



**PURSUANT** to Sections 28 and 30 of the Civil Aviation Act 1990

**I, STEVEN JOYCE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *20<sup>th</sup>* day of *September* 2010

by **STEVEN JOYCE**

A handwritten signature in black ink, appearing to be 'S. Joyce', is written over the printed name 'STEVEN JOYCE'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Minister of Transport

**Civil Aviation Rules**

**Part 145, Amendment 10**

**Aircraft Maintenance Organisations -- Certification**

***EDTO - Docket 0/CAR/1354***

## Contents

Rule objective .....	3
Extent of consultation.....	3
Summary of submissions .....	4
Additional consultation .....	4
Summary of additional submissions.....	5
Examination of submissions.....	5
Insertion of Amendments .....	5
Effective date of rule.....	5
Availability of rules.....	5
<b>Part 145 Amendments</b>	<b>6</b>
<b>Subpart B — Certification Requirements</b>	<b>6</b>
145.60 Authorisation procedures.....	6
<b>Consultation Details</b>	<b>10</b>

### **Rule objective**

The objective of amendment 10 to Part 145 is to amend the rule for the authorisation of maintenance personnel to include a requirement for training and refresher training for those persons authorised to perform maintain on aeroplanes that are authorised for EDTO.

Amendment 10 to Part 145 is associated with Amendment 21 to Part 121.

### **Extent of consultation**

In 2002 the CAA commenced a project to review the ETOPS requirements for aeroplanes operating under Parts 121 (large aeroplanes), 125 (medium aeroplanes), and 135 (small aeroplanes) and to incorporate the standards contained in AC121-1 into the rules. Shortly thereafter the Federal Aviation Administration (FAA) of the United States signalled its intention to review the FAR requirements for ETOPS and so the CAA project was held over until the FAA intentions became clearer.

In 2005 the Civil Aviation Safety Authority of Australia (CASA) decided to review the Australian requirements for ETOPS and so a joint working group was established between the New Zealand CAA and CASA to develop common standards where possible for EDTO. Representatives from the major airlines in both Australia and New Zealand were also included in the working group.

A Notice of Proposed Rulemaking, NPRM 08/01, containing the proposed changes to Part 121 and the other associated rule parts was issued for public consultation under Docket 0/CAR/1354 on 17 January 2008.

The publication of this NPRM was notified in the Gazette on 17 January 2008 and advertised in the daily newspapers in the five main provincial centres on 19 January 2008. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 43 days was allowed for comment on the proposed rule.

## **Summary of submissions**

Six written submissions were received on the NPRM. A number of the comments related to the proposed maintenance requirements for aeroplanes that are authorised for EDTO. Two of those comments concerned training requirements for persons authorised to maintain aeroplanes that are authorised for EDTO and suggested that the rules need to include training and refresher training requirements.

As aeroplanes operating under Part 121 must be maintained by an aircraft maintenance organisation certificated in accordance with Part 145, these training requirements need to be specified in an amendment to Part 145.

## **Additional consultation**

During the original development of the EDTO rules it was proposed to extend the threshold time for operating a twin turbine powered aeroplane away from an adequate aerodrome from 60 minutes flying time with one engine inoperative to 90 minutes. This 90 minute threshold time was developed in conjunction with the Australian Civil Aviation Safety Authority (CASA) to enable the older non-ETOPS approved aeroplanes to be operated on routes across the Great Australian Bight.

However in August 2009 it became apparent that under the proposed 90 minute threshold time an air operator could theoretically plan an oceanic route or a long trans-continental route as a non-EDTO and would not need to meet the additional dispatch requirements for EDTO regarding en-route alternate aerodrome meteorological conditions and services and facilities, and the additional fuel requirements for EDTO.

Following further consultation with CASA, non-supportive comments from the aircraft manufacturers, and in accordance with ICAO recommendations, the CAA decided that the EDTO threshold time should be retained at 60 minutes flying time, with one engine inoperative, from an adequate aerodrome.

A Notice of Proposed Rule Making Supplement, NPRM 08-01 Supplement, containing the proposed changes to Parts 1 and 121 to change the requirements back to a 60 minute EDTO threshold time plus some changes to the maintenance requirements in Part 121 for some

older aeroplanes, and a change to Part 145 to clarify maintenance procedures for EDTO aeroplanes was issued for public consultation under Docket 0/CAR/1354 on 4 February 2010.

The publication of this NPRM Supplement was notified in the Gazette on 4 February 2010 and advertised in the daily newspapers in the five main provincial centres on 5 February 2010. The NPRM Supplement was published on the CAA web site and mailed to the airline operators who were likely to have an interest in the proposal.

A period of 25 days was allowed for comment on the proposed changes to the rule.

### **Summary of additional submissions**

Six written submissions were received on the NPRM Supplement but none related to the changes to Part 145.

This amendment to Part 145 was then referred to the Minister of Transport for signing.

### **Examination of submissions**

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

### **Insertion of Amendments**

The amendments to the rules in this Part are reflected by the revocation of the existing rule and replacement with a new rule.

### **Effective date of rule**

Amendment 10 to Part 145 comes into force on 1 November 2010.

