

January 12, 2011

Docket Management System  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Room W12-140  
Washington, DC 20590-0001

**RE: DOCKET NO FAA-2010-1060, POLICY CLARIFYING DEFINITION OF "ACTIVELY ENGAGED FOR PURPOSES OF INSPECTOR AUTHORIZATION"**

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

NATA appreciates the opportunity to provide these comments on the Notice of Proposed Policy (NPP), Clarifying Definition of "Actively Engaged" for Purposes of Inspector Authorization. The NPP intends to modify Flight Management System Order 8900.1 to clarify the definition of *actively engaged* as it pertains to receiving and renewing an inspector authorization (IA). The stated purpose is to aid aviation safety inspectors (ASI) in identifying individuals with sufficient experience to hold an IA based on their work activity during the prior two year period. The NPP appears to be a result of a 1988 Federal Aviation Administration (FAA) memo, which was officially retracted earlier this year, in which the FAA sought to define IA renewal requirements by imposing specific hour requirements. While NATA understands and appreciates the FAA's intent to seek consistency, we believe the proposed language severely limits the availability of an IA to qualified individuals.

NATA has two primary concerns with the proposed language:

1. Many A&Ps who currently hold maintenance supervisory positions would be unable to retain their IA.
2. The probable loss of individuals with an IA due to this policy change.

### **Maintenance Supervision**

In the guidance update issued in 1988, the FAA stated that *actively engaged*, included "those individuals employed full-time in inspecting, *supervising*, overhauling, repairing, preserving, or replacing parts on certificated aircraft." However, in the newly proposed language, the FAA fails to include previously eligible individuals in supervisory positions by omitting the term *supervising*. The preamble did not state that the intent of the proposed language was to omit the term nor was there consideration of the economic impact of this proposed change. NATA believes the omission is inadvertent and should be corrected in the final language. There is also no evidence to support a detriment to safety standards under the previously accepted language. Many individuals who do not perform direct maintenance activity rely on their IA as proof of past experience and as a means to show required expertise to perform their duties in a Part 145 repair station and/or Part 135 air carrier environment.

NATA believes that denial of IAs to maintenance supervisors is inconsistent with both the requirements for an A&P and IA in Part 65.

Section 65.83(b)(2) "Recent Experience Requirements" qualifies those who technically supervised other mechanics, and § 65.83(b)(3) states that a certificated mechanic may exercise his privileges of his certificate if he has for at least six months "*Supervised, in an executive capacity*, the maintenance or alteration of aircraft." We recommend the language in Order 8900 remain consistent with § 65.83.

Furthermore, the FAA suggests that a carve-out be in place in order to prevent ASIs from losing their IAs due to imposed work limitations. NATA believes that this same exemption should exist for those in indirect supervisory positions. Supervisory responsibilities similarly lead to the inability to perform certain functions, yet in many cases maintaining IA currency is necessitated by the need to carry out executive job requirements within an organization.

### **IA Suspension and Appeals**

NATA is concerned with the number of repair stations and fixed base operators that may be negatively impacted by the potential loss of individuals with an IA. In the NPP, the FAA recognizes that part-time or occasional activity can qualify for an IA but leaves the determination up to the individual interpretation of the ASI who will consider the type of maintenance performed, any special expertise required, and the quantity of maintenance activity. The NPP preamble even states that an ASI may deem an individual qualified in some cases if the mechanic "performs maintenance in a geographical area that has limited access to some special expertise or retired mechanic who occasionally performs maintenance as needed." However, this broad interpretation is not included in the language of the proposed amendment of Section 7, Paragraph 5-1279 in FAA Order 8900.1, Volume 5, Chapter 5.

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NATA requests that the FAA exercise balanced consideration when assessing IA qualification renewal credentials. Under the newly proposed language, ASIs are given increased discretion in renewal determinations without clearly defining what the limits of the new parameters should be. The FAA adopted policy should continue to account for those who hold an IA for the purposes of instruction, supervision, and those with particular and unique skills used in locations with specific need for these skill sets.

NATA hopes that redefining the term *actively engaged* as it is used in § 65.91 does not set a bar that is neither clear to the ASI or the applicant. Denial of an IA renewal should strongly consider the potential detriment to an organization or the applicant and be measured against its impact on aviation safety. NATA believes that in its present form the language recognizes that all maintenance activity in a Part 135 or 145 repair station environment is counted towards being actively engaged.

### **Conclusion**

NATA appreciates the work the FAA has put into creating a policy to address standardization concerns in determining whether an individual qualifies as being actively engaged. However, NATA questions whether the currently proposed language will actually result in standardization. Much of the success or failure of this effort will be in the use of a correctly interpreted definition by ASIs. NATA would like to request that the FAA consider the foregoing comments in crafting the final policy change in order to alleviate a negative impact on repair stations, FBOs and A&Ps nationwide, while providing acceptable means for the agency to determine IA eligibility. Through cooperation among NATA, other associations, repair station operators, independent A&Ps and the FAA, we can ensure that the adopted policy language further improves standardization efforts and ensures the continued recognition of IAs in facilitating aviation safety.

Respectfully,



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