



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado, Idaho, Montana,
Oregon, Utah, Washington,
Wyoming

Flight Standards Regional Office
1601 Lind Ave SW
Renton, Washington 98057
425-227-2200

February 13, 2017

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED],

In our letter to you dated August 23, 2016, regarding the maintenance of aircraft certificated in the Restricted Category, we responded to your request of whether certain maintenance tasks could be performed by a facility that does not hold a certificate issued by the Federal Aviation Administration (FAA) provided that an FAA certificated mechanic holding Airframe and Powerplant ratings (A&P) supervised that work. The FAA Flight Standards Service, Aircraft Maintenance Division, AFS-300, in Washington D.C., concluded that the repair would be acceptable as long as the A&P is supervising the work being performed by the non-certificated entity. Per Title 14 Code of Federal Regulations (14 CFR) section 43.3(d), a non-certificated person cannot perform maintenance, preventive maintenance, rebuilding or alterations on an aircraft, airframe, engine, propeller, appliance, or component part unless under the direct supervision of the holder of a mechanic or repairman certificate. The regulation stipulates that the A&P supervising that work must be authorized to perform that work and “personally observe” that work. Additionally, the supervising A&P must be “available in person” for consultation.

Following receipt of our letter, you had asked for clarification on whether the A&P had to be on-site at the location where the work was being performed to observe the work being done, or whether they could make the determination of airworthiness after the work was completed. We again forwarded that question to AFS-300. Specifically, we requested a determination of FAA policy as to the meaning of “personally observe” and being “available in person” for consultation.” Also, we asked if the A&P has not performed this metallurgical work (plating) previously, would the review of the technical data suffice to meet the intent of part 65.81(a)?

In the reply, AFS-300 provided definitions and clarifications for these terms in the context of the regulation and then summarized their determination of policy regarding the regulations to which they apply.

Regarding the term, “*personally observe*” the meaning of that statement is when a certificated mechanic or repairman is in the act of noticing something or a judgment or inference from something seen or experienced by that person.

For the term “*available in person*” the meaning of that statement is when the certificated mechanic or repairman is focused only on the specific task and physically in the locations of the maintenance, rebuilding and alteration task performance.

As to the question, “*If the A&P has not performed this metallurgical work (plating) previously, would the review of the technical data suffice to meet the intent of part 65.81(a)*” the response stated, “In accordance with part 65.81(a), he may not supervise the maintenance, preventive maintenance, or alteration of, or approve and return to service, any aircraft or appliance, or part thereof, for which he is rated unless he has **satisfactorily performed the work concerned at an earlier date**. If he has not so performed that work at an earlier date, he may show his ability to do it by **performing it to the satisfaction of the Administrator or under the direct supervision of a certificated and appropriately rated mechanic, or a certificated repairman, who has had previous experience in the specific operation concerned.**”

Determination

In summary, in accordance with the current regulation, the certificated mechanic or repairman will determine the level of his observation, dependent on each task within the process of the maintenance, rebuilding and alteration. The certificated mechanic or repairman shall be physically available in the locations of the maintenance, rebuilding and alteration. If the certificated mechanic or repairman has not performed the work at an earlier date, he may show his ability to do it by performing it to the satisfaction of the Administrator or under the direct supervision of a certificated and appropriately rated mechanic, or a certificated repairman, who has had previous experience in the specific operation, in this case chrome plating.

We trust this response fully depicts the FAA’s position on this matter.

Thank you for the opportunity to assist you in providing this information and for your interest in aviation safety. If you or members of your staff have further questions, please contact specialist Greg Young at (425) 227-2254 or email at greg.young@faa.gov.

Sincerely,



Dave Menzimer
Manager, Technical Branch-General Aviation
ANM-230