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Department of Transportation
Federal Aviation Administration
14 CFR Parts 43, 91 and 145
Docket No. FAA-2006-26408; Notice No. 12-03
RIN 2120-AJ61

RE: Docket No. FAA-2006-26408: Repair Stations

The Aircraft Owners and Pilots Association (AOPA), on behalf of approximately 400,000 general aviation pilots and members nationwide, offers the following input to the Federal Aviation Administration (FAA) regarding the “Repair Stations” notice of proposed rulemaking (NPRM). On May 21, 2012, the FAA issued this NPRM which would amend the regulations for repair stations by revising the systems of repair station ratings, repair station certification requirements, and the regulations governing repair station providing maintenance for air carriers.

AOPA opposes and cannot support most of the proposals included in this NPRM.

AOPA is submitting comments on “Repair Stations” due to its potential negative impact on the availability of maintenance for General Aviation aircraft owners and operators; the lack of safety benefits related to several of the proposed revisions; and the likely unintended consequences of the proposed changes. Through this NPRM, the FAA is attempting to modernize regulations to more accurately reflect current aircraft technology and future developments in technology. However, the majority of the NPRM complicates regulations and procedures for repair stations with no clear safety benefit. The FAA should be striving to simplify its oversight of repair stations, not create confusion through costly regulations.

Issue Overview

According to the FAA summary, this action would amend the regulations for repair stations by revising the system of ratings, the repair station certification requirements, and the regulations on repair stations providing maintenance for air carriers. This action is necessary because many portions of the existing repair station regulations do not reflect current repair station aircraft maintenance and business practices, or advances in aircraft technology. These changes would modernize the regulations to keep pace with current industry standards and practices.

AOPA Concerns

AOPA has several concerns with the proposed rule changes as currently written, including:

1. Some of the proposed requirements could have a negative impact on mobile maintenance operations, significantly limiting flexibility to receive maintenance away from a repair station's base.
2. The proposed requirement for each repair station to re-apply for certification is a useless exercise with no safety benefit.
3. The proposed changes to Operations Specification and Capability List procedures could limit a repair station's ability to service some parts and a General Aviation aircraft owner or operator's ability to receive emergency or last-minute service.
4. Changes to repair station Operations Specifications procedures complicate the process for no reason.
5. The proposed additional requirements for repair station training programs are not specific enough and leave room for confusion among both inspectors and repair station managers.
6. The proposed changes to supervisory personnel requirements are excessive and unnecessary.
7. The FAA's estimated costs to repair stations are unrealistically low.

Proposed Rule Could Negatively Impact Mobile Operations

The proposed rule includes many elements that could negatively impact a repair station's ability to provide mobile maintenance operations. This is a significant concern for General Aviation aircraft owners and operators, as unplanned maintenance is sometimes needed at airports with no fixed, permanent repair station or other maintenance capabilities. Repairs from mobile maintenance operations are sometimes the only option for returning an aircraft to a serviceable condition. Proposed §145.1103 would require "suitable permanent" housing to protect articles from contamination, foreign object debris, or conditions that may promote corrosion or other deteriorating conditions. The "permanent housing" must also be in the certificate holder's sole operational control. This requirement will limit a repair station's flexibility to conduct some mobile maintenance operations.

Proposed §145.1051(a)(6) states: "(a) An applicant for a repair station certificate and rating must be made in a format acceptable to the FAA and must include at least the following: ... (6) The physical address and a description of all the repair station housing and facilities, including any additional fixed locations requested for approval in accordance with §145.1103(d)." This proposed language is unclear in its intentions. Does the FAA mean to limit the listing of physical addresses only to fixed locations, but still allow the conduct of mobile maintenance operations under the repair station certificate? If so, the language should be clarified accordingly. Otherwise this requirement could severely limit a repair station's ability to conduct mobile maintenance operations, thereby limiting a General Aviation aircraft owner or operator's ability to receive repair station services at small airports or in remote locations, including off-airport landing sites.

