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## NATA Aircraft Maintenance & System Technology Committee Best Practices

### *Capability List*

#### **History**

In August 2001, the Federal Aviation Administration (FAA) published the first complete rewrite of CFR Part 145 since 1962. The rule was revised several times prior to 2001, including in 1988 which accounted for foreign repair stations, but the 2001 publication is the most extensive to date. The regulation was revised to keep pace with the rapid growth in the industry and the advancement in aircraft technology. The revision captured industry best practices and codified specific FAA policy that had been in place for some time. It is with the 2001 final rule that we see the establishment of the Capability List (CL).

Prior to the 2001 rewrite, § 145.11(a)(4) required the repair station applicant for a propeller Class 2 rating or any accessory rating to prepare a list by type or make, as applicable, of each propeller or accessory approval sought. It was out of this regulation that the FAA developed the policy and the term “capability list.” During the late 1980s when the FAA was certifying foreign repair stations, the policy broadened and was used for other ratings beyond what the rule required at the time. The FAA required the inspector to approve the CL including the revisions. As a consequence, it was extremely difficult for the repair station to keep the CL up to date.

#### **Current State**

The regulation and policy in place today have a very different approach to the use and control of the CL. Under the current rule, § 145.215, a certificated repair station with a Limited rating may perform maintenance, preventive maintenance, and alterations on an article if the article is listed on its current capability list acceptable to the FAA or on the repair station's operations specifications (Ops Specs). Use of a CL is optional since repair stations can also maintain their capabilities on their operations specifications. If a repair station with a limited rating chooses to use the CL, its Ops Specs will not need to be revised each time a new article is added to the list.

A repair station can refer to the CL on the Ops Specs and keep the actual list separate, allowing for flexibility when making revisions to the CL. For those repair stations that choose this option, the Ops Specs contains standard paragraph language developed by the FAA that states “From the accepted Capability List, as amended.” Evidently this statement, specifically the use of the word “accepted,” is leading some FAA inspectors to require that the CL be accepted by the FAA before the repair station can use the revised CL.

This is not an accurate application of the rule, FAA policy or the AC. First, the regulation requires the CL to be acceptable to the FAA, not accepted by the FAA. What is the difference? For the CL to be acceptable to the FAA means it does not require specific FAA review and affirmative acceptance before use. Advisory Circular AC 145-9, and FAA policy in Order 8900.1 echo the regulations regarding “acceptable to.”

The manual contents listed in § 145.209(d) require the repair station to have procedures for:

- Revising the CL,
- Notifying the CHDO of the revisions to the list, and
- Including how often the CHDO will be notified of the revisions.

The manual must also contain procedures for conducting the self-evaluation required by § 145.215, including:

- Methods and frequency of evaluations, and
- Procedures for reporting the results to the appropriate repair station manager for review and action.

The self-evaluation conducted by the repair station must determine if the repair station has all the housing, facilities, equipment, material, technical data, processes and trained personnel in place to perform the work.

The bottom line is that the regulations leave it up to the repair station to develop the CL through the use of self-evaluations that are reviewed by the designated manager inside the repair station prior to the CL being used.

FAA policy in Order 8900.1 Volume 2 Chapter 11 does not require the FAA inspector to accept prior to use the repair station CL. On the contrary, it states in part, “A repair station that chooses to use a CL must maintain a current CL acceptable to the FAA...” So again, the FAA does not need to provide an affirmative acceptance.

AC 145-9 section 4-3 describes the methods a repair station can use when conducting the self-evaluation and the personnel requirements for those that perform the evaluation. However, further in this section, the AC does seem to contradict the regulation and other FAA policy. On page 25 in paragraph e, the AC states, “RSM procedures should describe the acceptance process for the company officials and the FAA.” Continuing in paragraph f, the AC states in part, “...the revised list and any other technical data can be submitted with a cover letter....to the PI at the CHDO. The PI will review the revisions and, if the revisions are satisfactory, signify acceptance by signing and dating the appropriate document.” This contradicts what the regulation requires and the FAA’s definition of “acceptable to.” It may be well worth the effort of FAA’s policy makers to look at the regulations and study the advisory material and inspector policy to ensure these contradictions are corrected before a larger problem arises.

To date, a few repair stations have had an issue with their inspector needing to accept the CL before allowing the repair station to implement the revisions. Some of the confusion may arise from the fact that the repair station does prepare correspondence in some form, email, letter, etc., to comply with the notification requirement of the rule when revising a CL, and the inspector may very well acknowledge that transmittal.

There are instances where the repair station may let the FAA accept the CL; in that case, those individual RSMs will contain procedures describing how that is implemented. This may be a slippery slope, however, as the procedures must be very clear to ensure the FAA doesn't lose sight of the repair station's ability to revise and notify without a holdup for "acceptance," thereby losing the flexibility to add and delete capabilities.

In any case, if there is a problem with revising the CL and the local inspector is asking for more than the regulation requires regarding "acceptable to," perhaps an in-depth discussion of the regulations and, if necessary, a policy clarification from Washington may be in order.