



# INTERNATIONAL NEWS AND REGULATORY UPDATES

FROM RIC PERI  
VICE PRESIDENT OF GOVERNMENT & INDUSTRY AFFAIRS FOR AEA

*The Aircraft Electronics Association's international membership continues to grow. Currently, the AEA represents avionics businesses in more than 35 countries throughout the world. To better serve the needs of the AEA's international membership, the "International News and Regulatory Updates" section of Avionics News offers a greater focus on international regulatory activity, international industry news, and an international "Frequently Asked Questions" column to help promote standardization. If you have comments about this section, send e-mails to [avionicsnews@aea.net](mailto:avionicsnews@aea.net).*

BY BRUCE BAXTER  
SOUTH PACIFIC REGULATORY CONSULTANT FOR AEA



## Thunder Down Under

The AEA South Pacific Regional Meeting takes place Aug. 24-25, in Perth, Australia

**T**here's "Thunder Down Under." Well, not so much thunder, more like an excited murmur in anticipation of the upcoming South Pacific Regional Meeting, which takes place Aug. 24-25, in Perth, Australia. Perth, situated on the Swan River in western Australia, offers an exciting range of activities and dining experiences, and the locals enjoy a relaxed outdoor lifestyle.

I will pose one question further on in this article, but first, we should look at the benefits to be gained from attending the South Pacific Regional Meeting. The Perth meeting will represent a milestone in the development of the AEA in this region as it will be the first meeting during which the AEA's South Pacific members will have representation of their own regulatory consultant to champion their discussions with the Civil Aviation Safety Authority,

which is especially important today with the constant ebb and flow of regulations and directives.

We're all aware of the current economic situation and its impact on indi-

vidual businesses. To be frank, money is tight, and prudent people watch their purse strings and spend wisely — and the wise thing to do is attend this meeting en masse for a number of sound reasons.

The cost of compliance is increasing like an out-of-control J curve with no end in sight and it will continue to increase unless we have a more direct say in the regulatory process. As we

all know, safety is the most important thing in this industry, and no one wants to lessen the safety aspect of the regulations. However, especially in these tough economic times, we should be

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vigilant when proposed new rules, while not diminishing the safety aspect, impose unnecessary compliance costs to an already struggling industry.

It is only by everyone attending these meetings that the impact on individual businesses can be determined. Your say is important and is critical in providing logical and concise information to present to CASA. Government or quasi-government departments will

not take notice of an individual, and therefore, it is extremely important for the CASA representatives attending the AEA South Pacific meeting to be presented with a unified industry group in sufficient numbers to make a difference.

Currently, many businesses are looking to reduce cost. The keyword is “reduce,” which does not mean to “stop” spending; in fact, it means to continue spending but to do so more efficiently and beneficially for your business.

One area in which the AEA can assist businesses in cost-reduction during the Perth meeting is through training. It is certainly more cost-effective for your business to access in-country training than to send your staff overseas.

Everyone is looking for new business opportunities, and one of the easiest ways to generate new business is through discussion and social interaction with other people doing similar business. Another opportunity exists in discussing issues with the represented OEM exhibitors at the South Pacific meeting. This AEA meeting offers these opportunities by gathering members in a single location — and what a location it is.

Sometimes, it is nice just to get away from the day-to-day grind and enjoy yourself — and let’s face it, you really do owe it to yourself to take a break. Why not come to Perth early and take in some of the sights: Freemantle with its fine restaurants (as well as being the brief home of the Americas Cup sailing trophy in 1983); Rottnest Island, which is accessible by ferry and is home to a small kangaroo-like marsupial, the Quokka, that only exists on this island; Burswood Casino; and the Freemantle jail.

Remember I said I would pose a question to you in this column? Well, originally, the question was, “Can you

afford to go to the South Pacific regional meeting?” However, after considering all the benefits, the real question is, “Can you afford not to go to the AEA South Pacific Meeting in Perth?”

I look forward to seeing you all in Australia.

## UNITED STATES News & Regulatory Updates

### **FAA Withdraws Notice of Proposed Rulemaking for Repair Station Ratings, Quality Programs**

The FAA has withdrawn the Dec. 1, 2006 notice of proposed rulemaking, which would have revised the system of ratings and require repair stations to establish a quality program. The FAA withdrew the NPRM because it determined the NPRM does not adequately address the current repair station environment and because of the significant issues commenters — including the AEA — raised.

The NPRM, applicable to repair station operators and applicants, proposed the revision to the ratings and classes that can be issued to a certificated repair station. The FAA also proposed for repair stations to establish and maintain a capability list of all articles for which they are rated.

The FAA received more than 500 comments to the NPRM. While there was general support for the need to revise the repair station rules, several commenters asked for the rule to be withdrawn.

