



# The View from Washington

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## The Devil is in the Details

**R**ight after the FAA published their proposed Repair Station Training Program Advisory Circular (AC), AEA published a variety of documents, both in paper and electronic mediums, to notify the AEA membership and other industry folks that the FAA had finally published this long-awaited draft document for public review and comment and that they had only allowed industry a paltry 30-day comment period right smack over the Christmas holiday.

It wasn't a week later that an avionics technician called me to share his views about training and to challenge some of my commentary on the draft AC. It was interesting because while he was a bit agitated at me for my commentary, it had motivated him to at least call and share his views, although he had not read the AC. Whether he shared his views with the FAA, I don't know. But the basis of democracy is that we, (1) can be involved, (2) can read proposed regulations before they become law, (3) can make our views heard, and (4) expect our government to listen to our views. I commend this technician for having the motivation to at least take the time to voice his opinion; I only hope he also shared his views with the FAA.

What was interesting about his views on training was that I basically agreed with just about everything that the technician felt strongly about, although he never really identified any fault with my commentary of the FAA's proposed training program. That is because there were two issues in the draft AC: the issue of training and the issue of a training program. It is quite possible

to support one while rejecting the other. The devil in this case, was in the details of the training program. He simply saw the training that his employer was going to have to provide him; what he didn't see was the burden that the proposal would also place on him. What he didn't see was the intrinsic details that are often buried in the implementation of many of these rules.

The AC proposed five general categories of training: Indoctrination, Initial, Recurrent, Specialized and Remedial, although Section 145.163 requires only that the training program consists of initial and recurrent training. The AC is going well beyond the regulatory requirements of Part 145, and without going back to rulemaking to change Section 145.163, the FAA is now violating the law.

The comment period on AC 145 RSTP has closed and your association commented on the proposal and made recommendations to minimize the administrative impact to the repair stations while providing quality training to their employees.

I don't want to focus on the proposed criteria of initial or recurrent training here; rather, I want to focus more on the hidden details that were contained within the implementation of the AC 145 RSTP program; elements that may hurt the careers of general aviation technicians rather than help.

The following are some of the questions from AC 145 RSTP that the FAA may ask when reviewing a training program.

Does the repair station have a procedure to measure the effectiveness of the

training program?

Does the repair station identify and describe the key interfaces between the training program and the individuals responsible for task assignments?

Does the training program adequately identify each person or position performing maintenance or inspection functions?

Does the training program adequately ensure that each person or position performing a maintenance or inspection function is capable of performing the assigned task?

Are individual training requirements identified and documented?

The fundamental requirements here are not new. Section 65.81 allows a certificated mechanic to perform maintenance to an aircraft or appliance, although he may not supervise the maintenance, unless he has satisfactorily performed the work concerned at an earlier date. If the supervisor has not performed that work at an earlier date, he may show the Administrator that he is qualified to do the work, often through formal or on-the-job training.

The current requirement for supervisors will now apply to ALL technicians. What the FAA's proposed training program initially will do is to limit a technician's ability to learn new skills through experience and self-study. The technician's formal, on-the-job, and self-study training must now be part of the repair stations formal training program in order to qualify for advancement. (Only qualified instructors are allowed to provide on-the-job instructions.)

Every training program will be fol-

*Continued on page 22*

## VIEW FROM WASHINGTON

*Continued from page 20*

lowed by some form of test where the student must have a passing grade in order to qualify for placement to work on a new task.

Every repair station will have a matrix which will match tasks that repair station personnel perform to the requisite training/qualification requirements. Only those technicians who meet the requisite requirements will be allowed to perform those tasks.

These criteria, the FAA will argue, are not new. In fact, section 145.151 requires that the repair station ensure it has a sufficient number of employees with the training or knowledge and experience in the performance of maintenance, preventive maintenance, or alterations authorized by the repair station certificate and operations specifications to ensure all work is performed in accordance with part 43. It also requires the repair station to determine the abilities of its non-certificated employees performing maintenance functions based on training, knowledge, experience, or practical tests.

That burden has typically been met with a resume and certificates of attendance. But now the burden of proof will reside with the technicians. Simple attendance at a training course will no longer be sufficient to meet the criteria under the proposed training program. How will a technician show that they are “properly trained through formal or on-the-job training to perform maintenance, preventive maintenance, or alterations on the articles that their employer, or more importantly their future employer, is rated to work on? How will a technician show experience with various equipment? The technician will need to keep their own records.

When the FAA proposed Part 66, one of the hidden elements—one of those devilish implementation details—was the need for every technician to main-

tain a personal experience logbook. When this issue was raised to the FAA they quickly dismissed those claims as not being a requirement of the proposed regulation. True, the regulation did not require a logbook, but, without the logbook the technician would not be able to show that their qualifications were current, or that their experience was on the correct aircraft type.

This proposal is no different. The hidden details of implementation will require the technicians to manage their career much more actively. For the individual technician looking for status quo, the proposal isn't a bad deal. If all the technician does is change tires on the same aircraft day after day, then this proposal will have little impact on their career. But for the aggressive individual looking to gain as much experience as possible, is challenged by new technology to learn as much as possible, or is looking to move up either within their company or through advancement with a competing firm, this proposal may be quite career limiting.

