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Docket Operations

M-30

U.S. Department of Transportation

1200 New Jersey Avenue, SE.

West Building Ground Floor, Room W12-140

Washington, DC 20590-0001

Re: Docket No.: FAA-2010-1060 Policy Clarifying Definition of “Actively Engaged” for Purposes of Inspector Authorization

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of more than 405,000 members. AOPA’s mission is to effectively serve the interests and needs of its members as aircraft owners and pilots and establish, maintain, and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in general aviation aircraft. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization in the world. AOPA submits the following comments to the FAA’s policy clarification on the term “actively engaged”

AOPA’s Concern

Based on the reaction of our members since the publication of this proposed policy, it is evident that the recommended changes does little to resolve confusion surrounding the term and may actually be viewed as more restrictive than the current policy. This confusion is amplified by the fact that the proposal does not clearly discuss the regulations governing the issuance and renewal of IAs in 65.91 and 65.93 or the regulations governing maintenance of a supervisory status in 65.81 and 65.83. The inconsistent application of the term “actively engaged” and the concern surrounding implications of this proposed policy in the guidance indicates that some clarification is in order; however this proposal as is, appears to give more ambiguity to the term and does little to guide ASIs on how to make an impartial determination of eligibility.

Issue Overview

Over the years, there has been much discrepancy in how the term “actively engaged” has been interpreted. For full-time mechanics, there hasn’t been any confusion – full-time mechanics are considered actively engaged for purposes of determining eligibility for issuance or renewal of Inspector Authorization. However, for part-time or occasional employment, different Flight Standards District Offices (FSDO) and ASIs have applied widely varying definitions of the term.

The inconsistency applied to the term “actively engaged” is primarily evident when ASIs are determining eligibility of an applicant to renew their IA.

In 1988, the FAA attempted to define the term and issued a policy memo that stated that “for the 2-year period before applying for an inspection authorization (IA) the applicant (must have) been employed full-time in inspecting, supervising, overhauling, repairing, preserving, or replacing parts on aircraft certificated and maintained in accordance with the FAR. “Full-time employment” is defined by the Department of Labor as employment averaging at least 35 hours a week.” This memo was withdrawn, yet continued to circulate from time to time. Recently, the FAA (AFS-300) issued a formal retraction memo to definitively state that the 1988 memo is invalid, as is any other memo, letter, or e-mail messages previously issued by the Aircraft Maintenance Division that sets, changes, or modifies national policy which are still in use today. The Flight Standards Information Management System (FSIMS) is the sole source of policy and guidance for aviation safety inspectors.

This proposed clarification policy is an attempt by the FAA to define the term for those part-time or occasional employment or participation stating that it “depends on the circumstances”. The determination must be made by the ASI reviewing the application. In the discussion of the proposal, the FAA states, “To make the determination, the ASI should consider the type of maintenance activity performed, considering any special expertise required, and the quantity of maintenance activity. In some cases, such as a mechanic performing maintenance in geographical area that has limited access to some special expertise or a retired mechanic who occasionally performs maintenance as needed, the type of maintenance activity may be the determining factor even when its quantity is relatively insignificant.”

AOPA’s Recommended Changes

This policy clarification emphasizes that IA renewal remains available to IAs with varying degrees of activity, not just for those employed full-time. However, we believe that the scope of the term “actively engaged” should be broadened further than what is being proposed in the policy revision. As the policy stands now, even those who provide “supervision” would be denied while it remains valid in the regulations under §65.93.

Any definition of the term “actively engaged” must be broad enough to clearly allow IAs who perform part-time or occasional maintenance to be eligible for renewal of their IA. It must also clearly allow for those IAs who perform no actual maintenance but who have an extensive background of knowledge and use that knowledge to teach, supervise, evaluate or provide management or other specialized maintenance services, such as the example of the ASI.

A definition of the term “actively engaged” should include those wholly-qualified and competent IAs that may not have much *or any* time performing actual maintenance or inspections on aircraft in the past 2 years. This should include IAs who use their authorization to provide instruction, supervision, maintenance management, personal aircraft maintenance, retired mechanics who provide occasional or relief maintenance, those providing maintenance in rural areas or offering specialized expertise in specific areas such as electrical, composites, rare or vintage aircraft. These highly valuable IAs should be allowed to renew their IA by completion

of any of the 5 criteria set forth in 65.93, just as an ASI who also possesses an IA should be allowed to renew.

Sincerely,

A handwritten signature in cursive script that reads "Kristine Hartzell".

Kristine Hartzell
Manager, Regulatory Affairs
AOPA