NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.533

National Policy

Effective Date:
12/17/19

Cancellation Date:
12/17/20

SUBJ: Decommissioning OpSpec D091, Requirements: Air Carrier Maintenance Providers

1. Purpose of This Notice. This notice announces the decommissioning of the operations specification (OpSpec) D091 templates. It directs inspectors having oversight responsibilities of Title 14 of the Code of Federal Regulations (14 CFR) part 121 air carriers to archive OpSpec D091 from the operators' issued authorizations. This notice also directs inspectors having oversight responsibilities of combined part 121/135 certificate holders conducting part 121 operations to reissue OpSpec A004, Summary of Special Authorizations and Limitations, and archive OpSpec D091 from the operators' issued authorizations.

2. Audience. The primary audience for this notice is aviation safety inspectors (ASI) within the Flight Standards Service (FS) who have certification and surveillance responsibilities for 14 CFR part 119 certificated air carriers conducting operations under part 121. The secondary audience includes ASIs with certification and surveillance responsibilities for part 119 certificated air carriers conducting operations under 14 CFR part 135, and the FS Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators can find this notice on the Federal Aviation Administration's (FAA) website at http://fsims.faa.gov. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. In 2009, the FAA amended OpSpec D091 due to the findings of the Department of Transportation (DOT) Office of Inspector General (OIG) Report Number AV-2008-090, Air Carriers' Outsourcing of Aircraft Maintenance. This OIG investigation, along with others, identified deficiencies in maintenance performed by air carrier contract maintenance providers (CMP). The amendment to D091, in part, included the adoption of the term "essential maintenance" and its meaning.

a. In 2012, the FAA Modernization and Reform Act of 2012 (the Act) required the FAA to issue regulations for "covered work," and additional terms and conditions that would apply to persons who provide contract maintenance workers, services, or maintenance functions on behalf

of a part 121 air carrier for covered work. The Act defined "covered work" as any of the following:

(1) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used.

(2) Regularly scheduled maintenance.

(3) A Required Inspection Item (RII) (as defined by the Administrator).

b. In 2015, the FAA addressed the statutory requirements of the Act in a final rule, which became effective on March 4, 2016. The rulemaking, in part 121, §§ 121.368 and 121.369(b)(10) and part 135, §§ 135.426 and 135.427(b)(10), requires affected air carriers to develop policies, procedures, methods, and instructions for performing contract maintenance that are acceptable to the FAA, and to include them in their maintenance manuals. The rules also require air carriers to provide a list to the FAA of all persons with whom they contract their maintenance.

5. Discussion. When measuring the administrative burden to apply for, issue, and maintain the OpSpec, the FAA has determined there is no safety benefit derived when compared to the requirements in 14 CFR. For this reason, we are decommissioning OpSpec D091.

a. Specific Justifications for Discontinuing Issuance of OpSpec D091. The table below lists the requirements of OpSpec D091 and the associated regulations.

OpSpec D091 Requirements	14 CFR Regulatory Requirements
Subparagraph b, Manual requirements.	§§ 121.369(a), 135.427(a)
Subparagraph c, Essential Maintenance Providers (EMP).	§§ 121.368(h), 135.426(h)
Subparagraph d, Essential maintenance.	§§ 121.368(a)(2), 135.426(a)(2)
Subparagraph e, Continuing Analysis and Surveillance System (CASS).	§§ 121.368(f), 135.426(f)
Subparagraph f, Manual requirements.	§§ 121.369(a), 135.427(a)
Subparagraph g, CASS.	§§ 121.368(f), 135.426(f)
Subparagraph h, Scope of work authorized.	§§ 121.368(c) and (e), 135.426(c) and (e)
Subparagraph i, CASS.	§§ 121.368(f), 135.426(f)
Subparagraph j, CASS.	§§ 121.368(f), 135.426(f)
Subparagraph k, Manual availability.	§§ 121.137(a), 135.21(d)
Subparagraph l, Responsible personnel.	§ 119.59

b. Essential Maintenance, §§ 121.368(a)(2) and 135.426(a)(2). We have revised the longstanding definition of "essential maintenance" as defined in OpSpec D091 to correctly align with its regulatory basis in §§ 121.368(a)(2) and 135.426(a)(2).

(1) Definition of Essential Maintenance. Essential maintenance is defined as the performance of maintenance that is associated with an air carrier RII, on-wing. Essential maintenance does not encompass any off-wing maintenance. This maintenance, if done improperly or if improper parts or materials were used, could result in a failure effect that would endanger the continued safe flight and landing of the airplane.

(2) Definition of Essential Maintenance Provider (EMP). An EMP is defined as any person with whom a part 121 or 135 certificate holder has arranged with for the accomplishment of essential maintenance.

