U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

March 7, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Thomas E. Young
[redacted]

Re: Request for Interpretation of 14 C.F.R. § 145.215

On October 5, 2005, our office received correspondence from you asking for a legal opinion on an aspect of the regulation that permits an FAA-certificated repair station to maintain a capabilities list of the articles on which it is authorized to perform maintenance, preventive maintenance, and alterations. Specifically, you asked: "If a Certificated Repair Station maintains a Capabilities List can it perform a self-evaluation and add an article on the Capability List without having the PMI come to the facility?" The answer is yes.

Current section 145.215 of the Federal Aviation Regulations, 14 C.F.R. § 145.215, offers a repair station with a limited rating the option of maintaining a capability list that identifies the articles on which the repair station may perform maintenance, preventive maintenance, and alterations. The articles may also be listed on the repair station's FAA-approved operations specifications. Paragraph (c) of the regulation provides that "[a]n article may be listed on the capability list only if the article is within the scope of the ratings of the repair station's certificate, and only after the repair station has performed a self-evaluation . . . ."

When this rule was first proposed in the Federal Register notice (*see* 64 FR 33142, June 21, 1999), the capability list would have been mandatory for all repair stations, not just those with limited ratings. The purpose nonetheless was to relieve an existing regulatory burden on certificate holders. For example, the preamble to the proposal stated: "One constraint related to this practice [having to obtain FAA approval of changes to lists (at the time applicable only to propeller Class 2 and accessory ratings) and/or operations specifications] is that revisions to the current capability list require FAA approval, which makes timely revisions cumbersome in the dynamic aviation maintenance marketing environment." (64 FR 33149.) The notice also stated that: "Under the proposal, prior to working on an article, a repair station would be required to conduct a self-evaluation, . . . to ensure that the repair station has the required facilities, equipment, materials, technical data, . . . in place to properly perform the work on the article." (*Id.*) Further, the notice stated: "After the self-evaluation, the article would be added to the repair station's capability list. Procedures would be defined in the repair station's manual to require the repair station to inform the FAA CHDO [certificate holding district office] of the revision to the capability list." (*Id.*)

Thus the capability list process was envisioned specifically not to require advance FAA approval, as would otherwise be the case for amendments to operations specifications.

In response to a number of comments received on the proposal, when the final rule was adopted in 2001 (*see* 66 FR 41088, August 6, 2001), the FAA reduced the scope of the regulation so that it applied only to repair stations with limited ratings; moreover the maintaining of a capability list became optional. As the FAA noted in the preamble: "If the repair station chooses not to use a capability list, it must perform maintenance, preventive maintenance, or alterations of articles only as listed in its operations specifications." (66 FR 41109.) The agency made clear its intent that the new provision was intended to relieve the administrative and time-consuming burden associated with obtaining FAA approval for amending operations specifications each time an article was added to the list of items the repair station was authorized to work on. The agency noted: "For repair stations with limited ratings, the use of a capability list will be less onerous than frequently requesting revisions to their operations specifications and provide regulatory flexibility." (*Id.*) Conversely, the FAA also noted that, "[i]f a repair station with a limited rating chooses to use a capability list, its operations specifications will not need to be revised each time a new article is added to the list." (*Id.*)

The current regulation requires that, in order to use the capability list process, the article to be added must be "within the scope of the ratings of the repair station's certificate," 14 C.F.R. § 145.215(c). The preamble to the 1999 notice provided the following example. "[I]f a repair station holds the proposed aircraft Class 1 rating and the repair station's Operations Specifications limit the repair station to performing work on reciprocating engine-powered aircraft, the repair station would not be able to add any turbine engine-powered aircraft to its capability list without an FAA-approved revision to its Operations Specifications. However, the repair station would be able to add other reciprocating engine-powered aircraft to its capability list after the capability list revision procedures in its repair station manual are followed." (64 FR 33149.)

You correctly paraphrased the regulatory requirements that a repair station may add an article to its capability list only if the article is within the scope of the ratings of the repair station's certificate, and only after the repair station has performed the requisite self-evaluation. That evaluation must determine that the repair station has all of the housing, facilities, equipment, technical data, processes, and trained personnel in place to perform the work on the article. Upon completion of the self-evaluation and the listing of the article on the capability list, the repair station must provide its CHDO a copy of the revised list in accordance with the procedures required in § 145.209(d)(1) (the requirement to have these procedures in the Repair Station Manual). Accordingly, the regulations do not require that the repair station's Principal Maintenance Inspector (PMI) visit the repair station or otherwise pre-approve the listing of an article on the repair station's capability list. Of course, if subsequent review of the self-evaluation records by the PMI determines that the repair station does not meet all the criteria to add the particular article, it would have to be removed from the capability list.

We assume from your correspondence that you are seeking to add only articles that are within the scope of your limited ratings. If you want to add an article outside the scope of your existing limited ratings, you would need to obtain the appropriate additional limited rating. In that case,

certainly the PMI or another inspector from your CHDO would need to take whatever steps were necessary to approve your application for the additional rating.

We hope the above answer responds to your needs.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations
Office of the Chief Counsel