



EAA Chapter 100 October 2024 Newsletter

<http://eaa100.org>

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EAA Chapter 100 is a nonprofit association involved in the promotion of aviation through adult and youth education, hands-on training, building and maintenance of experimental aircraft, and through community awareness programs.

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Reader submissions and comments are strongly encouraged.

October Meeting

– Dwayne Hora

The last summer meeting of 2024 will be held on Saturday, October 12th, 9am at the Dodge Center airport. Art Howard is the host for this meeting.

The chapter officer nominations are open for volunteers. Jeff Hanson is stepping down as Chapter Secretary at the end of the year, leaving that position vacant. I am confident all other positions are open to anyone interested as well.

Meeting agenda as follows:

- Pledge of Allegiance
- Welcome Visitors
- Reports | As available
 - *Secretary's Report
 - *Treasurer's Report
- Committee Reports
 - *Hangar
 - *Young Eagles, Richard Fugate
- Old Business
- New Business
- Flight Advisor/Tech Counselor
- Builder Reports - Time permitting
- Adjourn

Thank you,
Dwayne Hora
EAA Chapter 100
President

The next EAA Chapter 100 meeting is at 9:00 am, Saturday, October 14, 2024 at the Dodge Center Airport (KTOB).



A Note from the Treasurer

-- Chris Budahn

Hello EAA 100,

It's that time of year again where I have to ask for your membership dues. The dues are only \$10. Please be sure to keep your EAA national membership account current as well. This can be done at www.eaa.org. If you haven't already given me your national membership number, please submit that with your dues payment. We use a roster management tool that links to your national membership. This allows us to keep track of things you have done on the national level such as Youth Protect training or background checks that are necessary for participation in the Young Eagles program.

You can mail the payment to me, or bring it to the next chapter meeting.

Thanks,

Chris Budahn
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507-438-1130



FAA Interpretation Disallows Remote Mx Supervision

-- Aviation International News

By [MATT THURBER](#) • Editor-in-Chief

In a September 3 letter of interpretation, the FAA clarified that the term “in person” in Part 43 maintenance regulations means that remote supervision of aircraft maintenance is forbidden. This could have a profound effect on the aviation maintenance industry because the letter essentially supports a requirement that a supervising mechanic must watch every move made by a non-licensed individual performing maintenance.

A request for reconsideration was submitted to the FAA on September 24, citing “irreparable harm” that the interpretation will cause to MRO facilities that employ non-certificated mechanic trainees or apprentices.

The [request for interpretation](#) was submitted by Jonathan Moss, manager of the FAA’s Flight Standards District Office in Little Rock, Arkansas. Moss asked “whether a supervisor must be physically present at the site of the maintenance, or if he may supervise remotely, through Zoom, FaceTime, live feed TV, photographs, downloadable video, or other electronic means. Assuming remote supervision is allowed, [he] then asked if the supervising mechanic would be allowed to provide the documentation for return to service electronically.”

The applicable regulation is FAR 43.3(d): “A person working under the supervision of a holder of a mechanic or repairman certificate may perform the maintenance, preventive maintenance, and alterations that his supervisor is authorized to perform, if the supervisor personally observes the work being done to the extent necessary to ensure that it is being done properly and if the supervisor is readily available, in person, for consultation.”

According to the FAA letter, “The Office of the Chief Counsel finds that the phrase ‘in person’ explicitly requires physical presence. Virtual presence, through a live video feed or other technological means, cannot

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Secretary Comments

-- Jeff Hanson

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Here are the minutes from the September meeting:

- 15 members present
- The meeting was held at Ken Chase's hangar at KRST. Thanks Ken for hosting.
- Chapter officer position nominations will be held at the October meeting. All positions are open. I will be stepping down as chapter secretary, so we will for sure need somebody to step up to take over that position. Chapter elections will be held in November.
- Ray Aviation Scholarship discussion - Tim Argo. Dave Nelson to help out.
- 100LL and experimental aviation accident discussion - Dave Nelson.
- Young Eagles Recap - Rich Fugate.
- 125 kids were flown at the May event. 250 currently registered for the fall event.
- Gordy Westphal provided an update on the donated benches at TOB. The city installed them and provided supplemental landscaping.

Builders reports.

Respectfully submitted,

Jeff Hanson

Chapter Secretary



replace the physical presence of a supervising mechanic. The term 'in person' is typically used to distinguish physical presence from mere virtual or remote presence, e.g. 'Are we meeting in person today?' Interpreting 43.3(d) to allow supervision by Zoom or FaceTime would render the phrase 'in person' redundant, but all parts of binding legal text must be given effect."