(3) Definition of Non-EMP. A non-EMP is defined as any person with whom a part 121 or 135 certificate holder has arranged with for the performance of maintenance, but does not perform essential maintenance.

c. Directly in Charge, §§ 121.368(a)(3) and 135.426(a)(3). "Directly in charge means having responsibility for covered work performed by a maintenance provider. A representative of the certificate holder directly in charge of covered work does not need to physically observe and direct each maintenance provider constantly, but must be available for consultation on matters requiring instruction or decision." The term "available for consultation" must be broadly interpreted. This allows the certificate holder flexibility to use numerous information technology methods, such as high-resolution photographs, text messaging, and the internet, to acquire the information necessary to make decisions and provide instructions.

d. Onsite Audits of EMPs. Before adding an EMP to the list required by § 121.369(a) or 135.427(a), the certificate holder should have a means to determine that each proposed EMP has an organization adequate to perform the work. Regulations do not specifically require on-site audits of EMPs. However, §§ 121.368(f) and 135.426(f) require that certificate holders must ensure that the system for continuing analysis and surveillance, required by §§ 121.373(a) and 135.431(a), contains procedures for oversight of all contracted covered work. As stated in §§ 121.368(g) and 135.426(g), these procedures must be acceptable to the FAA and included in the certificate holder's manual as required by §§ 121.369(b)(10) and 135.427(b)(10).

e. Manual Requirements, §§ 121.369(a) and 135.427(a). Certificate holders should use the following five categories when including a general description of work as required by these regulations:

(1) Aircraft maintenance:

- Heavy maintenance, and
- Line maintenance.

(2) Aircraft engine work.

(3) Propeller work.

(4) Component work.

(5) Specialized service.

f. Reporting Requirements, §§ 121.368(h) and 135.426(h). This section requires that each certificate holder who contracts for maintenance, preventive maintenance, or alterations must provide to its responsible Flight Standards office, in a format acceptable to the FAA, a list that includes the name and physical (street) address, or addresses, where the work is carried out for each maintenance provider that performs work for the certificate holder, and a description of the type of maintenance, preventive maintenance, or alteration that is to be performed at each location. The list must be updated with any changes, including additions or deletions, and the updated list provided to the FAA in a format acceptable to the FAA by the last day of each calendar month.

(1) The established standard for this information collection is the Maintenance Provider List (MPL) Excel file that can be created within the Contractors tab in the Safety Assurance System (SAS) Module 1. Using SAS automation, principal inspectors (PI) may export this file and provide it to the certificate holder, who will then make additions or deletions as required and return it to the PI for import into SAS. Certificate holders may also satisfy the requirements of this information collection by submitting a change request via the SAS External Portal. This format provides for standardized reporting and import of MPL data into SAS. In some cases, such as a small air carrier with a small number of maintenance providers, ASIs may work with certificate holders to tailor the reporting method based on the complexity of the certificate holder's contract maintenance program. In all cases, and regardless of the reporting format, PIs must ensure that all maintenance providers are listed within the Contractors tab in SAS.

(2) For each maintenance provider, the certificate holder must list all locations where maintenance is performed. Keep in mind that the business address for the maintenance provider may not necessarily be the address where the maintenance is actually performed. If the maintenance is performed at an airport, the airport code meets the intent of the rule.

(3) Certificate holders should use the following eight categories, as applicable, to provide a description of the type of maintenance, preventive maintenance, or alteration that is to be performed at each location:

(a) Essential maintenance (covered work).

(b) Regularly scheduled maintenance (covered work).

(c) An RII on an aircraft (covered work).

(d) Aircraft maintenance:

- Heavy maintenance, and
- Line maintenance.

(e) Aircraft engine work.

(f) Propeller work.

(g) Component work.

(h) Specialized service.

(4) As applicable, the following maintenance providers will be listed when performing maintenance on behalf of the certificate holder:

(a) FAA certificated repair stations (CRS).

(b) Certificated air carriers.

(c) Individual Airframe and Powerplant (A&P) mechanics that the certificate holder directly contracts with to perform maintenance. Examples of this include on-call or flight mechanics.

(d) Individual A&P mechanics that are employed by a non-certificated entity and perform maintenance on behalf of the certificate holder.

(e) Individual A&P mechanics employed by a certificated repair station, that use their A&P certificate to sign for maintenance performed on behalf of the certificate holder.

(f) Canadian Approved Maintenance Organizations (AMO).

(g) Individual Canadian Aircraft Maintenance Engineers (AME).

(5) Subcontractors used by the first tier maintenance provider should not be listed. The certificate holder should have procedures in its manual for accepting these subcontractors at the forefront of the airworthiness agreement, and procedures that ensure the certificate holder is made aware of any changes to subcontractors.

(6) The MPL should also include non-certificated repair stations/entities that provide, or arrange for, contract maintenance workers, services, or maintenance functions for an air carrier.

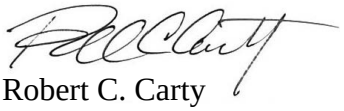
6. Action. Effective with this notice, but no later than January 31, 2020, ASIs assigned to part 121 air carriers and combined part 121/135 certificate holders conducting part 121 operations are directed to:

a. Notify Certificate Holder. Notify your certificate holder that OpSpec D091 is no longer necessary and, therefore, we have discontinued its use.

b. Archive OpSpec D091.

- For part 121 certificate holders, archive OpSpec D091 from the operator’s issued authorizations.
- For part 121/135 combined certificates, once the OpSpec D091 template has been decommissioned, reissue OpSpec A004 and archive OpSpec D091 from the operator’s issued authorizations.

7. Disposition. We will incorporate relevant material from this notice into FAA Order 8900.1; Advisory Circular (AC) 120-16, Air Carrier Maintenance Programs; and SAS Data Collection Tools (DCT) before this notice expires. In the interim, ASIs are directed to refer to the information in this notice when performing oversight of §§ 121.368 and 135.426. Direct questions concerning the information in this notice to the Aircraft Maintenance Division at 202-267-1675.



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