### **Availability of rules**

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

## Part 145 Amendments

### Subpart B — Certification Requirements

*Rule 145.60 is revoked and replaced by the following new rule:*

#### **145.60 Authorisation procedures**

(a) Subject to paragraphs (b), (c), (d), (e), (f), and (g), an applicant for the grant of a maintenance organisation certificate must establish procedures for authorising a person to perform the following types of maintenance activities under the authority of the maintenance organisation certificate:

- (1) perform and supervise maintenance on an aircraft or a component as specified in the authorisation;
- (2) certify an aircraft or a component as specified in the authorisation for release-to-service after maintenance has been performed;
- (3) certify the conformity of a major modification and a major repair to an aircraft and a component to acceptable technical data.

(b) Except as provided in paragraph (c), a person must not be authorised to certify an aircraft or a component for release-to-service after maintenance unless the person—

- (1) holds a current aircraft maintenance engineer licence with an appropriate rating, issued in accordance with Part 66; or
- (2) holds a current aircraft maintenance engineer licence in an appropriate category issued in accordance with Part 66 and meets a standard at least equal to that required by Subpart C of Part 66 for the grant of an aircraft maintenance engineer rating; or
- (3) holds an appropriate current aircraft maintenance engineer licence with an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that

licence registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997; or

- (4) holds a current certificate of maintenance approval, with appropriate endorsement, issued in accordance with Part 66; or
  - (5) for maintenance performed outside of New Zealand—
    - (i) holds an appropriate current maintenance engineer document that is issued under the authority of an ICAO Contracting State, acceptable to the Director, for the type of aircraft or component for which the authorisation is intended; or
    - (ii) holds an equivalent authorisation that is issued by an organisation that is certificated to perform maintenance by an ICAO Contracting State, acceptable to the Director, for the type of aircraft or component for which the authorisation is intended; or
  - (6) for a limited authorisation to certify an aircraft for release-to-service following limited maintenance activities as specified in the procedure, holds a current and appropriate aircraft maintenance engineer licence issued under the Act and in accordance with Part 66 and has training and experience acceptable to the Director appropriate to the limitations in the authorisation; or
  - (7) for maintenance specified in Appendix A.1 of Part 43, meets the requirement of rule 43.51(b) and is appropriately trained to perform the maintenance and certify the release-to-service for the aircraft type for which the authorisation is intended.
- (c) A person may be authorised to certify a component for release-to-service after maintenance if the person has—
- (1) successfully completed a course of training relevant to the component for which the authorisation is intended, or passed an examination acceptable to the Director relevant to the component for which the authorisation is intended; and

- (2) 36 months of practical aviation related experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in constructing, maintaining, or modifying airframes, powerplants, or avionic equipment; and
  - (3) 6 months of supervised experience directly relevant to the component for which authorisation is sought.
- (d) The course of training specified in paragraph (c)(1) must be—
- (1) conducted by the holder of a maintenance organisation certificate issued under the Act and in accordance with Part 145 with an E1 rating for the training of the organisation's staff; or
  - (2) conducted by the holder of an aviation training organisation certificate issued under the Act and in accordance with Part 141 if the training organisation certificate authorises such a course; or
  - (3) conducted by the manufacturer of the applicable component; or
  - (4) approved by the aviation authority of an ICAO Contracting State acceptable to the Director.
- (e) A person must not be authorised to—
- (1) certify an aircraft or component for release-to-service after maintenance unless the person—
    - (i) has been examined by an appropriate senior person for familiarity with the maintenance control procedures required by rule 145.59(b); and
    - (ii) has been examined by an appropriate senior person for technical competence in respect of the authorisation to be held; and
    - (iii) if the authorisation includes an aeroplane that is identified in an air operator maintenance programme as being authorised for EDTO, has completed a

training course that is applicable to the requirements of rule 121.407; or

- (2) certify the conformity of major modifications and major repairs to aircraft and components to acceptable technical data unless the person—
  - (i) is the holder of an authorisation to certify the aircraft or component for release-to-service; and
  - (ii) has completed a course of training relevant to modification and repair conformity; and
  - (iii) has passed an examination acceptable to the Director relevant to modification and repair conformity.

(f) A person holding an authorisation issued in accordance with the procedures required by paragraph (a) must not exercise the privileges of the authorisation unless the person—

- (1) satisfies the applicable recent experience requirements prescribed in rules 66.57 and 66.207 irrespective of whether the person holds an aircraft maintenance engineer licence issued under the Act and in accordance with Part 66; and
- (2) if the authorisation includes an aeroplane that is identified in an air operator maintenance programme as being authorised for EDTO, has completed, within the previous 24 months, a refresher training course that is applicable to the requirements of rule 121.407.

(g) An authorisation issued under paragraph (a) to a person who meets the requirements of paragraphs (b) or (c) may not confer greater privileges than those conferred by an equivalent rating issued under Subpart C of Part 66, or an equivalent certificate of maintenance approval issued in accordance with Subpart D of Part 66.

(h) For the purpose of paragraphs (e)(1)(iii) and (f)(2), the reference to EDTO is also deemed to be a reference to ETOPS if the maintenance programme was approved before 1 November 2010.

## Consultation Details

*(This statement does not form part of the rules contained in Part 145. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 08/01 Extended Diversion Time Operations for large aeroplanes, containing the proposed rules was issued for public consultation under Docket 0/CAR/1354 on 17 January 2008.

Six responses to the NPRM were received.

A Supplementary Notice of Proposed Rule Making, NPRM 08-01 Supplement, was issued for public consultation under Docket 0/CAR/1354 on 8 February 2010.

Six responses to the NPRM Supplement were received but none related to Part 145.

The summary of the submissions for the NPRM and NPRM Supplement is attached to Amendment 21 to Part 121.