Citing previous rulings, the FAA letter concluded: "In other words, mechanics must be able to physically intervene at every step of the process." Thus, "A live video feed does not allow for this level of supervision. A remote supervisor cannot take over maintenance and can only see what the camera is pointed at. Anything out of frame will go unnoticed by even the most experienced mechanic.

"In the best-case scenario, a remotely supervising mechanic would be available for questions at any time and could remotely observe most steps of the work, but crucial details might remain out of frame and the supervisor would have no power to step in if necessary. That best-case scenario still would not be enough under 43.3(d)."

Because the use of remote supervision is not allowed, according to the FAA, the question of providing return-to-service documentation electronically isn't applicable to this situation and therefore isn't addressed in the letter of interpretation.

In the [request for reconsideration](#), Mike Busch, an A&P mechanic with inspection authorization and president of maintenance consultancy Savvy Aviation, and other signers of the letter pointed out what they feel are flaws in the FAA's reasoning in the letter of interpretation.

The conditions in the Part 43 regulation require, he explained, "proactive supervision by the supervisor in order to ensure that the work is being done properly, while the second condition addresses the supervisor's reactive availability in the event that the person being supervised needs to consult with the supervisor in the course of doing the work.

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“For the past 60 years, certificated mechanics who supervise uncertificated apprentices (including we, the undersigned) have universally understood the condition (a) phrase ‘personally observes the work’ to mean that the proactive obligation of the supervisor could not be delegated to anyone else, and the condition (a) phrase ‘to the extent necessary to ensure that it is being done properly’ as giving the supervisor broad discretion to determine precisely how much supervision is necessary, and what phases of the work require supervisory scrutiny.

“The condition (a) phrase ‘personally observes’ has never been understood to require a specific time duration of physical proximity on the part of the supervisor. Rather, it has been universally understood that the supervisor has broad discretion over both the timing and duration of supervisory observation of the work and the physical proximity necessary to ensure the work is being done properly.”

In any case, he added, the supervisor has an incentive to ensure the work is done properly because the supervisor is the one signing off the work and approving it for return to service. “Indeed, it is the supervisor who will be held responsible for any adverse consequences if the work was not performed properly, both in terms of possible FAA certificate action and potential damages for civil negligence.”

The maintenance industry has long understood the regulation’s “readily available, in person, for consultation” phrase to mean that an apprentice could ask a question or assistance and that the supervisor must be readily available. “The words ‘readily available’ have never been understood to mean ‘instantly available’ or ‘continuously available.’

“Such consultation can frequently be handled satisfactorily via phone call or text message (e.g., ‘should I apply sealant to the cylinder base O-ring?’), but there are certainly times when the supervisor’s physical presence is necessary (e.g., ‘hey boss, I think you’d better have a look at the threads on this through-bolt before I continue’), in which a supervisor’s physical availability re-

sponse time measured in minutes or perhaps hours would be considered to meet the ‘readily available, in person’ requirement of condition (b). Again, the supervisor typically has a strong incentive to be reasonably available in the event the apprentice feels the need for either remote or in-person consultation in order that the apprentice’s progress and the facility workflow is not unnecessarily disrupted.

“We believe this to be an unfortunately conservative and regressive interpretation of the meaning of ‘personally observe’ and probably not what the original authors of this rule would have intended the phrase to mean had they been able to foresee that 60 years in the future virtually every adult human would be carrying a high-definition camera that was able to instantly transmit still and video images to any other adult human on the planet at the speed of light. We think the rule authors intended the phrase ‘personally observe’ to denote that the supervisor may not delegate his obligation to observe the work being performed, not to dictate any particular methodology of observing the work.”

The request for reconsideration points out that in modern life, remote activity is common, from remote robotic surgery to telemedicine and warfare, as well as in ordinary work situations, which include many FAA personnel working remotely. Sarah MacLeod, executive director of the Aeronautical Repair Station Association, explained that the FAA has already supported remote technology in many areas: “Once the agency accepted (and approved) borescope inspections, it embraced the concept of remote technology.”

The Busch letter goes on: “If the original authors of [FAR] 43.3(d) were willing to grant the supervisor responsibility and authority to determine ‘the extent necessary to ensure the work is done properly,’ wouldn’t it logically follow that those same original rule authors would also be willing to grant the supervisor responsibility and authority to determine the appropriate method for exercising that supervision, including the use of available technological means? We are convinced they would.”

