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

Office of the Chief Counsel

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

JUN 10 2008

Mr. Juan J. Borja
NDT Traveler Services, Inc.
P.O. Box 660524
Miami Springs, Florida 33266

Re: Request for Interpretation of 14 C.F.R. Parts 43 and 65 Regarding Whether the Holder of a Mechanic Certificate Issued Under 14 C.F.R. Part 65 is Required to Hold a Repair Station Certificate Issued Under 14 C.F.R. Part 145 in Order to Perform Non-Destructive Test (NDT) Inspections if the Holder of the Mechanic Certificate is Otherwise Qualified to Conduct NDT Inspections

Dear Mr. Borja:

This is in response to your letter dated April 24, 2008, in which you asked for a Federal Aviation Administration (FAA) legal interpretation on whether you, as an "FAA A&P [Airframe and Powerplant-rated FAA-certificated mechanic] Technician" are authorized under 14 C.F.R. parts 43 and 65 "to perform Non-Destructive Test (NDT) inspection using my A&P License Number to validate [the] job." You stated that, in October 2007, and again in April 2008, you independently asked the above question to different FAA Aviation Safety Inspectors in the Miami, Florida, Flight Standards District Office. You noted that after each inspector reviewed your NDT and other qualifications, each advised you that it is legal for you to use your A&P certificate number to sign off on NDT inspections you perform and that you do not have to be the holder of an FAA Repair Station certificate.

The answer you received from those inspectors is correct. Assuming you meet the applicable requirements in 14 C.F.R. parts 43 and 65, particularly the knowledge and experience requirements, you would be authorized under those regulations to perform the above-referenced NDT inspections without holding a Repair Station certificate to perform such inspections. As you know, the definition of maintenance, as found in 14 C.F.R. § 1.1, includes inspection, and the regulation governing the privileges and limitations of FAA-certificated mechanics, found in 14 C.F.R. § 65.81, permits those mechanics to perform or supervise the maintenance for which they are rated. A certificated mechanic may perform maintenance and utilize his or her certificate number to approve for return to service products without being employed by or certificated as an FAA Repair Station under part 145. An NDT inspection would be considered a maintenance

function and treated the same as any other maintenance function with respect to who would be authorized to perform it. An appropriately rated mechanic could perform NDT inspections so long as he or she was properly trained and qualified.

The FAA's Flight Standards Service reviewed your letter and the accompanying documentation and offers the following observations. They note that, while there is no requirement to be employed by an FAA-certificated Repair Station or to hold a Repair Station certificate, some manufacturers require that persons performing NDT inspections on their products maintain additional qualifications, such as being qualified to Level II in accordance with an accepted industry standard. They advised that, although you have received Level II training and have been employed elsewhere as a quality control inspector with a Level II qualification, they found no documentation that you are currently certified as a Level II technician. They note that NTD certification in the United States is employer-based, and is not transferrable between countries. They suggest that, as the owner of NDT Traveler Services, Inc., you may want to develop a qualification/certification program based on an accepted industry standard such as the Aerospace Industries Association, National Aerospace Standard 410, Certification and Qualification of Nondestructive Test Personnel (AIA-NAS-410) and utilize this program to demonstrate proper certification.

This response was prepared by Edmund Averman, an Attorney in the Regulations Division of the Office of the Chief Counsel. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200