### **Final Rule for ADS-B Out Equipage Not Expected Until 2010**

According to DOT records, a final rule on the “Automatic Dependent Surveillance–Broadcast Equipage Mandate to Support Air Traffic Control Service” proposal is not expected

before the end of April 2010. This rulemaking would require ADS-B Out equipment on aircraft to operate in certain classes of airspace within the U.S. National Airspace System.

The Federal Aviation Administration claims the rulemaking is necessary to accommodate the expected increase in demand for air transportation as described in the Next-Generation Air Transportation System integrated plan. The intended effect of this rule is to provide the FAA with a comprehensive surveillance system to accommodate the anticipated increase in operations, as well as to provide a platform for additional flight applications and services.

### **Advanced NPRM for Safety Management Systems Excepted in August**

An advanced notice of proposed rulemaking regarding the FAA’s proposal for safety management systems is scheduled to publish Aug. 30, 2009, with an anticipated 60-day comment period. This rulemaking would require an SMS for FAA certificate holders, certain product manufacturers, applicants and employers.

This action is being taken to further enhance the practice of managing safety; conducting risk and system assessments and analysis; undertaking preventive and corrective actions; and creating a safety culture. The intended effect of this action would make the United States compliant with International Civil Aviation Organization annexes.

This proposal will be thoroughly discussed during this year’s AEA Regional Meetings. For more information about these meetings, visit [www.aea.net/regional](http://www.aea.net/regional).

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## **FREQUENTLY ASKED QUESTIONS**

### **United States**

#### **Maintenance Instructions**

*The following information is from FAA Order 8110.4 and 14 CFR Part 21.*

#### **QUESTION:**

Is there a legal interpretation for the use of the phrase “current maintenance instructions” as used in Part 43 and Part 91?

#### **ANSWER:**

Yes. The FAA published a legal interpretation of the phrase “current maintenance instructions” Dec. 5, 2008.

It is in response to an Aug. 25, 2008, request for a legal interpretation for the use of the phrase “current maintenance instructions.”

The issue was framed as: “Whether, if a manufacturer amends its maintenance/inspection instructions, an affected aircraft operator is obliged to comply with the new instructions in order to be in compliance with § 91.409(f)(3). You stated that historically this has been interpreted to mean that, when a manufacturer updates its maintenance instructions, an operator is obliged to comply with these new instructions.”

It is the FAA’s chief counsel’s opinion the operator is not so obliged.

According to the opinion, nothing in the regulatory history of § 91.409(f)(3) indicates the agency intended future changes to inspection programs issued unilaterally by manufacturers to be binding on an operator who already had adopted a specific program that was current at the time of adoption. Therefore, to comply with § 91.409(f)(3), an operator need only adopt a manufacturer’s

inspection program that is “current” as of the time he adopts it, and this program remains “current” unless the FAA mandates revisions. Such a mandate would be adopted in the form of either an AD or an amendment to the operating rules. Although manufacturers’ program revisions do not require operators to revise their inspection programs, operators may incorporate these revisions and typically do so.

Nowhere in the opinion does it discuss the impact of this opinion on the use of “current maintenance manuals” as required for maintenance by §43.13. I highly recommend you read the entire interpretation before making any changes to your maintenance manual procedures.

The complete legal opinion can be found on the AEA’s website at [www.aea.net](http://www.aea.net).

## **CANADA** **News & Regulatory Updates**

### **Transport Canada Proposes Amendments for TAWS**

The Canadian Aviation Regulation Advisory Council accepted notices of proposed amendments containing regulations and standards for terrain awareness and warning systems for airplanes operating under Subparts 703, 704 and 705 of the CARs. NPAs also were accepted under Subpart 605 of the CARs for aircraft equipment requirements, which will compel certain airplanes operating under Subpart 604 of the CARs to be equipped with TAWS.

Proposed Transport Canada regulations and standards will require one of two classes of TAWS equipment, depending on an airplane’s seating configuration and type of operation. This is in consideration of the safety benefits of the class of TAWS equipment to prevent CFIT accidents balanced against the cost of this equipment. The regulations and standards include a provision for the TAWS equipment to provide

adequate warning in common Canadian operating conditions of low temperatures and barometric pressures. There also are provisions to relieve operators from equipping with TAWS if they operate exclusively in day VFR conditions (Subpart 703, 704 and Subpart 605 of the CARs).

Class B TAWS meeting design requirements of FAA TSO C-151, or later versions, will be the minimum acceptable standard of TAWS equipment for Subpart 703 of the CARs — airplanes used in air taxi operations configured with six or more passenger seats (excluding any pilot seat) — and Subpart 704 of the CARs — airplanes used in commuter operations with six to nine passenger seats.

Class B TAWS also will be the minimum standard of TAWS under the Subpart 605 of the CARs regulation for turbine-powered airplanes configured with six or more passenger seats. This will compel affected airplanes operating under Subpart 604 of the CARs to be equipped accordingly.

