

**DOCKET NO. FAA-1999-5836; NOTICE NO. 99-09**

**64 FR 33141 PART 145 REVIEW: REPAIR STATIONS; PROPOSED RULE**

**COMMENTS OF CHROMALLOY GAS TURBINE CORPORATION**

These comments are the consolidated comments of 22 Chromalloy Repair Stations, both foreign and domestic

**RECOMMENDATION:**

Chromalloy Gas Turbine Corporation (Chromalloy) recommends strongly that the Federal Aviation Administration (FAA) withdraw the Notice of Proposed Rule Making (NPRM) and hold a series of public meetings in order to gather meaningful information from those directly impacted by the proposed rule. Chromalloy believes that the FAA will be able to gather better and more reliable information on which to base a workable NPRM. It is difficult to believe that the FAA can still rely on information gathered at meetings held more than twenty years ago and on written comments gathered more than ten years ago when there have been so many changes in the industry since those last hearings. Chromalloy also recommends that the FAA consider splitting the oversight of repair stations under two rules, that is a Part 145 for large or complex repair stations and a Part 149 for small repair stations much as it did with air carriers under Parts 121 and 135.

**GENERAL:**

It is difficult at best to comment on a proposed rule when all of the ancillary information that helps to clarify the intent of the FAA is not included in the proposal. For example, there are numerous references to guidance materials that will be made available at the time the proposed rule becomes effective. Since the section-by-section analysis provided by the FAA is unclear in many areas about what is meant and in some instances refers to materials to be provided at a later date such as “the specific training needed to satisfy the requirements of the proposed rule would be published in advisory material that would be issued with this rulemaking”, one cannot determine the possible impacts and thus provide meaningful comment.

There are other areas where the FAA seems to be regulating and the guidance on what constitutes compliance is totally lacking. For example, in the section on Quality Assurance the FAA states that the size of an acceptable quality assurance system would be based on the repair station’s size and type of operations. How can one put together a quality assurance system/organization when the FAA cannot say what constitutes an acceptable system? It sounds as if it will be up to each assigned inspector to decide without any objective criteria what is a satisfactory system.

In addition to failing to provide definitive guidance on the requirements for a quality assurance system, the FAA is proposing a system without stating how it would use the information provided by that system and without stating how the information in that system would be safeguarded. A viable quality assurance system will discover deficiencies in the systems and programs of a repair station, which the repair station will correct. What use will the FAA make of the deficiencies disclosed by the repair station's quality assurance system? Will it file violations against the repair station for discovering deficiencies and correcting them? Also, will any information contained in the corrective action reports generated by the repair station's quality assurance system be exempt from disclosure under the Freedom of Information Act should the FAA obtain copies of the records maintained by the repair station? Until the FAA answers these questions, Chromalloy does not believe that the quality assurance system as proposed should be a requirement. We believe that the FAA should encourage the adoption of a quality assurance system by repair stations and that the information contained in the system be exempt from disclosure to the FAA.

Again, the FAA is regulating where it has no business regulating since there is no demonstrated safety need or proven impact. For example, the FAA states that the repair station must include its certificate number on advertising materials. If there is a safety impact in this why is there no similar requirement for air carriers to include their certificate numbers in their advertising? And again, proposed 145.151(a)(2) states "have a sufficient number of personnel". According to the advisory material provided by the FAA, this is to insure that the repair station can keep up with the volume of work in progress. This is purely a business consideration and not a safety consideration. The FAA is totally lacking in the authority and the expertise to judge how many employees are sufficient. The customer's willingness to wait for the completion of the work drives both staffing and equipment requirements. One employee in the world's largest repair facility is adequate staffing provided the work is properly accomplished. These are just some examples.