The first thing the future employer should be looking for, along with your resume, is your task and training logbook. That employer will need EVIDENCE of qualifications, not just confirmation of skills. The employer should ensure the technician understood the training; not just attended. The employer should be looking for the qualifications of the trainers that the technician relied on for the training. Simply learning a task will no longer be acceptable; how the knowledge was relayed, how the training was conducted, and who provided the instruction will be critical.

The burden will rest with the technician. The technician who is looking to get ahead will be required to show they are fully qualified to perform the tasks that they are being hired to perform, and that all of their training, both formal and informal, was given in a qualified and approved course by a qualified and

approved instructor.

Like most proposals, the FAA has put forth a sleek, shiny document that looks good sitting on the ramp, but after looking beneath that shiny finish at the implantation of this proposal, it is clear that career-limiting devils may be lurking in the hidden details.

This proposal is more than just training, will you be ready?

# Regulatory Update

## United States

### Standard Airworthiness Certification of New Aircraft

[Docket No. FAA-2003-14825; Notice No.05-01]

The Federal Aviation Administration (FAA) has proposed adding a new section 21.120, titled "Responsibility of supplemental type certificate holders to provide written permission for alterations."

As part of a larger Notice of Proposed Rulemaking (NPRM) the FAA proposes to incorporate requirements contained in laws recently passed by Congress. A holder of a type certificate or supplemental type certificate who allows another person to use the certificate would have to provide written permission to that person. In addition, any person who manufactures an aircraft, aircraft engine, or propeller based on a type certificate would have to either hold the type certificate or have a licensing agreement from the holder. The proposal would also prohibit a person from altering an aircraft based on a supplemental type certificate (STC) unless the owner or operator either holds the STC or has written permission from the holder. Additionally, it would require the owner or operator of an aircraft that has been altered based on written permission to use a supplemental type certificate to retain that permission and transfer it at the time the aircraft is sold.

The FAA seeks public comments on their proposal to amend the regulations for issuing a standard airworthiness certificate to certain new aircraft manufactured in the United States, which includes the proposed responsibility of supplemental type certificate holders to provide written permission for alterations. The proposal addresses a concern that under the current regulations, certain new aircraft are eligible for a standard airworthiness certificate without meeting the requirements of

a type certificate and without having been manufactured under an FAA production approval. The intended effect of this proposal is to ensure that new aircraft manufactured in the United States that receive a standard airworthiness certificate are type certificated and manufactured under an FAA production approval.

Comments must be submitted before April 18, 2005.

### Flight Standards Information Bulletin for Airworthiness (FSAW) 05-01

The FAA has introduced FAA Form 8100-9, Statement of Compliance with Airworthiness Standards with the publication of FSAW 05-01. The FAA Form 8100-9 is intended to distinguish data approvals given by organizational delegations from individual designee approvals using FAA Form 8110-3, Statement of Compliance with the federal aviation regulations.

Designated Alteration Stations (DAS) will use FAA Form 8100-9 to show data approvals used internally in developing a Supplemental Type Certificate (STC). Delegation Option Authorization (DOA) will use FAA Form 8100-9 to show approval of data for changes to the type certificate, approval of data for major repairs, approval of data for major alterations, and approval of data in support of an STC project.

## Europe

### EASA:

#### Opinion 1/2005 Production of Navigation Databases used in P-RNAV procedures:

EASA issued an acceptable means of compliance to control the integrity of the navigation database. The opinion was based on NPA 3/2004 issued last year. It provides guidance for a possible issuance of a letter of acceptance to database suppliers based on an investigation by an agency team.

### EUROCONTROL:

#### Elementary and Enhanced surveillance Mode S:

In recent months, an increasing number of technical and operational difficulties have become apparent to Eurocontrol to realize the transitional periods for the operational introduction of Mode S Elementary (ELS) and Enhanced (EHS) Surveillance. These are compromising the ability of both the aircraft operators and the Air Navigation Service Providers (ANSPs) to safely introduce a widespread operational Mode S service in the timescales previously agreed. To allow time for these difficulties to be overcome, a rationalization of the Mode S Elementary Surveillance (ELS) and Mode S Enhanced Surveillance (EHS) transition periods for aircraft conducting IFR/GAT flights has been endorsed by the Provisional Council of EUROCONTROL.

In summary, this rationalization:

- Aligns the existing ELS transition arrangements for IFR/GAT flights with those published for EHS, ending on March 31, 2007.
- Introduces a phased implementation whereby an operator achieving EHS compliance for a minimum of 90 percent of an EHS applicable fleet by March 31, 2007 may be permitted a further two-year extension until March 31, 2009 to equip up to 10 percent of their fleet to full ELS and EHS compliant status.
- Provides relief for operators from retrofitting aircraft that are to be withdrawn from service by December 31, 2007.