Proposed Rule Requires Re-Certification of All Repair Stations

The FAA plans to require every currently certificated Part 145 repair station to re-apply for the repair station certificate and complete the entire certification process again. The agency provides no justification for imposing this costly, time-consuming requirement, other than the proposed

“in-depth change to the ratings system” which “would require the revision of several repair station documents”. AOPA believes requiring re-certification of previously certificated entities is an unreasonable overreach of authority. Further, the FAA seems not to have considered a very likely negative consequence of this requirement: some repair stations might opt not to apply for re-certification. Some repair stations, particularly small businesses, might just allow their certification to lapse after the twenty four month transition period proposed by the FAA. The FAA would lose significant oversight of these businesses, including review and approval of manuals, formal training programs, and drug and alcohol testing requirements. These businesses could, in many cases, continue performing aircraft maintenance as individual airframe and powerplant mechanics, without the formal FAA oversight to which a repair station is subject.

The FAA also seems to have minimized the necessary resources from the agency to conduct the re-certification of almost 5,000 businesses, presumably in order to present a more positive economic analysis. The certification process is not only costly and time-consuming for the certificate applicant but is a significant drain on agency resources. Certainly the FAA’s resources are better spent on activities with the potential to increase safety rather than a paperwork exercise for almost 5,000 businesses. The FAA even cautions repair stations that agency resources – or lack thereof – could cause delays in the issuance of a new repair station certificate. The preamble states, “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.” Effectively, submitting an application for recertification “later in the 24-month transition period” – with “later” being an undefined period of time – could result in a repair station losing its privileges until the FAA has the time to complete the recertification process. Historically the availability of FAA resources has varied widely from one Flight Standards District Office to another. The lack of agency resources in some locations could create a disadvantage to some already-certificated repair stations.

The proposed rule would force repair stations to complete manual revisions during the twenty four month transition period, but the preamble is silent on inspector guidance and training. If inspectors do not have sufficient guidance and training at the publication of the final rule, it is likely manuals will have to be revised – again – after inspector guidance is available and training has been conducted. Does the FAA intend to have inspector guidance and training available immediately following the publication of the final rule? If not, inspectors might be hesitant to approve documents only to have to require changes later. This could force many repair stations into submitting manuals for approval “later in the 24 month transition period” which creates the exact conundrum discussed above.

AOPA contends that Part 145 repair stations certificated before the publication of a related final rule should not have to re-certify. Clearly some manual and document changes will be necessary to come into compliance with the proposed rules, if finalized, but the agency has already deemed certificated repair stations “worthy” of their privileges. If the FAA has a legitimate reason for requiring a full certification process to be completed by already certificated entities, it should include that argument in the preamble. If the FAA believes full re-certification of already

certificated entities is the easy way to ensure compliance with the new rules, the agency should reconsider the true costs – for both the certificated repair station and the FAA.

Capabilities List and Operations Specifications Requirements Limit Flexibility

The FAA is unclear about its expectations regarding capabilities lists and Operations Specifications. The preamble indicates a repair station may “choose to use a capability list” but also says “it is critical that both a repair station and the FAA are able to identify the actual certified capabilities of that repair station at a given time.” Proposed §145.1057(e) “Operations Specifications” states, “If the optional capability list provided for in §145.1215 is not used, each certificate holder’s operations specifications must, within the ratings and categories authorized under §145.1059, identify each airframe, powerplant, or propeller, by manufacturer, model, and series as applicable. For the Component rating, the operations specifications must identify each component or appliance included in the rating by manufacturer, manufacturer-designated nomenclature, or basic part number.” This is a significant concern for AOPA because requiring a repair station to list each component it will maintain could limit a General Aviation aircraft owner or operator’s flexibility in receiving maintenance on an uncommon component. Repair stations have faced difficulties in updating or revising Operations Specifications because of convoluted electronic Operations Specifications procedures. These difficulties could impact a repair station’s ability to act quickly when new components are introduced or a client needs emergency service on a component not listed in the repair station’s Operations Specifications. This NPRM does nothing to resolve those procedural issues. Additionally, this requirement has a special impact on Parts Manufacturer Approved (PMA) parts, which are often maintained in the exact same manner as Original Equipment Manufacturer parts, but have a different parts number. The inability to quickly add a PMA parts number to the repair station’s Operations Specifications or capabilities list could result in significant delays in obtaining needed maintenance.

