



The View from Washington

BY RIC PERI
VICE PRESIDENT, AEA GOVERNMENT & INDUSTRY AFFAIRS

The View from Washington this month spans the entire globe. In this, the 100th Year of powered flight, there is more critical regulatory and legislative activity going on worldwide than at any other time in history.

In Europe on September 28, 2003, the European Aviation Safety Agency (EASA) will take over all certification regulations for aviation products, maintenance personnel and facilities from the National Aviation Authorities of the European Union countries plus additional "Associate" countries that have agreed to abide by the European aviation regulations. This is an extremely dynamic time for members located in Europe and those doing business with European companies. The Association is looking forward to working with the EASAAs they transition to the new regulations.

To the south, the island nations of the Kiribati; Papua, New Guinea; Samoa; Solomon Islands; Toga; Vanuatu; and Fiji, along with Australia, are joining forces to establish the Pacific Aviation Safety Office. This safety office is harmonizing the aviation regulations of each independent country and leveraging the limited staff resources of the combined nations to provide a regional approach to aviation safety.

These seven small regulatory offices provide oversight of thousands of miles of territory including 20 international and more than 100 local airports. In addition, these offices manage 10 airlines utilizing some 30 air-

craft; a daunting challenge for some of the larger regulatory bodies. The Pacific Aviation Safety Office was designed to assist in this task by providing a harmonized approach to aviation in the South Pacific. The Association has offered to assist where possible to provide avionics support to their inspectors.

Here in Washington, Congress is working on the FAA's reauthorization—Flight 100—Century of Flight Reauthorization Bill. For the aviation industry in the United States, it is clearly the year for general aviation.

In Flight 100, there are a number of provisions that the Aircraft Electronics Association has been working on for quite some time, along with other organizations in Washington. We are pleased to announce our efforts have resulted in proposed language in the FAA's reauthorization bill.

Security Action in Response to a Security Threat. Congress has ordered the Administrator to take certificate action against anyone who "poses, or is suspected to posing, a risk of air piracy or terrorism, or a threat to airline or passenger safety." This provision is similar to a TSA/FAA regulation that came out earlier this year. However, Congress has added very specific "dueprocess" provision for all U.S. citizens.

AEA challenged the lack of due process in the original TSA/FAA regulation and sent a letter to Congress informing them of the lack of protection for certificate holders in the regu-

lations. We clearly support the efforts to restrict unauthorized and threatening access to the aviation system, however, compromising an aviation professional's civil rights in the process is unacceptable. The Association is extremely pleased with this proposal and encourages the membership to support this provision.

Small Business Ombudsman. Congress has proposed to direct the FAA to establish a Small Business Ombudsman who reports directly to the Administrator. This person will serve as a liaison with small businesses in the aviation industry and to be consulted whenever the Administrator proposes regulations that may affect small businesses. In addition, this person will provide assistance to small businesses in resolving disputes with the Administration.

Even though aviation small businesses are the lifeblood of general aviation, and Congress has mandated that small businesses are considered in rulemaking, the FAA continues to ignore the differences in design, operation and resources of small business owners. While other government agencies established Small Business Ombudsman to minimize the detrimental affect of their regulations on the growth of small businesses within their respective sectors, the FAA has rejected every recommendation to establish this valuable link to the Administrator. The Association is pleased with this proposal and looks forward to working with the FAA

Small Business Ombudsman when this bill is finally passed.

Availability of Maintenance Information. Congress has proposed to instruct the Administrator to amend the requirements of Section 21.50(b) so that not only will the original Instructions for Continued Airworthiness be delivered upon the issuance of the first standard airworthiness certificate as is currently required, but also will make these documents available to any other person required by the regulations to comply with the terms of the Instructions for Continued Airworthiness.

There is a fair amount of controversy over this proposal. While the concept of ICA availability to member repair stations is supported, some of the other provisions of this section appear to be unfair to the manufacturers and may lead to more problems for repair stations later. It also appears that the proposed language would make avionics installation and repair data available to any FAA certificated repair station or A & P mechanic. The Association is still reviewing this section of the proposed bill.

Improvements of Curriculum Standards for Aviation Maintenance Technicians. In Section 426, Congress is proposing the FAA conduct an initial review of Part 147 curriculum within 12 months and a periodic review of the curriculum every three years to assure that the curriculum reflects current technology and maintenance practices. However, the Act will specifically limit the FAA mandated curriculum to the current 1900 hours.

Various representatives of the aviation industry have long criticized the FAA for the outdated curriculum of Part 147 certified training. And despite the FAA's efforts to modernize

these curriculums, the industry has never been satisfied. This proposal has directed the FAA to review their current curriculum and keep it up to date within certain limitations. The curriculum needs to cover the entire spectrum of aircraft and engine maintenance, while technology continues to develop and new products and processes are introduced almost daily, the old technology is still the main stay of the industry. The curriculum for legacy technology cannot be eliminated. And the FAA must introduce this updated curriculum within the time limits that are used today. The Association looks forward to continuing our work with the FAA on these efforts. AEA considers this and similar initiatives vitally important in the recruitment of the next generation technician.