The agreement to modify the transitional arrangements for the installation of Mode S airborne equipment is aimed at providing relief for those aircraft operators who have experienced difficulties beyond their control to meet the previously published compliance deadlines. Therefore, it should not be seen

*Continued on page 28*

## Frequently Asked Questions

**QUESTION:** The regulations say that the airframe manufacturer is responsible for Instructions for Continued Airworthiness [ICAs], and that these ICAs must include instructions “for each appliance required by this chapter.” What constitutes an appliance for purposes of the ICAs?

**ANSWER:** This question may be recharacterized more generally as “What is the scope of the ICA?”

An airplane’s ICAs are required to include information about: (1) the airplane itself, (2) each engine and propeller, (3) each appliance required by this chapter, and (4) any required information relating to the interface of those appliances and products with the airplane.

An appliance is any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight.

An appliance must be installed in or attached to the aircraft. Thus, ground equipment, for example, is not an appliance. Things that are brought on board an aircraft but never physically attached to the aircraft are also excluded from the definition of appliance.

Finally, the term appliance is defined to apply only to things that are not part of an airframe, engine, or propeller. This last limitation may be unimportant to our analysis for this issue, because ICAs apply to the airframe and any engine or propeller as well as appliances—so the ICA requirement applies to practically everything installed in or attached to the aircraft, so long as it is used or intended to be used in operating or controlling an aircraft in flight.

Thus, the scope of the ICAs includes anything required under Chapter one of Title 14 of the federal regulations (parts 1 – 198, which includes all of the airworthiness standards published in the code of federal regulations for aircraft products).

You can see why we recharacterized the question. For purposes of the ICAs, we don’t need to distinguish appliances that are required by the regulations from non-appliances that are required by the regulations. Anything that is required in the aircraft must be subject to the ICA requirements.

Examples of articles that are required by the regulations are airspeed indicators, altimeters, and directional indicators. They can also include items required by operational rules like TAWS and TCAS systems.

The regulations specifically state that ICAs are not supplied by the manufacturer of an appliance or product installed in the airplane, the ICAs for the airplane must include the information essential to the continued airworthiness of the airplane. Thus, if an appliance manufacturer does not publish their own ICAs, and the appliance is listed on the type design of an aircraft, then the manufacturer of the aircraft onto which that appliance is included is responsible for publishing appropriate ICAs for the appliance (as it is used and installed on that aircraft, only).

*Note: AEA offers these Frequently Asked Questions (FAQs) in order to foster greater understanding of the Federal Aviation Regulations and the rules that govern our industry. AEA strives to make them as accurate as possible at the time they are written, but rules change so you should verify any information you receive from an AEA FAQ before you rely on it. AEA DISCLAIMS ANY WARRANTY FOR THE ACCURACY OF THE INFORMATION PROVIDED. This information is NOT meant to serve as legal advice – if you have particular legal questions, then these should be directed to an attorney.*

## REGULATORY UPDATE

*Continued from page 26*

as a general alleviation to delay installation plans for Mode S Elementary Surveillance. Consequently, operators are strongly encouraged to complete transponder retrofits at the earliest opportunity as no further exemptions will be possible, for whatever reason, beyond these final dates for aircraft compliance.

Operators of aircraft that are not subject to Enhanced Surveillance requirements, should note that unless an aircraft qualifies for special flight status (flight testing, delivery and transit into and out of maintenance bases), or, is to be withdrawn from service, no exemptions from the requirements of Mode S Elementary Surveillance will be permitted after March 31, 2007.

The ACAS/TCAS transition period has been previously extended to March 31, 2006. This transition date stays unchanged despite the extension of the Mode S implementation dates.

## Australia

### New program of safety seminars

A new series of aviation seminars and workshops will be presented across Australia by the Civil Aviation Safety Authority during 2005.

The safety training and education program has been released for the first half of 2005, with events to be held in Albury, Cairns, Mt. Gambier and Tamworth between now and June.

Key aviation issues important to pilots, engineers and airline managers will be examined in detail by a range of experts. Seminars for pilots cover topics such as operations in and around controlled airspace, local weather, aircraft icing, fatigue, issues for chief pilots and improving flying training. Engineers can brush up on their knowledge of airworthiness directives, permissible unserviceabilities, systems of certifica-

*Continued on page 33*

## **REGULATORY UPDATE**

*Continued from page 28*

tion, delegations and new regulations.

The program of seminars and workshops is open to everyone involved in Australian aviation, with people encouraged to choose the topics that will give them the most value.

The seminars and workshops are a key part of CASA's commitment to helping to improve air safety in all parts of Australian aviation. CASA has been consulting with the aviation industry on both the topics being covered by the training and the education program and the content of individual seminars and workshops. A positive response to last year's seminars has resulted in the continuation of existing flying instructor seminars, which are being offered as one- or two-day intensive courses.

These will cover issues such as competency based training, legal aspects of training and the implementation of new regulations.

Full details of the training and education program are on CASA's website at: [casa.gov.au/seminars/index.htm](http://casa.gov.au/seminars/index.htm). □