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DEPT. OF TRANSPORTATION

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U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW.
Washington, DC 20590-0001

Dear Sir/Madam:

This is in response to requested comments to the proposed changes to 14 CFR 145, Docket No. FAA-1999-5836; Amendment Nos. 91-, 121-, 135-, 145-, and SFAR 36.

I operate a consulting firm specializing in repair station management training. As such, I teach FAR 145 to existing and potential repair station managers, supervisors and chief inspectors. I feel that I am as well versed in the intent and meaning of FAR 145 as anyone. I am totally apposed to, not only such an unnecessary and drastic change to FAR 145, but to the embarrassingly amateur and unofficial nature of the proposed changes.

Unquestionably, the United States has the safest aviation system of any country in the world. We got to that position because of our Federal Aviation Regulations (FAR). FAR part 145 is one of those regulations that contributes immensely to public confidence and the admiration of the world. Other countries have looked to the U.S. for guidance and leadership in developing their aviation industry. Many of them and the Joint Aviation Authorities (JAA) have fashioned their rules after ours. Now, for reasons which appear to be political rather than in the interest of safety, there are people who are willing to forsake the American public's safety and our leadership role by changing our regulations to coincide with those of a lesser standard.

It also appears that the persons taxed with rewriting FAR 145 never had an understanding of the intent of the regulations to start with, especially FAR 145. For example:

The new 145.1 starts out by stating, "This part describes how to obtain a repair station certificate." This is absolute nonsense! FAR's have never been intended to describe how to do anything. Advisory circulars describe "HOW TO". Regulations describe requirements. The old 145.1(a) is accurate, factual, and to the point in stating that, "This part describes the requirements, etc." There is no need to change the existing FAR 145.1 or most of the rest of 145.

The new 145.3(c) states that, "Directly in charge means having the responsibility for the work of a certificated repair station that performs maintenance, preventive maintenance, alterations, or other functions effecting aircraft airworthiness". What else is a repair station certificated to do? Wouldn't it be less embarrassing for the rest of the world to

see that we simply state “Directly in charge means having the responsibility for the work of a certificated repair station”? Do we have to repeat what a certificated repair station is certificated to do?

The new 145.5 does not require that the certificate and operations specifications be displayed as is the case in the present 145.19. If the new FAR is adopted the certificate and operations specifications will, in most cases, be secured in a manager’s desk drawer. As a result, they will not be accessible to the night shift to show customers. Also, at any time a repair station person tells a customer that the repair station is authorized to perform maintenance on a particular aircraft or part, the customer will very probably not ask to see the documents for fear of questioning the operator’s honesty. With these documents hidden from public view, repair stations will perform maintenance on equipment for which they are not rated. As a result, violations will soar and, more importantly, aviation safety will be compromised.

The new Far 145.51(a) states in part that an application must be in a “**FORMAT**” acceptable to the FAA. What’s wrong with the present 145.11? Is the application going to be on an FAA form and the form executed in a manner prescribed by the administrator? This is but one example of the lack of knowledge and understanding by the drafters of the new proposed FAR 145

It might be appropriate to update appendix A of FAR 145 due to advanced technology, but to eliminate it entirely is irresponsible. Especially terrifying is the fact that the new FAR 145.217 would allow a repair station to go to any uncertificated source to perform maintenance, preventive maintenance or alterations without a certificated individual being present during the activity. The Federal Aviation Act of 1958 states in part that anyone who is directly in charge of maintenance is an airman and that it is against the law for anyone to act in the capacity of an airman without being appropriately certificated. Accordingly, an uncertificated person may not pilot an airliner while being “SUPERVISED” by a pilot on the ground. An uncertificated tower operator may not direct air traffic without being under immediate supervision. Throughout the years special interest groups have twisted the intent of the Act to mean that Directly in charge means someone responsible for the end result. They profess that anyone may perform maintenance as long as some certificated individual accepts responsibility for it. However, FAR 43.3(d) requires that any uncertificated individual performing maintenance be supervised by an appropriately certificated individual as that maintenance is being performed. In 1992 Leo Weston reiterates that concept in a communiqué to the Great Lakes region stating that, “Inherent in the meaning of supervise is the intent of physical presence in the immediate area where the work is being done.” If the new regulations are adopted which provide for uncertificated persons to perform maintenance without an appropriately FAA certificated individual in the immediate area to supervise that maintenance, the US will be lowering its standards well below that of the most unsophisticated and unconcerned aviation program in the world.

Granted, some of FAR 145 may need clarification, for example, 145.47(b). It simply requires that a repair station have certain pieces of equipment on hand to perform

functions and the equipment must be calibrated and it must remain on the premises under full control of the repair station. Too many people misinterpret this regulation to mean that a repair station may contract to uncertificated and unsupervised sources.

Without proceeding through and dissecting each proposed change to FAR 145, I recommend that the efforts to overhaul FAR 145 be abandoned in favor of a few less drastic revisions to enhance the existing rules and clarify some universal misunderstandings.

If I can possibly be of any assistance, free of charge, in the revision of FAR 145 please feel free to contact me.

Sincerely

A handwritten signature in cursive script that reads "Gary L. Temple".

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