FAA Inspector Training. The House of Representatives believes that FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies; that FAA inspector training should have a direct relation to the individual's job requirements; and that the FAA inspector should be allowed to take training at the location most convenient for the inspector. Congress has proposed to direct the Comptroller General to conduct a study of the training of the aviation safety inspectors of the FAA to include an analyses of the type of training provided to FAA inspectors, the actions that the FAA has undertaken to ensure inspectors receive up-to-date training, the extent of inspector training that is provided by the aviation industry and whether such training is provided without charge. The study will also look into the amount of travel that is necessary for inspectors to receive training.

Continued on following page

AEA has long invited and encouraged FAA avionics inspectors to participate in AEA-sanctioned training. We believe that the training given to our membership is just as valuable to the FAA inspector workforce. The Association is looking forward to the results of the Comptroller General's report. We support the efforts to evaluate the currency of inspector training and encourage Congress and the Administrator to establish a training requirement for the FAA aviation safety inspector that is in line with the Administrator's imposed training requirements for industry personnel.

The provision of Flight 100—Century of Flight Reauthorization Bill can be reviewed at <http://www.house.gov/transportation/q>

Regulatory Update

United States

On May 21, 2003 FAA issued Change 16 to FAA Order 8300.10.

Change 16 contained amendments to Volume 2, Chapters 1, Perform Field Approval of Major Repair and Major Alterations; Chapter 2, Issue SFAR 36 Authorization; Chapter 5, Evaluate Operator's Application to Conduct Flight in Airspace Where Reduced Vertical Separation Minimums are Applied; and Chapter 91, Evaluate Part 135 (Nine or Less) Operator/Applicant's Inspection and Maintenance Requirements.

In addition, Change 16 amended Volume 3, Chapters 9, Conduct Ramp Inspection on Cargo Loading, and Chapter 125, Monitoring Part 121 operators before, during, and after labor dispute, strike or bankruptcy.

The amendments to Chapter 1, Perform Field Approval of Major Repair and Major Alterations, are mostly a consolidation of FAA orders and policies from Flight Standards and Aircraft Certification Divisions. Some of the language that had affected avionics installations from Change 15 has been corrected.

The order does introduce a new definition of Follow-On Approval as "Approval of equipment of the same make and model on an aircraft using data from the initial approval. The make and model of the aircraft may be different if the installation is similar."

Repair stations performing alterations should review this document. There are two sections of this document that I will highlight that will assist industry in evaluating an alteration as a candidate for Field Approval.

Figure 1-2 contains a decision flow chart the ASI will use in determining if

the inspector can approve the alteration data. (Note: Although similar, this is not the same chart a DER would use. This chart is for ASI's use to determine if they have the authority from the Administrator to approve the alteration data.)

Figure 1-3, Major Alteration Job Aid. This job aid will guide the ASI and the applicant in evaluating when an alteration requires an STC. There is a very large note at the end of the section addressing avionics system installations that states, "NOTE: ASIs should also review current guidance for specific types of installations that have been identified as candidates for field approval."

Volume 2, Chapter 1, Change 16 (Field Approvals) can be viewed at: http://www1.faa.gov/avr/afs/faa/8300/8300_vol2/2_001_00.pdf.

FAA Headquarters has introduced Chapter 5 to provide guidance to FAA inspectors who are evaluating an operator's application to conduct flight in airspace where reduced vertical separation minimums are applied. This amendment requires an extensive aircraft specific approved maintenance program. Repair Stations are cautioned that each turbine powered aircraft could be managed under a unique maintenance program. Coordination with the owner/operator of each aircraft is essential. In addition, this FAA Order requires the Part 91 operator to establish an extensive maintenance Quality Assurance program in order to receive RVSM authority.

Volume 2, Chapter 5, Change 16 (RVSM) can be viewed at: http://www1.faa.gov/avr/afs/faa/8300/8300_vol2/2_005_00.pdf

Flight Standards Information Bulletin for Airworthiness (FSAW)

02-06 Field Approval Requests has been extended until May 31, 2005.

The purpose of FSAW 02-06 is to ensure that the Aviation Safety Inspector communicate clearly with operators concerning factors that may cause a delay or denial of their field approval request.

Flight Standards Information Bulletin for Airworthiness (FSAW) 02-03A: Follow-On Approval of Class B Terrain Awareness and Warning Systems (TAWS) has been extended until May 31, 2005.

