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

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

NOV 10 2015

Son V. Tran
Manager, Maintenance Programs and Publications
NetJets, Inc.
4111 Bridgeway Avenue
Columbus, OH 43219

Re: Interpretation of 14 C.F.R. Part 43, Appendix B, concerning How a Repair Station May Record a Major Repair Performed for its Customer

Dear Mr. Son Tran:

This responds to your February 26, 2015 e-mail request for a legal interpretation on how an FAA-certificated repair station may record the performance of a major repair done for its customer. Your question concerns how repair stations record major repairs when they work on NetJet's aircraft that have a seating capacity of nine or fewer seats,[1] and which, therfore, are not included in NetJet's continuous airworthiness maintenance program (CAMP), as are NetJets' larger aircraft. You state that for consistency with NetJets' standards, NetJets prefers to have all of its contract maintenance recorded in accordance with the procedures in its General Maintenance Manual (GMM)—this would utilize the option provided in paragraph (b) of appendix B to 14 C.F.R. part 43, which provides that a certificated repair station may, in place of the requirements of executing FAA Form 337 under paragraph (a), use the procedures set forth in paragraph (b)
(1-4).

You asked two questions:

1. For (b)(1) [of appendix B]—referring to the "Use of Customer's work order"—is this the Operator's work order number or the 145 CRS [certificated repair station] work order number?

[1] 14 C.F.R. § 135.411(a)(1) specifies the regulations under which an operator's aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of nine seats or less, must be maintained. NetJets operates both these smaller aircraft and those type certificated for a passenger seating configuration, excluding any pilot seat, of ten seats or more, which must be maintained under additional regulations set forth in § 135.411(a)(2).

Paragraph (b) of appendix B provides, in pertinent part:

> (b) For major repairs made in accordance with a manual or specifications acceptable to the Administrator, a certificated repair station may, in place of the requirements of paragraph (a)—
>
> (1) Use the customer's work order upon which the repair is recorded;

Under paragraph (b), the repair station may use NetJets' work order number because NetJets is the repair station's customer.[2] NetJets buys repair services from the repair station with which it contracts for maintenance.

> 2. Does the operator have the authority to require the 145 CRS [certificated repair station] to follow the regulation in (b)(1-4) in its GMM or [is] this regulation in Appendix B to Part 43 . . . only applicable to the 145 CRS; where they can provide either the FAA Form 337 or referencing to the operator as needed?

We are not aware of a regulation that would require a repair station to follow the option provided by paragraph (b) of appendix B. Under 14 C.F.R. § 145.205(a), a "certificated repair station that performs maintenance, preventive maintenance, or alterations for an air carrier or commercial operator that has a continuous airworthiness maintenance program [such as NetJets has for its larger aircraft], must follow the air carrier's or commercial operator's program and applicable sections of its maintenance manual." This requirement, however, does not apply for maintenance performed on the air carrier's smaller aircraft that are not maintained under a CAMP.

The only "authority" we are aware of for NetJets to *require* a repair station to follow paragraph (b) of appendix B, instead of paragraph (a), would be the leverage afforded it through its contract with the repair station. The FAA's regulations do not provide a certificated entity such as an operator any authority to require another certificated entity to do anything—other than, of course, advising a party that it is bound to follow the regulations. In this matter, paragraph (b) provides an optional alternative to complying with paragraph (a). A repair station that performs a major repair may, if it chooses, follow both paragraphs (a) and (b) of appendix B—it could execute and file a Form 337, and it could, for its customer, use the customer's work order and complete the remaining steps in paragraph (b) at its customer's request.

I trust this letter is responsive to your questions. We apologize for the delay in responding to your original e-mail, but as this office advised you in an e-mail responding to your July 13 inquiry, a logistical error delayed our processing your request. This response was prepared by Edmund Averman, an attorney in the Regulations Division in the Office of the Chief Counsel,

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[2] A customer is: "One who buys goods or services." *Webster's II New Riverside University Dictionary*, The Riverside Publishing Company, Copyright 1984 by Houghton Mifflin Company.

and coordinated with the Aircraft Maintenance Division (AFS-300) in the FAA's Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Lorelei Peter
Acting Assistant Chief Counsel for Regulations, AGC-200