



Federal Aviation Administration

Memorandum

Date: SEP 28 2007

To: Manager, Technical Branch, AEA-230

Original Signed By *Rick Domingo*

From: *for* David E. Cann, Manager, Aircraft Maintenance Division, AFS-300

Prepared by: Dan Bachelder, Manager, Repair Station Branch, AFS-340

Subject: 14 CFR 145.217(b) (3); your memo dated 08/03/07

Your memorandum asked for guidance concerning the requirements of Title 14 Code of Federal Regulations (14 CFR) section 145.217(b)(3), that states, "The certificated repair station verifies, by test and/or inspection, that the work has been performed satisfactorily by the non-certificated person and that the article is airworthy before approving it for return to service." This memorandum only pertains to your specific question and is not intended to cover all scenarios for test and/or inspection.

Your memorandum states a repair station in your district repairs component parts of accessories and that one step in that repair requires a part to be nitrided. The repair station contracts that maintenance function to a noncertificated source because the repair station does not have the necessary equipment to perform the nitriding process. To ensure the nitriding process was performed satisfactorily, the repair station requires the noncertificated facility to send a test coupon, documents describing the maintenance performed, and results of their analysis back to the repair station with the nitrided part. You also stated the repair station sends the test coupon to an independent accredited testing laboratory for analysis.

Your question is, can the repair station contract the test and/or inspection required by 14 CFR section 145.217(b)(3) to verify the work was completed properly and the article is in an airworthy condition?

The preamble to the proposed 14 CFR part 145 rule dated June 21, 1999, states; "The provisions of the repair station's quality control system specified in proposed § 145.201(a)(2) and § 145.209(c)(2) would require it to inspect articles and materials on which contract maintenance was performed. This mandatory inspection process would ensure that the requisite high level of safety is maintained when..." The use of the preposition "it" would imply the repair station must perform the test/or inspections. The subsequent preamble of the final rule dated August 6, 2001, states; "The certificated repair station also must remain directly in charge of the work and verify,

by test or inspection, that the work was performed satisfactorily and that the article is airworthy before approving the article for return to service.” The preamble also goes on to state, “The FAA also notes that with regard to the inspection requirements, a repair station is always responsible under § 145.213 for ensuring that an article is inspected and that a determination is made that the article is airworthy.” Although preambles are not enforceable, they provide insight into the direction and reasoning behind the proposed rule.

Section 145.217(b)(3) is clear that the repair station must verify by test and/or inspection, that the work has been performed satisfactorily by the noncertificated person and the article is airworthy before approving it for return to service.

This specific repair station would meet the intent of § 145.217(b)(3) by utilizing an independent accredited testing laboratory to provide an analyses of the nitrided process on each test coupon. In doing so, the repair station must have inspection personnel trained with the ability to interpret the analysis provided by the independent laboratory and determine airworthiness of the nitriding process. Furthermore, the repair station must continue to meet all the requirements of § 145.213.

If the repair station cannot meet the requirements of the rule, then they may send that function to a properly rated and certificated 145 repair station for that maintenance function. In this case the required nitriding of the part.

cc: AFS300, AFS340, Bean

AFS340:GWBean:dmb:08/23/07:WP:G/AFS300/Avery Attachments/Regional Inquiry/Response

AEA-230 14CFR145217 (rev.2)

Rewritten:DBachelor:dmb:09/28/07