

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7058; Amdts. 121-21, 127-8,
145-7]

PART 121—CERTIFICATION AND OP- ERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OP- ERATION OF SCHEDULED AIR CAR- RIERS WITH HELICOPTERS

PART 145—REPAIR STATIONS

Repair Stations Performing Work on Air Carrier and Commercial Oper- ators' Aircraft

The purpose of this amendment to Parts 121, 127, and 145 of the Federal Aviation Regulations is to clarify the requirements for repair stations performing maintenance, preventive maintenance, alterations, and required inspections on aircraft of air carriers and commercial operators. Primarily, the amendment adds a new section to Part 145 that requires repair stations to perform work on air carrier and commercial operators' aircraft in accordance with applicable sections of Parts 121 and 127 and the air carriers' or commercial operators' manuals. Moreover, the performance standards for repair stations have been amended to accommodate the foregoing changes, and Parts 121 and 127 have been amended to take into consideration the performance of maintenance, preventive maintenance, alterations and required inspections by certificated foreign repair stations.

This action was published as a notice of proposed rule making (30 F.R. 15296, Dec. 10, 1965) and circulated as notice 65-37 dated December 6, 1965.

A basic objection in principle to the entire proposal was voiced by one commentator to the effect that the new § 145.2 appeared to be a means of delegating basic FAA responsibility for repair station surveillance to the air carrier. The commentator, alleged that the scheme would be disadvantageous to the air carrier and even more so for a carrier with a repair station certificate who would then be burdened with dual regulation.

The commentator does not explain how the proposed amendment would shift the basic FAA responsibility for repair station surveillance to the carriers. Section 121.363, cited by the commentator in support of its conclusion, makes the certificate holder (air carrier or commercial operator) primarily responsible for the airworthiness of its own aircraft and for the performance of maintenance on those aircraft even where arrangements have been made with another person for the performance of such work. The new § 145.2 merely requires that repair stations comply with the appropriate maintenance, preventive maintenance, and alteration subparts of Parts 121 and 127 when performing work for air carriers or commercial operators. It does not relieve the air carriers or commercial operators of the responsibility which they have always had as set forth in §§ 121.363 and 127.131 nor does it extend that responsibility.

As proposed, § 145.2(a) listed by number the sections of Subpart L, Part 121 and Subpart I, Part 127 with which a repair station performing maintenance, preventive maintenance, alterations, or required inspections for an air carrier or commercial operator having a continuous airworthiness program, need not comply. Omitted from the list were §§ 121.379 and 127.140 relating to the authority of certificate holders to perform these functions for itself, to perform them for other carriers, and to approve for return to service. Since it is clear that §§ 121.379 and 127.140 have no application to repair stations performing work for air carriers and commercial operators, § 145.2 has been changed to include these sections in the list of those for which compliance is not required.

Interpreting the proposed § 145.2(b) as requiring that a repair station performing maintenance, preventive maintenance, or alterations for air carriers or commercial operators have the same recordkeeping system as the air carriers or operators, one commentator recommended a change which, in effect, would allow the carrier or operator to accept the repair station system. In this connection, since the regulations applicable to an air carrier or commercial operator allow them to utilize any suitable system of recording maintenance, provided it includes certain information, this alternative is already available under the existing regulation, and the recommended change is unnecessary. More-

over, under Part 145 a repair station may retain a copy of the log or other record provided by the air carrier or commercial operator in meeting its reporting and recordkeeping requirements. Therefore the proposed new § 145.2(b) is unnecessary and has been deleted along with the related change proposed to § 145.79(b).

A comment was also received which appeared to be objecting to the proposed clarifying amendments to Parts 121 and 127 excepting from the airman certificate requirements, persons performing maintenance, alterations and required inspections in certificated foreign repair stations. However, this exception is based on the provisions of Part 145 governing foreign repair stations which state that station supervisors and inspectors do not need airman certificates, and, along with persons performing the work of the station, are not considered to be airmen within the meaning of section 101(7) of the Federal Aviation Act of 1958. Under this exception, it has been the practice of the Agency to permit U.S. air carriers to utilize the services of foreign repair stations notwithstanding the fact that such stations need not employ holders of U.S. mechanic certificates. Thus, the amendments as proposed were merely designed to clarify the provisions of Parts 121 and 127 insofar as foreign repair stations are concerned and to make them consistent with the manner in which they are being administered. Insofar as the comment may have been directed toward requiring airman certificates for personnel of all repair stations, domestic and foreign, it goes beyond the scope of this notice of proposed rule making.

