NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.47

National Policy

Effective Date:
7/21/08

Cancellation Date:
7/21/09

SUBJ: Foreign Repair Stations Initial Certification after August 3, 2008

1. Purpose of This Notice. This notice informs Flight Standards Regional and International Field Offices (IFO) aviation safety inspectors (ASI) of the impending moratorium on new Title 14 of the Code of Federal Regulations (14 CFR) part 145 certification of foreign repair stations. This notice provides information to meet the requirements of the legislation derived from the suggestions of the 9-11 Commission.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) ASIs who have the responsibility to review applications for part 145 foreign repair stations. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters.

3. Where You Can Find This Notice. ASIs can access this notice through the Flight Standards Information Management (FSIMS) at http://fsims.avs.faa.gov. Industry, applicants, and other non-FAA persons can access this notice through FSIMS at http://fsims.faa.gov.

4. Background. In August 2007, the President signed into law legislation implementing suggestions from the 9-11 Commission. Of those suggestions implemented, one included a provision that prohibited the Federal Aviation Administration (FAA) from issuing new foreign repair station certificates (although renewals could still be processed) unless the Transportation Security Administration (TSA) issued its final repair station security rules. In addition, the legislation shortened the time that TSA has to audit foreign repair stations from 18 months to 6 months once the rule is effective.

a. The law further mandates that:

(1) TSA has one year after enactment (August 2007) to issue security regulations concerning part 145 foreign repair stations.

(2) If the regulations are not issued within the allotted time (August 3, 2008), the FAA is prohibited from certificating a foreign repair station unless:

- The repair station was previously certificated, or,
- The repair station is in the process of certification.

b. Once the security rules are issued, the law:

- Gives TSA only 6 months to conduct audits of all foreign repair stations, and
- Prohibits the FAA from certifying any foreign repair station other than those previously certificated, or in the process of certification, until the TSA audits have been completed.

Note: Amended Public Law 110-53, dated August 3, 2007, Sec. 1616, Repair Station Security, updated 49 U.S.C. § 44924 states:

"(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—
If the regulations required by section 44924(f) of Title 49, United States Code, are not issued within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of Title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.
(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—
Subsections (a) and (d) of section 44924 of Title 49, United States Code, is amended—
(1) in each of subsections (a) and (b) by striking '18 months' and inserting '6 months;' and
(2) in subsection (d) by inserting '(other than a station that was previously certified, or is in the process of certification, by the Administration under this part)' before 'until.'"

5. Procedures.

a. Renewals of existing part 145 foreign repair stations will continue as defined in current guidance contained in Order 8900.1.

b. New applications received prior to August 3, 2008, will be evaluated/processed in accordance with Order 8000.92, AFS Certification Service Oversight Process (CSOP). As outlined in Order 8000.92, management will evaluate resources and determine the status. If resources are determined to be available and the status is "green" prior to August 3, 2008, they will be considered "in process" and the certification will continue.

c. FAA Order 8900.1, Volume 2, Chapter 11, Section 7, International Field Office Initial Certification of Repair Stations Under the Maintenance Implementation Procedures of a Bilateral Aviation Safety Agreement, states in part: "Once the National Aviation Authority of a country covered by a Bilateral Aviation Safety Agreement with Maintenance Implementation Procedures determines that the applicant AMO meets their AMO requirements and FAA Special Conditions; the NAA will recommend FAA certification." The FAA will continue to accept and process these application packages received prior to August 3, 2008 in accordance with FAA Order 8900.1. Beginning August 4, 2008, these application packages may continue to be received but the certification process will not proceed.

d. New applications received after August 3, 2008, for a part 145 foreign repair station certificate will be placed in CSOP and will not proceed with certification. A letter explaining why the certification can not be performed will be sent to the applicant.

6. Disposition. This guidance will be incorporated into FSIMS before the notice expires if TSA has not issued its repair station security rules. Direct questions concerning this notice to the Repair Station Branch, AFS-340, at (202) 267-7404.

ORIGINAL SIGNED by
John Allen for

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Director, Flight Standards Service