Proposed Changes to Procedural Elements Lack Safety Benefits

Several of the FAA proposals are essentially paperwork exercises with no clear safety benefit. For example, proposed §145.1051, “Application for certificate” requires initial applicants to submit a “letter of compliance detailing how the applicant will comply with all sections of this part”. The FAA’s reasoning for requiring this document is “because applicants have been providing these letters by policy,” which is a ludicrous argument. Repair station applicants have been providing letters of compliance because inspectors have required them to produce the document as the result of inappropriate and misleading inspector guidance. Requiring a letter of compliance by regulation imposes a significant cost on new repair station applicants. The letter of compliance is one of the most time-consuming elements of any certification process and is an unnecessary duplication of efforts already included in inspector certification guidance. Further, it is unclear if currently certificated repair stations, which would be subject to re-certification, would be considered an “initial applicant”. If currently certificated repair stations are required to submit a letter of compliance with their re-certification application, the cost of this process would increase significantly. Although the repair stations might have “provided these letters by policy”, updating a letter of compliance after manual revisions is a major undertaking.

The FAA's proposal to deny an applicant a repair station certificate if the applicant or key management personnel has materially contributed to circumstances leading to the revocation of another repair station's certificate, although a positive start to removing "bad players" from the industry, is an incomplete and ineffective solution. Simply adding a question to the repair station application inquiring about specific disqualifying criteria ask the individual – previously deemed unfit to hold or manage a repair station certificate – to self-certify that the individual is in fact qualified. The revocation of a repair station certificate is not a very common occurrence. It seems unlikely the FAA is unaware of and unable to maintain a list of the "bad players" in the industry. In fact, in the on-demand air carrier industry, it is common for the FAA to review the backgrounds of all management personnel who will hold operational control to ensure they have not been involved in previous certificate enforcement actions.

Further, what responsibility – if any – does a repair station have to avoid hiring these individuals after the certification process is complete? Repair stations do not necessarily have access to information to indicate a candidate for a management position has been implicated in previous certificate enforcement actions. It is unlikely the FAA means for a repair station to hire one of these individuals after the certification process is complete, yet the FAA seems to have no procedure to help ensure those individuals are not hired as management personnel.

Proposed Changes to Repair Station Training Requirements Undefined

The FAA proposes to add requirements to repair station training programs because the current requirements are "too broad and lack specific elements". Subsequently, proposed §145.1163(b) adds training in human factors relevant to aviation maintenance, Federal Aviation Regulations as they relate to Part 145, and the repair station's manuals, quality control program, procedures, and forms. Without further guidance, these requirements are nebulous as best. Technically, all Federal Aviation Regulations "relate to Part 145" in some manner. "Human factors related to aviation maintenance" could be a narrow definition such as the effects of fatigue and stress or could go deep into human physiology and psychology. Without detailed guidance, inspector interpretation of these new training requirements is likely to vary widely from one inspector to the next.

Proposed Changes to Supervisory Personnel Requirements Excessive

The FAA proposes to modify §145.1153(a) to state "The supervisors must be present to oversee work performed." Currently the correlated §145.153(a) states, "The supervisors must be present to oversee work performed by any individuals who are unfamiliar with the methods, techniques, practices, aids, equipment, and tools used to perform the maintenance, preventive maintenance, or alterations." If the FAA proceeds with the proposed §145.1153(a), it will essentially require a supervisor to be present and to oversee every individual performing every maintenance activity for the Part 145 repair station. This has broad implications for contract maintenance work as well, as §145.1153(a) could be interpreted to apply to §145.1217 "Contract maintenance". A clear unintended consequence of this proposed language change is a substantial increase in the cost of maintenance services in order to compensate the supervisory position, as well as a corresponding decrease in availability of maintenance services due to limited availability of supervisory personnel.