Chromalloy believes that there is no valid reason for the FAA to change the manual requirements from what they are today as required by current FAR 145.45(f). The complexity of a repair station's operations can be dealt with in a variety of approaches. Many repair stations already have supporting manual systems outside the inspection procedures manual (IPM) to take care of the day-to-day operational requirements of the repair station operation. They choose **not to include** these documents in their IPM simply so they can operate and make changes as needed without having to wait for an indeterminable period for the assigned FAA inspector to get around to reviewing and approving the changes. For example, a repair station may presently have a requirement for the supervisor of a cell to turn in all equipment due for calibration. For whatever reason, which is of no concern to the FAA, the repair station may decide to change the procedure and require employees of the calibration department to collect the equipment from the cell rather than have the supervisor turn it in. Under the present rule, the repair station can implement this change immediately. Under the proposed rule, it would have to submit the proposed change to the FAA inspector, probably have to argue why the change was being

made, and then wait and wait for the inspector to finally approve the change. The proposed change to require a repair station manual is not an improvement and the FAA has not demonstrated a need for the change. In addition, the proposed manual requirements, in so far as overall content is concerned, are more stringent than the requirements for an air carrier manual in FAR Part 121.369.

The FAA in the section on implementation of the proposed ratings and classes states that a repair station that wishes to make a change to its certificate during the two year transition period must meet the requirements of the new rule. Many repair stations, for example those doing work on APUs, will immediately have to apply for a change once the rule becomes effective in order to continue doing what they can already do under the existing rule. We do not believe that the FAA can handle this in a timely fashion. We also believe that the FAA should allow these repair stations to continue to operate under their existing certificate and ratings for at least one year and longer if the FAA cannot respond in a timely fashion for their request for re-certification.

In its comments on proposed 145.221 the FAA is proposing to remove the statement requiring written notification by the FAA of any defects found during an inspection on the grounds that this is common practice and need not be specified in regulatory language. Obviously, the FAA has never been inspected by one of its own. In most cases, there is no written notification provided unless a Letter of Investigation is sent to the repair station. We believe this requirement should remain and that the assigned inspectors be trained in this requirement.

### **SPECIFIC COMMENTS:**

**Note:** Where no comment is provided, it means we have no objection to the section or subsection as it is written.

145.3(a) We recommend that the word corporate be removed from the definition. Many corporations, such as Chromalloy, have a number of repair stations. Each repair station has a general manager or equivalent person in charge. They do not make corporate decisions.

145.3(k) The proposed definition states that the person directly in charge must be available for consultation and decisions... Does this mean physically present or available by electronic or other methods for consultation? We believe that electronic availability (phone, fax, e-mail, etc.) is adequate.

145.7(a)(1) and (2) "As the certificate holder is required to comply." We are not sure what the intent of the inclusion of this statement is. The way in which this is worded the repair station would have to have an identical training program for its employees if the Part 121 and or 135 certificate holder had specific training for its employees for one of the functions specified in the cited sections of Parts 121 and or 135. Our belief of the intent of the

regulation is that the 121 or 135 certificate holder should review the repair station's training for its employees and determine if the repair station's training program is adequate. If it is not, it is up to the 121 or 135 certificate holder to have the repair station revise its training or take its business elsewhere. Place the responsibility where it belongs and that is on the person or operator contracting to have the work performed, in this case, the 121 or 135 operator.

145.9(c) As stated previously, we find no reason from a safety point of view why this requirement exists. No air carrier has a similar requirement nor does a pilot or maintenance training school. This requirement should be dropped unless the FAA can show a reasonable need for the requirement.

145.51(c)(1)(i) The repair station must show the certificate and or rating is necessary for maintaining or altering U.S. registered aircraft, engines... In today's environment many repair stations perform work for overhaul facilities that are overhauling engines for U.S. air carriers or for leasing companies that wish to have their engines maintained to U.S. standards. The repair station doing the piece part work for the overhaul facility does not know who the end customer is. We believe that the customer's requirement to furnish a FAA Form 8130-3 or its equivalent is sufficient to show that the work is being accomplished for a U.S. operator or the operator of aircraft bearing U.S. registration, or that the owner of the parts is U.S. and wants those parts maintained to U.S. standards. Chromalloy itself owns engines and components that it leases and Chromalloy requires that they be maintained to U.S. standards.

