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

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

MAR -4 2015

Mr. Nicolas Finazzo
Chief Executive Officer
AerSale
121 Alhambra Plaza
Suite 1700
Coral Gables, FL 33134

Re: Request for Interpretation on Whether 14 C.F.R. § 145.103(b) Requires a Repair Station with a Limited Airframe Rating to Have Housing Large Enough to Enclose the Largest Aircraft Listed on its Operations Specifications

Dear Mr. Finazzo:

This letter responds to your October 9, 2014 request for a legal opinion on the applicability of the housing requirement in 14 C.F.R. § 145.103(b) to an FAA-certificated repair station holding a limited airframe rating. You state that your company, AerSale, holds an FAA-issued air agency certificate, which authorizes it to operate as a repair station with, among other things, a limited airframe rating. AerSale's limited airframe rating includes, by reference to its FAA-accepted Capability List, Boeing Model 747 aircraft listed on the company's Operations Specifications. You asked for an advisory opinion on the question: "Must a FAR Part 145 Repair Station holding a Limited Airframe Rating have a hangar to house the largest aircraft on its Operations Specifications if the maintenance it is authorized to do under its Capability List on its largest aircraft do not require such work be performed inside a hangar?" The answer is yes. Because a limited airframe rating is an airframe rating, AerSale must have a hangar to enclose a Boeing Model 747 because that is the largest aircraft listed on AerSale's operations specifications.

Section 145.103(b) provides:

> A certificated repair station with an airframe rating must provide suitable permanent housing to enclose the largest type and model of aircraft listed on its operations specifications.

To the extent that AerSale suggests that § 145.103(b) applies only to a repair station holding a *class* airframe rating issued under § 145.59(a), thereby excluding a repair station with a *limited* airframe rating issued under § 145.61 from the reach of the regulation, the FAA does not agree.

Nothing in the regulatory history or the plain language of the regulation supports a conclusion that the airframe rating of § 145.103(b) applies only to class airframe ratings and excludes limited airframe ratings.

In support of your position that a repair station holding a limited airframe rating is not required to provide a hangar large enough to enclose the largest aircraft on its operations specifications (in AerSale's case a Boeing Model 747), you referenced a statement in the agency's denial of an exemption request that addressed this issue: *In the matter of the petition of Short Brothers PLC [Shorts], Docket No. FAA-2009-0084*. The FAA's denial of the requested exemption found that what Shorts sought to do did not require relief from § 145.103(b), but instead could be permitted under a different regulation that was more directly on point—§ 145.203, which permits a repair station to perform maintenance at a place other than its fixed location if the repair station meets the criteria of that section. Accordingly, under the facts presented, Shorts did not need an exemption from the housing requirement or any other regulation. While the Shorts denial appeared to distinguish between repair stations that hold only a *limited* airframe rating and those that hold a *class* airframe rating for purposes of a § 145.103(b) analysis, this discussion distinguishing between a *limited* airframe rating and a *class* airframe rating was *dicta*—not necessary for the agency's decision—and it reflected an incorrect interpretation of the agency's regulation.

This response was prepared by Edmund Averman and Benjamin Borelli, attorneys in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division (AFS-300) in the Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations, AGC-200