Costs to Repair Stations Underestimated, Benefits Unclear

Costs

The FAA identifies two compliance costs to repair stations: the cost to apply for a rating and the cost to revise their manuals. However, the FAA also proposed significant changes to training program requirements. Why did the agency not account for the resources required to develop the new training curriculum and the man-hours necessary to re-train all applicable staff members? The FAA also did not consider the complications and costs of limiting mobile maintenance operations, particularly to General Aviation aircraft owners and operators. These expenses will increase the cost of these elements of the proposed rules exponentially.

The agency estimated the average one-time compliance costs for a small repair station would be \$1,146 and \$2,848 for a medium sized repair station. Even considering just the costs identified by the FAA (application for rating and revision of manuals) these estimates are unrealistically low. The costs assigned by the FAA are especially unreasonable if the FAA intends for currently certificated repair stations to complete a letter of compliance, in addition to enduring the entire certification process and revising manuals and other documents. When the costs associated with training program revisions are included, the FAA's estimates of \$1,146 for a small sized repair station and \$2,848 for a medium sized repair station is just a fraction of the true cost of this rule to repair stations.

Benefits

There are clear economic and administrative benefits to the proposed revised rating changes and there is a reasonable safety benefit to denying an applicant a repair station certificate based on involvement in previous certificate enforcement action. The FAA cites an incident in which a key management individual (a chief inspector) from a repair station that had its certificate revoked for serious maintenance-related violations later applied for and received a new repair station certificate. The newly certificated repair station then performed improper maintenance on a number of propellers, one of which came apart in flight and resulted in a fatal accident. The National Transportation Safety Board issued a Safety Recommendation expressing concern that the agency does not have a mechanism for ensuring these "bad players" are not issued repair station certificates in the future. These two concepts are well supported in the NPRM preamble.

However, the FAA makes no safety case to support many of the other proposals in this NPRM, including the additional training program requirements and the need to re-apply for certification. Without a published safety benefit, it is impossible to accurately weigh the costs and benefits of these elements of the NPRM.

AOPA Recommended Revisions to the Proposed Rule Change

AOPA's concerns, outlined above, lead the association to recommend the FAA make the following revisions to the proposed rule change prior to publishing and implementing a final rule:

1. Remove the proposed requirements that would limit mobile maintenance operations, including the requirement for “permanent housing” of tools and equipment. Clarify that the requirement to list “fixed locations” does not preclude the conduct of mobile maintenance operations.
2. Do not require currently certificated repair stations to apply for a new certificate. Inspectors should review and approve manual revisions as appropriate without completing the full certification process.
3. Resolve the technical issues for updating Operations Specifications.
4. Do not use misleading and erroneous inspector guidance to justify a regulatory requirement for a letter of compliance for initial applications. More importantly, do not require currently certificated repair stations to submit a letter of compliance.
5. Do not revise the current 145.153(a) when revising other portions of that rule to create the new 145.1153. The current requirement for supervisory personnel to be present to oversee work conducted by an individual unfamiliar with methods, techniques, practices, aids, equipment, and tools is sufficient to maintain safety.
6. Be more specific about the new repair station training program requirements. Develop inspector guidance and training to properly define expectations for the proposed repair station training program requirements.
7. Reevaluate the costs of these proposed rules to repair stations, including ALL elements of the NPRM, not just application for a rating and manual revisions.

AOPA thanks the agency for considering our comments to this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Hackman', with a long horizontal flourish extending to the right.

Robert E. Hackman
Vice President, Regulatory Affairs
Aircraft Owners and Pilots Association