FSAW 02-03A explains the standards a Class B Terrain Awareness and Warning System (TAWS), also called an Enhanced Ground Proximity Warning System (EGPWS), must meet to qualify for a follow-on field approval.

Europe

September 28, 2003 will mark the day the European Union will begin the take over of aviation regulations from the independent National Aviation Authorities. This date will also mark the beginning of the European Aviation Safety Agency (EASA).

As part of the transition, many of the Joint Aviation Requirements will be amended to conform to the EU legal legislative profile.

Currently JAR 66, 145, 147, and JAR OPS-M are transitioning to EASA implementation rules. The Core Group of experts that are transitioning these requirements has significantly amended Part 66 by adding small airplane requirements. In addition, the repair station regulations also have been amended to recognize and regulate small airplane repair stations.

These rules have been released with an aggressive six week time line for

consultation. Anyone currently affected by JAR 66, 145, 147 or JAR OPS-M should review and comment on the proposed implementation rules.

Australia

The Civil Aviation Safety Authority of Australia (CASA) has proposed to establish Part 90 of the civil aviation safety regulations.

Part 90 will specify the airworthiness standards, additional to the original type certification requirements, that owners/operators are responsible for ensuring compliance prior to operations.

This new Part replaces the system of General Airworthiness Directives (AD) that retroactively made new airworthiness standards applicable to all existing aircraft. Part 90 is considered to be a more appropriate vehicle than ADs for promulgating retroactive airworthiness standards.

Part 90 consolidates and retains existing requirements from current General ADs in CAOs 105 with minimal change.

Comments are due June 30, 2003.

Information on this proposal can be found at: <http://www.casa.gov.au/avreg/newrules/casr/090.htm#docs>

Ric Peri

*Vice President, AEA Government
& Industry Affairs*

601 Pennsylvania Avenue

Suite 900, South Building

Washington, DC 20004

phone: 202-589-1144

fax: 202-639-8238

ricp@aea.net

Frequently Asked Questions

TOPIC: Repair Station Manuals

QUESTION:

What FAA guidance is available regarding submitting my NEW Part 145 manuals?

ANSWER:

As of the date of this printing (June 9, 2003) the FAA still has not published an Advisory Circular for the "NEW" Part 145 manuals.

However, there are some very important elements about these new manuals that should be considered.

First, your new manuals are not required to be submitted to the FAA until October 2, 2003. Among a host of topics covered during the FAA training on Part 145, Diana Frohn, the manager of the repair station division, makes the point that the Repair Station Manual must be *received* by the FSDO prior to the implementation date. The regulation does not require the manual to be *reviewed and accepted* "BY" the FAA prior to the effective date of the new Part 145.

Section 145.207 Repair Station Manual, requires that "a certificated repair station must prepare and follow a repair station manual acceptable to the FAA." Nowhere in the regulations does it state that the repair station's manuals are accepted "BY" the FAA. Section 145.207 also requires that, "A certificated repair station must provide to its certificate holding district office the current repair station manual in a format acceptable to the FAA." This must be completed before the effective date of the new Part 145 regulations: October 3, 2003.

AEA does not encourage its members to wait until the last day to submit their new manuals, but until the FAA

headquarters publishes the Advisory Circular, repair stations should actively prepare for the transition, but they should not be writing a new manual.

There is one portion of the new manual that must be APPROVED by your FSDO before October 3, 2003; that is which maintenance functions you have chosen to outsource.

Section 145.217 Contract Maintenance allows a certificated repair station to contract a maintenance function pertaining to an article to an outside source provided that "the FAA approves the maintenance function to be contracted to the outside source." If you rely on maintenance functions that are accomplished by anyone other than your repair station, these maintenance functions MUST be approved before October 3, 2003. This can be done by a letter and does not imply that you must submit your manual early.

You must also make available a list of contracted vendors. However, this list DOES NOT have to be approved. Section 145.217 also requires that if the repair station outsources maintenance "the repair station maintains and makes available to its certificate holding district office a list of maintenance functions contracted to each outside facility and the name of each outside facility to whom the repair station contracts maintenance functions and the type of certificate and ratings, if any, held by each facility."

Transitioning to the new Part 145 manuals is one of the most important events for repair stations during 2003. Every repair station should attend at least one of the AEA supported Part 145 training programs. A complete schedule and registration instructions can be found on AEA's website at www.aea.net

These programs are being funded by a partnership of AEA, NATA, ARSA and other industry groups so that these programs can be presented to the public at NO-COST to the attendees. Your attendance is highly encouraged.

Note: AEA offers these Frequently Asked Questions (FAQs) in order to foster greater understanding of 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.

Contact: Ric Peri, AEA Vice President, Government & Industry Affairs
601 Pennsylvania Avenue | Suite 900, South Building | Washington, DC 20004
phone: 202-589-1144 | fax: 202-639-8238 | ricp@aea.net