The consequences of the Moss interpretation will have

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a profound effect on maintenance providers, according to Busch. Repair stations that employ non-certificated technicians would have to employ a certificated mechanic to work one-one-one full-time with each person they supervise, which would be economically unfeasible. The practice of owner-assisted annual inspections and maintenance would become untenable due to the need for a mechanic to work 100% of the time with the aircraft owner.

“Given the present acute shortage of certificated mechanics, particularly in general aviation, it would be extremely unfortunate to put an end to the ability of repair stations and other maintenance facilities to employ mechanic-trainees who are working to gain the experience necessary to obtain A&P mechanic certification, and to put an end to owner-assisted annual inspections and other owner-performed maintenance under A&P supervision,” Busch wrote.

In concluding the request for reconsideration, Busch and others who signed the letter, asked the FAA to revise the interpretation and restore “a supervisor’s discretion to determine the extent of supervision necessary to ensure that the work being supervised is done properly, discretion that has been eviscerated by the Moss interpretation. We also request reconsideration of the Moss interpretation’s total ban on using electronic means by a supervisor to satisfy the 43.3(d) requirement to ‘personally observe’ the work performed.

“In short, we request that AGC-200 withdraw the Moss interpretation or amend or supersede it with an interpretation that conforms with the plain-language meaning of 43.3(d) as it has been universally understood throughout the industry for the past 60 years.”

Editor: Thanks to Dwayne Hora for suggesting the above article. It is from URL: <https://www.ainonline.com/aviation-news/business-aviation/2024-09-24/faa-interpretation-disallows-remote-mx-supervision>

Newsletter Editor

The leaves are turning colors. A good time on a no wind day to take a flight and see the fall colors. They will soon be over and the trees will be bare. Winter is not that far away anymore.

Some pilots put their airplane away for the winter. There are a few of us that try and fly all winter. It takes a lot of work to keep the snow and ice away from the hangar so the airplane can be moved in and out.

Also, use a multi viscosity oil when the weather is cold and do a safe preheat to help the engine start to allow warm oil to lubricate the moving parts.

When flying, try not to cool the engine rapidly when doing a let down. Shock cooling the cylinders is not good for them. You may find that you need to replace a cylinder before you reach TBO (Time between Overhaul).

Remember to wear warm cloths in case of an off airport landing due to mechanical issues. Warm cloths are also helpful for doing a through preflight inspection. Do not rush the preflight just because it is cold!

Jean and I flew to Sky Harbor airport (KDYT), Duluth, MN on Saturday, September 29, 2024. The winds were light except for a strong breeze off Lake Superior. There was a strong crosswind from the lake and a lot of turbulence from the trees to north of the airport. The terminal building has been rebuilt and is very nice. They also have a courtesy car, which we took into town and had a meal at Grandma's Saloon and Grill.

You can also walk along the shore of Lake Superior which is just north of the airport. We walked to take a look at the waves and shore line, but the cool wind cut our outing short. It was nice to sit on the chairs south of the Admin Building and enjoy the warmth and be out of the wind.

See you around the patch.

I need more articles from the membership. Please send your articles and pictures to alhowar@attglobal.net.

Fly-in Event Websites

The following are websites to use to look for fly-in activities:

<https://www.dot.state.mn.us/aero/events/flyins-and-events.html>

<https://wisconsindot.gov/Pages/doing-bus/aeronautics/trng-evnts/flyins.aspx>

<http://www.moonlightflight.com/>

<https://www.socialflight.com/search.php>

If you know of any others, please send the link to me at:

alhowar@attglobal.net



EAA Young Eagles Pilot Requirements

-- EAA

Editor: This is from the EAA Young Eagles **Pilot Guidelines** brochure: **Pilot Requirements**

The Young Eagles pilot requirements are basic, but **MUST** be followed.

- ◆ Be a current EAA® member and hold an appropriate airman's certificate (sport pilot or greater)
- ◆ Possess a current medical certificate (if applicable)
- ◆ Be current to carry passengers in the aircraft you plan to use
- ◆ Have a current flight review
- ◆ Complete the Young Eagles registration form before the flight, including parent or legal guardian signature, and pilot signature
- ◆ Conduct flights in an aircraft that is in airworthy condition
- ◆ Have aircraft passenger liability insurance for the aircraft used (owned, rented, or borrowed)
- ◆ Adhere to all applicable Federal Air Rules (FARs)
- ◆ Complete both the online training and basic background check as a part of EAA's Youth Protection Policy. For more information, visit EAA.org/YouthProtection.

Editor: Make sure you are current to fly Young Eagles at the EAA Chapter 100 Young Eagles events.

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