In addition, there is little to no correlation between fixed wing maintenance (part 23) and helicopter maintenance (part 27), the combining of these classes of aircraft is illogical and simply unsafe.

Recommendation: Revise the list to read:

(1) Category 1: Aircraft certificated under parts 23 and all predecessor certification standards

(2) Category 2: Aircraft certificated under parts 25 and all predecessor certification standards.

(3) Category 3: Aircraft certificated under parts 27 and 29, and all predecessor certification standards.

(3) Category 4: All other aircraft.

(ii) A certificated repair station with an Airframe rating shall not perform maintenance, preventive maintenance, or alterations on those articles for which a Powerplant or Propeller rating is required, unless the repair station possesses the appropriate rating; and

The FAA needs to better define the intent and limitation of “which a Powerplant or Propeller rating is required”.

Recommendation: An airframe rated repair station should be authorized to perform “on-wing” powerplant and propeller maintenance.

(iii) A certificated repair station with an Airframe rating is not required to obtain a separate Component rating to maintain articles associated with its rating and capabilities.

The FAA defines Airframe as “the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls.” The FAA then defines Aircraft as “a device that is used or intended to be used for flight in the air.”

Recommendation: Since it is the intent of the FAA to allow an airframe rated repair station to work on all components (excluding engine and powerplant) an “Aircraft” rating is more appropriate than an “airframe” rating.

(b) Powerplant rating.

CONCUR:

(c) Propeller rating. The following categories are authorized under the Propeller rating:

(1) Category 1: Fixed-pitch and ground-adjustable pitch propellers.

(2) Category 2: Variable-pitch propellers.

(3) Category 3: All other propellers.

AEA DOES NOT Concur: What propellers do not fall into fixed, ground adjustable or variable pitch?

Deleting of (d) Radio ratings./ (e) Instrument ratings.

AEA DOES NOT Concur:

The proposed deletion of the radio and instrument ratings is not consistent with modern maintenance practices. While there is need to address technologies that don't clearly fit within specific radio or instrument categories but rather are hybrid systems but this can be accomplished by better definitions and maintenance scopes rather than elimination of the ratings. In addition, as discussed during the part 145 ARAC, the repair station ratings are used as much by the Agency to distribute its inspector workforce as it is used by industry to define what work is or is not authorized by a facility.

Under the proposal a full service radio/instrument shop would require all three airframe categories in addition to the radio/instrument ratings for any bench work. This is inconsistent with the proposed purpose of modernizing the ratings system.

The proposal would increase "self-regulating" of airframe repair stations on their avionics capabilities with little or no FAA oversight. Currently the specialized skills provided for with the radio and instrument ratings provide for a certification and validation for those electronic specializations that is not currently contained within the airframe ratings.

The Agency intends to amend the regulations to ensure that personnel are "appropriately" rated. Current FAA policies regarding the issuance of repairman certificates links the repairman ratings to those of the repair station, how does the Agency intend to issue a repairman's certificate with and instrument rating to an airframe rated repair station?

Recommendation: Retain the radio and instrument ratings and better define the scope of work to address newer technologies.

**§ 145.1061 Limitations to ratings.**

The Association considers the proposed change to § 145.1061 to be an administrative change only: AEA has no objection. AEA considers the change from a "limited rating" to a "rating with limitations" to be semantics.

**§ 145.1101 General.**

The Association considers the proposed change to § 145.1101 to be an administrative change only: AEA has no objection.

**§ 145.1103 Housing and facilities requirements.**

With regards to (a) (1), AEA DOES NOT Concur:

- (a) Each certificated repair station must provide and maintain—

(1) **Suitable permanent housing** for the facilities, equipment, materials, and personnel consistent with its ratings.

Although (c) allows mobile operations, an avionics repair station (as well as any other maintenance operation) whose business model is a mobile service would not necessarily have “**Suitable permanent housing**”. They typically would have a permanent fixed location such as an office and rely on the facilities where the aircraft is located. This change in wording could lead to confusion and compromise mobile maintenance operations.