One commentator, referring to "certificated foreign repair stations" as used in the proposed amendments to Parts 121 and 127, stated that the wording should further specify whether these are FAA certificated foreign repair stations. To preclude any misunderstanding as to what foreign repair stations are intended, §§ 121.378(a), 121.709(b), 127.139(a), and 127.319(b) have been further amended to identify the excepted repair stations as those certificated under the provisions of Subpart C of Part 145.

On March 25, 1966, the Agency amended Part 145 by adding Subpart D—Limited Ratings for Manufacturers. Notice 65-37, on which the present rule-making action is based, however, was issued earlier, December 6, 1965, and, therefore, did not speak directly to manufacturers with limited repair station ratings performing maintenance or

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(As published in the Federal Register 31 F.R. 106127 on August 9, 1966)

preventive maintenance on, and approving for return to service, aircraft of air carriers and commercial operators. As proposed, however, new § 145.2, is applicable to all repair stations performing such work. Since manufacturers with limited repair station ratings may perform the work specified in § 145.2, and, in addition, qualify as certificated repair stations for which the performance standards of Part 43 are applicable, the performance standards of § 145.105 applicable to such manufacturers are amended to provide the same exception with respect to § 145.2 as contained in § 145.57 for other repair stations.

Other minor changes of an editorial or clarifying nature have been made. They are not substantive and do not impose any additional burden on regulated persons.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

In consideration of the foregoing, Parts 121, 127, and 145 of the Federal Aviation Regulations are amended as follows, effective September 8, 1966.

1. Part 121 is amended—

a. By amending § 121.378(a) to read as follows:

§ 121.378 Certificate requirements.

(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by repair stations certificated under the provisions of Subpart C of Part 145, each person who is directly in charge of maintenance, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate.

b. By adding a flush final sentence to § 121.709(b) to read as follows:

§ 121.709 Airworthiness release or air-

craft log entry.

(b) * * *

Notwithstanding subparagraph (3) of this paragraph, after maintenance, preventive maintenance, or alterations performed by a repair station certificated under the provisions of Subpart C of Part 145, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

2. Part 127 is amended—

a. By amending § 127.139(a) to read as follows:

§ 127.139 Certificate requirements.

(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by repair stations certificated under the provisions of Subpart C of Part 145, each person who is directly in charge of maintenance, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate.

b. By adding a flush final sentence to § 127.319(b) to read as follows:

§ 127.319 Airworthiness release or helicopter log entries.

(b) * * *

Notwithstanding subparagraph (3) of this paragraph, after maintenance or alterations performed by a repair station certificated under the provisions of Subpart C of Part 145, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

3. Part 145 is amended—

a. By adding the following new section after § 145.1:

§ 145.2 Performance of maintenance, preventive maintenance, alterations and required inspections for an air carrier or commercial operator under the continuous airworthiness requirements of Parts 121 and 127.

Each repair station that performs any maintenance, preventive maintenance, alterations, or required inspections for an air carrier or commercial operator having a continuous airworthiness program under Part 121 or Part 127 of this chapter shall comply with Subpart L of Part 121 (except §§ 121.363, 121.369, 121.373, and 121.379) or Subpart I of Part 127 (except §§ 127.131, 127.134, 127.136, and 127.140) of this chapter, as applicable. In addition, such repair station shall perform that work in accordance with the air carrier's or commercial operator's manual.

b. By amending the first sentence of § 145.57(a) to read as follows:

§ 145.57 Performance standards.

(a) Except as provided in § 145.2, each certificated domestic repair station shall perform its maintenance and alteration operations in accordance with the standards in Part 43 of this chapter. * * *

c. By amending § 145.105 to read as follows:

§ 145.105 Performance standards.

Except as provided in § 145.2, each holder of a certificate issued under this subpart shall perform its maintenance and preventive maintenance operations in accordance with Part 43 of this chapter.

(Secs. 313(a), 601, 605, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1425, 1427)

Issued in Washington, D.C., on August 2, 1966.

D. D. THOMAS,
Acting Administrator.