

Part 147 IFR - Frequently Asked Questions (FAQ)

Background

On December 27, 2020, Congress passed the Consolidated Appropriations Act (Pub. Law 116-260), which includes the Aircraft Certification, Safety, and Accountability Act (the “Act”). Section 135 of the Act, titled “Promoting Aviation Regulations for Technical Training,” requires the FAA to issue interim final regulations in accordance with the requirements set forth in Section 135.

Frequently Asked Questions

What is an interim final rule?

An interim final rule (IFR) is a final rule issued without first publishing a notice of proposed rulemaking (NPRM) when an agency finds good cause to forgo the NPRM stage. Congress directed the FAA to issue interim final regulations (i.e., an IFR); therefore, certificated AMTSs must operate under the new part 147 regulations beginning on the effective date of the IFR.

Will there be additional rulemaking for a final rule, after the IFR is published?

No, there will not be additional rulemaking (i.e., a final rule) issued after the IFR is published. The FAA encourages persons to participate in this rulemaking by submitting written comments, as subsequently explained in this document. However, in accordance with the Act, the IFR follows the requirements set forth in Section 135 and, therefore, the IFR is the final step for the part 147 rulemaking project.

If additional rulemaking is necessary, a new rulemaking project must be initiated by the FAA.

Why isn't the FAA issuing a Notice of Proposed Rulemaking?

The Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) requires an agency to conduct notice and comment rulemaking, except when the agency *for good cause* finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.

For this rulemaking, the FAA finds that notice and the opportunity to comment are unnecessary and contrary to the public interest because:

1. Section 135 of the Aircraft Certification, Safety, and Accountability Act (the Act), in Public Law 116-260, requires the FAA to issue interim final regulations in accordance with the requirements set forth in the statute. As a result, the FAA is adopting the statutory language by implementing it directly into the regulations.
2. Delaying implementation of this rule to allow for notice and comment would be contrary to the public interest as to do so would delay the new part 147 requirements Congress sought to provide.

Will the public have the opportunity to comment on the IFR?

Yes, the FAA is requesting public comments in response to the IFR. Section VI of the IFR titled “How to Obtain Additional Information” provides information on how to comment on the IFR. The FAA will subsequently consider all public comments submitted in response to the rule.

However, the FAA does not have discretion to propose requirements that are contrary to or exceed the bounds of the statute when considering comments.

What happened to the NPRM and SNPRM and all of the public comments that were made to the previous part 147 proposals?

Upon review of Section 135 of the Act, the FAA determined that the AMTS final rule that was previously in development would have significantly exceeded the scope of the statutory mandate. The FAA has withdrawn the previous part 147 rulemaking (RIN 2120-AK48), which includes the NPRM and SNPRM.

The previous proposals, public comments, and the withdrawal notice associated with this rulemaking will remain in the rulemaking docket (Docket: FAA-2015-3901), but were not considered in the development of the IFR.

What is the effective date of the IFR?

The IFR is effective 120 days after the rule is published in the [Federal Register](#). The IFR published on May 24, 2022. Therefore, the effective date of the rule is September 21, 2022.

The FAA notes that some provisions have a later effectivity date; specifically, the Aviation Mechanic General, Airframe, and Powerplant Airman Certification Standards will become the testing standard after July 31, 2023. The rule can be found at <https://www.regulations.gov/docket/FAA-2021-0237>.

Can an AMTS have additional time to comply with the IFR after the effective date?

No. The effective date of the IFR is the date upon which all certificated AMTS must comply with the new regulations. If an AMTS is not in compliance with the new requirements upon the effective date of the IFR, it must cease part 147 training operations until compliance is obtained and new OpSpecs are issued by the FAA.

Additional information regarding the transition from current part 147 to new part 147 promulgated under the IFR may be found in the IFR and the accompanying Advisory Circular (AC 147-3C, Certification and Operation of Aviation Maintenance Technician Schools).

Can an AMTS continue to operate under the former part 147 regulations after the effective date of the IFR, while trying to come into compliance with the requirements of the IFR?

No, Section 135 of the Act states, in relevant part, that upon the effective date of the interim final regulations, part 147 (i.e., the regulations in effect on the date of enactment of the Act) shall have no force or effect of law. Therefore, to continue to operate under former part 147 regulations after the effective date of the IFR is not possible.

Where can I find the Aviation Mechanic General, Airframe, and Powerplant Practical Test Standards and the Aviation Mechanic General, Airframe, and Powerplant Airman Certification Standards?

These standards, which are incorporated by reference into part 147 and part 65, can be found here: www.faa.gov/training_testing/testing.

These standards are effective as specified in the IFR and the applicable regulation in which the incorporation by reference is made (i.e., 14 Code of Federal Regulations [CFR] 65.75 and 65.79).

What is incorporation by reference?

Incorporation by reference is a mechanism that allows Federal agencies to comply with the requirements of the Administrative Procedure Act (APA) to publish rules in the *Federal Register* and the Code of Federal Regulations by referring to material published elsewhere.

Material that is incorporated by reference has the same legal status as if it were published in full in the *Federal Register*. See 5 U.S.C. § 553(b). Incorporation by reference is governed by the Office of the Federal Register and is promulgated in its regulations at 1 CFR part 51.