The requirement for “Suitable permanent housing” for equipment and materials would preclude equipment and materials being stored in a mobile vehicle. In addition, the requirement for “Suitable permanent housing” for equipment and materials would preclude equipment and materials being stored in temporary buildings, or leased shipping containers. Also in the preamble, the FAA makes it clear that “space available” leases will no longer be acceptable. The Agency never discussed their logic in changing this requirement nor the safety benefit, however for many avionics facilities this requirement would either (1) cause them to relocate to their own permanent facility or (2) simply close their doors. Neither option is acceptable.

Recommendation: With regards to mobile operations, the Agency should continue to support the mobile business model that was included in the 1999 part 145 rewrite. And with regards to the space available leases, specialty shops such as radio and instrument repair stations who are so located with another facility should be able to continue their space available lease arrangements with their landlords.

**(iv) Space sufficient to segregate and protect articles and materials stocked for installation from those articles undergoing maintenance**

With regards to (a) (2) (iv) AEA DOES NOT Concur: It is not clear what **and protect articles and materials** means.

Recommendation: Clarify the meaning of and protect articles and materials

With regards to (b) AEA CONCURS.

**§ 145.1105 Change of location, housing, or facilities.**

The Association considers the proposed change to § 145.1105 to be an administrative change only: AEA has no objection.

**§ 145.1107 Satellite repair stations.**

AEA CONCUR: Removal of the (1) May not hold a rating not held by the certificated repair station with managerial control; is a positive change.

**§ 145.1109 Technical data, equipment, tools, test apparatus, and materials requirements.**

AEA DOES NOT Concur:

The change from “The equipment, tools, and material must be located on the premises and under the repair station's control when the work is being done” to “a certificated repair station must have and maintain the equipment, tools, test apparatus, materials,” is unacceptable. The public fought for and won the argument that in today’s maintenance environment with next day delivery and electronic communications, the legacy approach to extreme investments in equipment, tools, test apparatus, materials was not necessary. The FAA has not demonstrated a safety concern with this 2001 change.

The restriction added that specialized and rarely used equipment, tools, and test apparatus is not equal to the intent of the authority granted previously for just-in-time delivery of equipment, tools and test equipment.

Recommendation: Retain the current regulatory language.

**§ 145.1151 Personnel requirements.**

The Association considers the proposed change to § 145.1105 to be an administrative change only: AEA has no objection. The change in (d) from “noncertificated employees” to all “employees” is already contained in 145.163.

**§ 145.1153 Supervisory personnel requirements.**

AEA DOES NOT Concur: The proposed change from “The supervisors must oversee the work performed by any individuals who are unfamiliar with the methods, techniques, practices...” as currently stated in the regulations to ALL personnel is unsupported. An individually certificated person working outside of an approved quality system does not require supervision, however a certificated person working under an approved quality system does? This is simply not logical.

This would require small repair stations to increase the repair station staffing so that every task is accomplished with 2 people or register every person who might ever work independent on an AOG aircraft, nights or weekends to be listed as a supervisor. Any individual who has return to service authority already meets the regulatory requirement of a supervisor but does not hold the title of supervisor. To require every employee to be designated a supervisor diminishes the purpose of the designation.

Recommendation: retain the current regulatory language.

**§ 145.1155 Inspection personnel requirements.**

AEA DOES NOT Concur:

(c) A certificated repair station must ensure that an inspector is available at the article while performing inspections.

This requirement is not clear. Which inspector and which inspection? Does this mean that the repair station “inspector” must be present and supervise each and every “inspection” performed as a function of maintenance? i.e 91.411/413, aircraft annual and period inspections, other aircraft inspections?

Recommendation: Clarify which inspections § 145.1155 is referring to.

**§ 145.1157 Personnel authorized to approve an article for return to service.**

In general AEA considers the proposed change to be administrative and has no objection.

...each person authorized to approve an article for return to service is appropriately certificated under part 65 of this chapter for the work approved.

AEA concurs with the addition of “appropriately” rated. Should the FAA implement the proposed rating changes, for an airframe rated repair station with radio and instrument limitations they MUST employ an “appropriately” rated repairman with radio and/or instrument authority as appropriate in meeting the requirements of § 145.1157.

