

AlliedEagles LLC / TurboPlus
38415 Innovation Court Unit L
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[Docket No.: FAA-2010-1060]

Policy Clarifying Definition of ``Actively Engaged'' for Purposes of Inspector Authorization

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Policy.

SUMMARY: This action proposes to clarify the term ``actively engaged'' for the purposes of application for and renewal of an inspection authorization. This proposal would amend the Flight Standards Management System Order 8900.1.

Background:

The stated objective, "To clarify the term ``actively engaged'' for the purposes of application for and renewal of an inspection authorization", appears to have been missed for all except those full-time employed with primary duty as line mechanic or direct supervisor of line mechanics. The full-time employed A&P mechanics and supervisors were never in question as to whether or not they were "actively engaged".

The following guidance as stated in the proposed change does not provide an objective minimum for the ASI to judge evidence provided by the applicant nor is there any provision to appeal the subjective judgment of the ASI.

"Whether that part-time or occasional employment or participation constitutes actively engaged depends on the circumstances. For that reason, those determinations must be made by the ASI reviewing the application. To make the determination..."

Comments:

1. Persons who have primary duties in management, administration, engineering or other related technical disciplines, who hold an inspection authorization and have secondary duties to perform modifications, repair, maintenance and inspections of certificated aircraft would be left to the subjective judgment of the individual ASI as to their eligibility for renewal.
2. Particularly at risk are IA holders employed by Production Approval Holders (PAH) engaged in manufacture of modification articles. By necessity they have primary duty functions not directly related to on-aircraft actions, but because of their in-depth product knowledge are necessary to perform occasional aircraft (major modification) inspection of field installation of the articles and appliances produced by the PAH.
3. Also for temporary conditions such as:
 - Illness and injury
 - Unemployment
 - Part-time employment and seeking full-time employment

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The IA holder needs to have a mechanism to keep their IA active if this condition exists on March 31. The eight-hour approved training option appeared to have filled this void quite well.

- It gives the FAA control of what the reduced activity IA needs to stay current on, and objective evidence that the person possess that knowledge.
- It also gives the holder a clear objective definition of the requirements to keep the inspection authorization active during the period of reduced activity.
- The active status of the IA could likely make the difference to a prospective employer as to hire or pass on an applicant.

4. If clarification of “actively engaged” is desired then I suggest using the current codified definition for A&P in §14 CFR 65.83:

A certificated mechanic may not exercise the privileges of his certificate and rating unless, within the preceding 24 months-

(a) The Administrator has found that he is able to do that work; or

(b) He has, for at least 6 months-

(1) Served as a mechanic under his certificate and rating;

(2) Technically supervised other mechanics;

(3) Supervised, in an executive capacity, the maintenance or alteration of aircraft; or

(4) Been engaged in any combination of paragraph (b) (1), (2), or (3) of this section.

This change is not clarification and should be scrapped. The result of implementation of this proposed change would be an even greater inconsistent application of requirements from FSDO to FSDO.

Please Don't Codify Ambiguity and Call it Clarification

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AOPA