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

Office of the Chief Counsel

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

MAY - 1 2015

Tim Amalong
President, Velocity Air
6971 S. Apron Drive
Tucson, Arizona 85706

Re: Whether an Aircraft Owner/Operator or an FAA-Certificated Mechanic May Assist the Holder of an Inspection Authorization in Performing an Annual Inspection under 14 C.F.R. Part 43, Appendix D?

Dear Mr. Amalong:

We recently received your request for a clarification regarding whether an owner/operator or an Airframe and Powerplant-rated mechanic can assist a mechanic who holds an inspection authorization (IA) in performing an annual inspection under 14 C.F.R. part 43, appendix D, while under the supervision of the IA mechanic. The answer is yes, as long as the IA mechanic is performing the inspection.

The FAA's rules limit the privilege of performing an annual inspection to FAA-certificated mechanics who hold an IA. This authority is found in 14 C.F.R. § 65.95, the history of which is explained in our previously issued legal interpretation to Terry Sweat[1] (copy enclosed). However, under 14 C.F.R. § 43.3(b) the holder of a mechanic certificate may perform maintenance as provided in part 65, and under § 43.3(d) a person working under the supervision of the certificate holder may also perform maintenance, as circumscribed by that paragraph. Except for the actual annual inspection of the items listed in part 43, appendix D, the listed items are maintenance items that may be performed by persons authorized in § 43.3. As the Sweat interpretation letter makes clear, an FAA-certificated mechanic may perform the same inspection items during a *100-hour* inspection under the appendix, but the inspection privileges for an *annual* inspection are reserved for the holder of an IA.

We agree that the introductory paragraph (a) of appendix D ("Each person performing an annual or 100-hour inspection shall, *before that inspection*, remove or open all necessary inspection plates, access doors, fairing, and cowling. He shall thoroughly clean . . . ." (Emphasis added.)) could cause confusion. We view those tasks as delegable in the

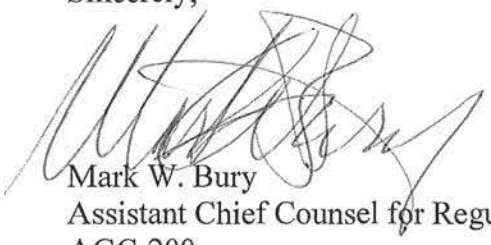
[1] Legal Interpretation to Terry Sweat, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Dec. 8, 2010).

discretion of the IA holder who will perform the annual inspection. Key to our reasoning here is the phrase "before that inspection" in paragraph (a), which indicates that the referenced preliminary tasks are something other than the actual inspections of the items listed in the appendix. As such, they may be performed by individuals under the supervision of the holder of the IA. We have been advised by an official in the FAA's Office of Flight Standards that many FAA inspectors encourage participating assistance by aircraft owners and operators because it provides them an opportunity to learn something about their aircraft.

We stress that tasks such as inspection plate removals and aircraft cleaning are preliminary and incidental to the actual inspection of the required items. While these tasks may be done by others, as explained above, only the holder of an IA may inspect and make airworthiness determinations for each of the items listed in the appendix when performing an annual inspection, and only that holder may approve the aircraft for return to service after the annual inspection. Accordingly, any assistance provided by a non-IA holder must not include an inspection and airworthiness determination of the item at issue.

This response was prepared by Edmund Averman and Sabrina Jawed, attorneys in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division (AFS-300) in the FAA's Flight Standards Service. If you have any questions in regard to this letter, please feel free to contact my office at (202) 267-3073.

Sincerely,



Mark W. Bury
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AGC-200

Enclosure