**§ 145.1161 Records of management, supervisory, and inspection personnel.**

With regards to (a)(3) AEA considers the proposed change administrative and has no objection.

With regards to (a)(4) AEA DOES NOT Concur:

(a)(4)(iii) Past relevant employment with names of employers and periods of employment, positions, and types of maintenance performed,

There is no regulatory requirement for management personnel to have ANY previous “maintenance” experience. This proposal, as the proposal in 1999, inappropriately implies that management personnel must have previous maintenance experience.

Recommendation: Retain the current regulatory language.

**§ 145.1163 Training requirements.**

AEA DOES NOT Concur: The inclusion of human factors, Federal Aviation Regulations, and the repair station's manuals, quality control program, procedures, and forms in the training program are currently included in AC 145-10, should be part of every repair station's training program and are appropriate topics to be included in the RSTP.

The arbitrary inclusion of these course topics as a "regulatory" mandate precludes the definition of an acceptable means of compliance which at this time is undefined.

The Agency has offered no evidence that the 2006 mandate for a repair station training program is deficient and needs to be changed. Nor has the agency included any additional cost in their economic analysis regarding the expansion of the training program requirements.

Recommendation: Retain the current regulatory language.

**§ 145.1201 Privileges and limitations of certificate.**

The Association considers the proposed change to § 145.1201 to be an administrative change only: AEA has no objection

**§ 145.1203 Work performed at another location.**

The Association considers the proposed change to § 145.1201 to be an administrative change only: AEA has no objection. The proposal removes the ambiguity surrounded with the "it is necessary" from (b). The additional requirement of "is authorized by the FAA" is redundant – every capability of the repair station is authorized by the FAA.

**§ 145.1205 Maintenance, preventive maintenance, and alterations performed for certificate holders under parts 121, 125, and 135, and for foreign air carriers or foreign persons operating U.S.-registered aircraft in common carriage under part 129.**

The Association considers the proposed change to § 145.1205 to be an administrative change only: AEA has no objection.

**§ 145.1206 Notification of hazardous materials authorizations.**

The Association considers the proposed change to § 145.1206 to be an administrative change only: AEA has no objection.

**§ 145.1207 Repair station and quality control manuals.**

The Association considers the proposed change to § 145.1207 to be an administrative change only: AEA has no objection.

**§ 145.1209 Repair station manual contents.**

AEA DOES NOT Concur:

The administrative burden of recurrent evaluation of the capability list as proposed by (d)(2) is excessive. Many component repair stations will have hundreds if not thousands of unique parts on their capability lists. The requirement to review each and every item on the list at least once every two years would be significant labor burden.

Recommendation: The Agency has not submitted any safety concerns that this new requirement might resolve therefore this proposed requirement is frivolous and arbitrary and should be withdrawn.

**§ 145.1211 Quality control system.**

The Association considers the proposed change to § 145.1211 to be an administrative change only: AEA has no objection.

**§ 145.1213 Inspection of maintenance, preventive maintenance, or alterations.**

The Association considers the proposed change to § 145.1213 to be an administrative change only: AEA has no objection.

**§ 145.1215 Capability list.**

AEA DOES NOT Concur:

This proposal mimics the failed proposals in 1999 and 2006 without any additional clarification or support. The requirement for EVERY repair station to list and manage their individual and unique capabilities is contrary to the proven system of class ratings. The class rating for radio and instruments has provided a safe and manageable system and the additional administrative burden of eliminating class ratings and requiring a capability list (or a list of capabilities on your operation specifications) is significant.

**§ 145.1217 Contract maintenance.**

The Association considers the proposed change to § 145.1217 to be an administrative change only: AEA has no objection.

**§ 145.1219 Recordkeeping.**

The Association considers the proposed change to § 145.1219 to be an administrative change only: AEA has no objection.

**§ 145.1221 Service difficulty reports.**

AEA Concur: The addition of “The report must be submitted within 96 hours of approving the article for return to service” will eliminate ambiguity of when the clock starts and promote standardization.