



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

NOV 4 2008

The Honorable John L. Mica
Committee on Transportation
and Infrastructure
House of Representatives
Washington, DC 20515

Dear Congressman Mica:

Thank you for your August 22 letter expressing concern about the Federal Aviation Administration's policy regarding the issuance of new certificates to foreign repair stations that submitted Pre-application Statements of Intent (PASI) before August 3, 2008. I apologize for the delay, but we wanted to conduct a thorough review before responding in writing.

August 3, 2008 is the date specified in the "9/11 Commission Recommendation Act of 2007" (the Act) for the Transportation Security Administration (TSA) to issue a final rule on repair station security. In the absence of a TSA final rule issued by this date, the Act prohibits the FAA from issuing certificates to new foreign repair stations if their PASIs were not "in process" by the cut off date. The TSA final rule has not yet been issued; therefore, the August 3, 2008 restriction is currently in place.

Before the passage of the Act, when any PASI was evaluated, the application was placed in either "green status" or "red status" depending on the availability of FAA resources. If the International Field Office (IFO) determined that it had the resources to proceed with processing the application, it was moved from "red" to "green" status. Once the Act was passed, the FAA issued guidance that applications received before August 3, 2008 should be considered "in process" in accordance with the language of the Act and proceed toward certification only if the application was already in "green status" and in the process of being actively certified. PASIs that had been received before August 3, 2008, but were in "red status" as of that date, were to remain pending, with certification to proceed immediately upon issuance of TSA's final rule.

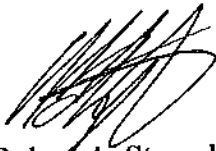
In your letter, you stated that you believe that any PASI received before August 3, 2008 should be considered "in process" and eligible for certification, and only those PASIs received after that date should be required to wait until TSA final action.

We have considered your interpretation and believe that an amendment to our current policy is appropriate. Consequently, we will shortly issue amended guidance to instruct our IFOs that any PASI received before August 3, 2008 should be considered eligible for certification pending availability of FAA resources. All PASIs received after August 3, 2008 will be placed in a pending status and assigned an office tracking number for FAA certification to begin after TSA issues its final rule.

Thank you for your input on this important matter.

If I can be of further help, please contact me or Mr. Chris Brown, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,



Robert A. Sturgell
Acting Administrator

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CONCURRENCES
ROUTING SYMBOL AIVS-1
INITIALS/SIG M. Gilligan
DATE 10/24/08
ROUTING SYMBOL AGI-1
INITIALS/SIG CB
DATE 10/20/08
ROUTING SYMBOL AOA-3
INITIALS/SIG RLI
DATE 10/24/08
ROUTING SYMBOL ADA-1
INITIALS/SIG RL
DATE 10/28
ROUTING SYMBOL AOA-2
INITIALS/SIG JMM
DATE 10/31/08
ROUTING SYMBOL AEC-6.0
INITIALS/SIG KMT
DATE 10/31/08
ROUTING SYMBOL AOA-2
INITIALS/SIG AFTER AEC
DATE

FAA-080828-010