Class A TAWS, per the TSO, will be satisfactory for these airplanes. Class A TAWS meeting design requirements of FAA TSO C-151, or later versions, and a terrain awareness display will be required for Subpart 704 of the CARs — airplanes used in commuter operations configured with 10 or more passenger seats — and for all Subpart 705 of the CARs — airplanes used in airline operations.

All TAWS equipment installations will be in accordance with applicable Canadian airworthiness requirements contained in Chapter 551 of the AWM, including additional approved (non-barometric) altitude inputs to ensure the TAWS has the required vertical accuracy. This will ensure the TAWS functions correctly in the Canadian operating environment during non-standard cold atmospheric temperature conditions and when operating in standard pressure regions.

All operators will be required to ensure the TAWS equipment’s terrain and airport database are compatible with the area of operations.

TAWS will not be required for airplanes conducting day VFR operations under Sub-

parts 605, 703 and 704 of the CARs. This is because of incompatibilities between the TAWS alerting envelopes and the minimum altitudes permitted by the regulations for en route obstacle clearance.

The new TAWS regulations would be effective for newly manufactured airplanes on the date the regulations are promulgated. This also applies to newly manufactured aircraft that enter Canada on a lease-back arrangement. All airplanes would need to be in compliance two years after the date the regulations are promulgated, and all airplanes would need to be in compliance with the TAWS altitude accuracy requirements five years after the date the regulations are promulgated.

The NPAs are waiting for final legal editing, then will be published in *Canada Gazette I* for public comment.

## FREQUENTLY ASKED QUESTIONS

International: Canada

### Service Difficulty Reports, Airworthiness Directives

*The following information is from the Transport Canada Civil Aviation website.*

#### QUESTION:

Where can I obtain information on the latest Transport Canada service difficulty reports and equipment airworthiness directives?

#### ANSWER:

TCCA publishes the quarterly *Feedback* magazine to inform the aviation community of reported day-to-day problems affecting aircraft airworthiness in Canada. *Feedback* also is available on TCCA's website.

The current and previous issues of *Feedback* can be viewed online at [www.tc.gc.ca/civilaviation/certification/con-](http://www.tc.gc.ca/civilaviation/certification/con-)

[tinuing/Feedback/menu.htm](#).

*Feedback* contains a section listing SDRs filed during the previous quarter, along with a section listing all suspected unapproved parts identified in these SDRs.

In *Feedback*, TCCA lists all new ADs on equipment received from foreign airworthiness authorities in the previous three months. According to TCCA, equipment/appliance ADs often are distributed only to its regional offices because the owners of aircraft affected by this type of AD generally are not known. AMEs and operators of the affected products are encouraged to obtain a copy of the ADs from their regional Transport Canada office, their PMI or from the Civil Aviation AD website at [www.tc.gc.ca/cawis-swimm](http://www.tc.gc.ca/cawis-swimm).

## EUROPE News & Regulatory Updates

### EASA Issues AMCs for Fuel-Tank Safety

In March, the European Safety Agency issued a new set of acceptable means of compliance material in regards to fuel-tank safety training. The AMCs, issued for Part 66, Part 145 and Part M, contain detailed information regarding an organization's obligation, group of persons required to receive the training, the level of training required and topics to be addressed.

The related executive decisions are ED 2009-008-R for Part 66 licenses; ED 2009-007-R for Part 145; and ED 2009-006-R for Part M organizations.

### Comment on RNAV Notice by June 23

NPA 2009-04, which EASA issued in March, contains a draft decision for AMC 20-28. The NPA for this AMC discusses the airworthiness approval and operational criteria for onboard equipment related to area navigation for global navigation

satellite system approach operation to localizer precision with vertical guidance minima using satellite-based augmentation system in European airspace.

The NPA includes references to the definition of related terms, and it refers to related AMCs and to FAA guidance material and required minimum operational performance standards of the equipment to be used. It also includes installation requirements and the compatibility of existing RNAV installations. Interested parties can comment on this NPA until June 23, using the comment response tool.

For more information, visit the EASA website at [www.easa.europa.eu](http://www.easa.europa.eu).

## SOUTH PACIFIC News & Regulatory Updates

### Australia: CASA Cancels CAAP for Installation of ELTs

The Civil Aviation Safety Authority issued CAAP 252A-1(0), "Installation of Emergency Locator Transmitters," in 1994; it primarily dealt with the installation of 121.5/243MHz beacons with some references to the new 406 MHz units.

CAR 252A was amended earlier this year to reflect new search-and-rescue capabilities, and now the information in the CAAP is no longer relevant. Therefore, CAAP 252A-1(0) is cancelled.

### CASA Publishes Revision to AC for TACs

On March 11, 2009, CASA published a revision to AC 21-30(2), which provides information and guidance to applicants applying for the issue of type acceptance certificates for foreign aircraft types using the automatic acceptance procedures of CASR 21.029A.

This is the third issue of this advisory circular and replaces AC 21-30(1), dated April 2002. It has been amended to update certain information for further clarification. □