145.55(b) We see no legitimate need for a foreign repair station certificate to have an expiration date. The FAA has a mandate to surveil all certificated entities on a regular basis. Part of this surveillance should be the continued need for the services of the repair station. The requirement for continued renewal inspections is nothing more than a revenue generator and has no safety implications.

145.57(b) We see no legitimate requirement for this change. Air carriers can be bought and sold without a similar requirement. If this change is necessary for repair stations then it is necessary for all certificated entities.

145.59 We see no legitimate requirement for ratings and classes. One of the reasons stated by the FAA for the proposed changes to the rule was to eliminate redundancy. Since the FAA is proposing to require capabilities lists of all repair stations, then there is no need to have ratings and classes.

145.61(b) As stated above, the FAA in the section on implementation of the proposed ratings and classes states that a repair station that wishes to make a change to its certificate during the two year transition period must meet the requirements of the new rule. Many repair stations, for example those doing work on APUs, will immediately have to apply for

a change once the rule becomes effective in order to continue doing what they can already do under the existing rule. We do not believe that the FAA can handle this in a timely fashion. We also believe that the FAA should allow these repair stations to continue to operate under their existing certificate and ratings for at least one year and longer if the FAA cannot respond in a timely fashion for their request for re-certification.

145.103(a)(10) We do not agree with this proposal. Who is to determine when it is necessary to provide heating and air conditioning, the FAA or the repair station? If quality of the parts is the criteria for this requirement then the responsibility for the determination is the repair stations. In any event, this is not a matter for regulation by the FAA. The FAA's responsibility is to insure that the repair station is performing repairs that meet the requirements of part 43 and that the parts are airworthy.

145.103(b)(8) A repair station must meet any special facilities requirements determined by the manufacturer and approved by the Administrator for an article... We believe that the words "or suitable alternate or equivalent facilities approved by the Administrator" should be inserted after Administrator and before for. It is also noted that there is no similar requirement for an air carrier contained in either 121 or 135.

145.105(a) A certificated repair station may not make any change, deletion...whether the change is a substantial rearrangement of space within the present location... Other than the requirement to notify the FAA of a relocation of the facility, we see no legitimate reason for this requirement. There is no similar requirement for the holder of a production certificate or an air carrier. Rearrangements of equipment within a facility, facility expansion or contraction, etc., are business decisions and are not the business of the FAA. While some calibrated equipment may need re-calibration after being moved, the need or desire to move equipment or change workflow is not within the FAA's purview.

145.111(b) The term "to a standard acceptable to the Administrator" needs to be defined or examples of standards acceptable to the Administrator need to be provided. These should be provided prior to enactment of the rule so that meaningful comments can be provided.

145.151(a)(2) As we have previously stated, proposed 145.151(a)(2) states "have a sufficient number of personnel". According to the advisory material provided by the FAA, this is to insure that the repair station can keep up with the volume of work in progress. This is purely a business consideration and not a safety consideration. The FAA is totally lacking in the authority and the expertise to judge how many employees are sufficient. The customer's willingness to wait for the completion of the work drives both staffing and equipment requirements. One employee in the world's largest repair facility is adequate staffing provided the work is properly accomplished.

145.153(a) and (b) We are not sure what is meant by the term "supervisor". If the term supervisor is meant to cover technical expertise in the sense of a lead technical person then

we have no problem with the rule as written. However if it is meant to define someone whose responsibilities include deciding on workflow, disciplinary actions, etc., then we believe the FAA has overstepped its bounds.

145.151(d)(2) Since the FAA included the requirement from Part 65.101(a)(5)(i), we believe that it also should have included the option provided in 65.101(a)(5)(ii).

145.201(a)(1) We do not agree with this requirement. The FAA has not stated what use it would make of the information developed by the repair station through its quality assurance system nor has it stated that the information developed by the system and disclosed to the FAA would be exempt from further disclosure under the Freedom of Information Act. The FAA has also failed to define what constitutes a system acceptable to the Administrator.

145.201(b) In the advisory materials provided by the FAA for this section, it was stated that all ADs must be available at the repair station for those parts on which it performs work. We strongly disagree with this requirement. If the AD is an inspection requirement for the operator to determine the condition of the part during operation, then there is no need for the repair station to maintain the AD. That is why repair stations review ADs, to determine whether they are applicable to the parts being worked on by the repair station. Also, service bulletins are not mandatory unless required by an AD. We see no need for a repair station to have to maintain all service bulletins applicable to a part on which the repair station performs maintenance unless the repair station is performing that particular service bulletin.

145.207 As we have previously stated, we see no need to change from the requirements of existing 145.45(f). However, in the event that this position does not prevail we are commenting as below:

207(a) We do not object to the inclusion of an organizational chart. However we do not believe that the names of the individuals should be included. Often, changes in personnel within an organization are made for business or other reasons. Having to submit these changes to the FAA and wait for its approval is an unnecessary burden and may interfere with the effective management of the organization. We do not object to advising the FAA of changes in personnel but do not believe that the names should be included in the manual and thus require a manual change whenever there is a personnel change.

207(b) We do not believe that such a roster should be placed in the manual. Again, because of changes in personnel within an organization, we believe it is more proper to maintain a roster as a separate document and not as part of the manual.

207(c) Such a description, if it is truly necessary, should be general and not specific. There is no similar requirement for an air carrier or the holder of a production certificate. We do not believe that this should be part of the manual.

207(e) We do not believe that the description of the training program should be included in the manual, unless it is a general description. Training programs often get revised based on the proven outcomes of the training. We do not believe that having to wait on FAA approval in order to implement changes is in the best interest of the organization or the industry. There is no similar requirement in Part 121.

207(h) We do not believe that the list should be included in the manual. A list of functions contracted out may be kept on file but because of the number of revisions that may be made to such a list it should not be in the manual. Each revision would require an unnecessary change to the manual and is an unnecessary burden.

207(k) Again, no list subject to continual revision should be contained in the manual. As it is, it takes months just to get changes to the IPM required by current 145.45(f) approved. Lists are lists and are not manual contents. The FAA can show no valid reason either for safety oversight or on safety related reasons to require that such lists be in any manual.

207(l) Names should never be included in manuals. Titles of individuals authorized to make changes **may** be included but not names.

207(p) We do not object to placing in the manual the requirement to notify the FAA of a change in location but we object to the requirement to have to notify the FAA of a change in the facility. There is no legitimate reason for such a requirement.

145.209(a) This proposed section should be clarified to indicate that the inspector is only required to be thoroughly familiar with the specific inspection methods, techniques and equipment **that he or she uses** to determine... and not all the inspection methods, etc.

145.209(c)(2) If contract maintenance has been performed by a type certificate holder or an approved vendor and the repair was one requiring repair source substantiation and is not published in its entirety in the type certificate holder's manual, it is often not possible to inspect the repair and tell that it has been properly performed. This is because the repair source, the type certificate holder or the approved source, do not furnish inspection data that allows the customer to determine that the repair has been properly performed.

145.211(c) We do not agree with this change. We believe that the current rule is adequate in that an authorized person may sign the maintenance release. We see no requirement that this person must be certified nor has the FAA demonstrated a need for this change.

145.213 The certification provided by a certificated repair station should be adequate assurance that the contracted function has been performed by a repair station meeting all the requirements of the FAA. Otherwise, it should not be a certificated repair station. Requiring repair stations to take on a function of the FAA, determining that a certificated

vendor is qualified to maintain its certificate, is a transfer of functions from the FAA to those it regulates.