



The View from Washington

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Convention Attendees Rise and Shine for Regulatory Sessions

“Carelessness and overconfidence are more dangerous than deliberately accepted risk.”

— Wilbur Wright, 1901

With more than 90 hours of training available in four days, the 50th annual AEA International Convention & Trade Show in Reno, Nev., in March was this year’s premier training event for the avionics industry.

The FAA’s Repair Station Training Program has been a hot issue these past few months, and for those of you who attended the convention and the various training opportunities, you are well on your way to meeting all of the requirements for this year’s training.

In the various sessions during the convention, you had the opportunity to receive an update on the recent changes to the Federal Aviation Regulations; a refresher on human factors for aircraft maintenance; and an introduction to system safety and safety management systems.

In addition to the normal technical training the AEA provides, the four-day convention included basic maintenance courses as well, such as the “Basics of Composite Aircraft Structures, Structural Repairs and Antenna Bonding” course presented by Mike Hoke of Abaris Training. This presentation began with the current status of composite technology and a review of the characteristics of advanced composite materials and their role in composite aircraft. Attendees were presented information on damage assessment methods, damage removal and various repair procedures. This session also covered aircraft antenna bonding and grounding in composite aircraft.

Perhaps, you attended Jason Dickstein’s program on “The Rules About Maintenance.” This session



Ric Peri, vice president of government & industry affairs for AEA, presented this year’s hot topics during the “Regulatory Rise & Shine Round Table,” which takes place annually at the AEA International Convention & Trade Show.

introduced attendees to the laws, regulations and policies surrounding maintenance. Through discussion of aviation law basics, examinations of actual court cases and group interaction, participants were able to look at the basic standards applying to maintenance as well as some of the more unusual FAA rules and policies that sometimes confound AEA members.

Thursday morning — early morning — began with the annual “Regulatory Rise & Shine Round Table.” To look out into the audience at 8 a.m. after AEA’s First-Nighter Party, which didn’t end until after midnight, and see more than 250 people from four continents and countless countries sitting there listening to the latest in regulatory issues, I was truly humbled and pleased to work for you.



Despite its early start, the “Regulatory Rise & Shine” packed in more than 250 convention attendees from four continents and countless countries.

This Rise & Shine session started with a review of Section 145.201, "Privileges and Limitations of Certificate." As many of you know, a repair station is limited to work within their ratings. But the regulations also include the limitations of the shop's operations specifications.

In a recent visit to 14 AEA member shops, I audited their ops specs — every operations specification I reviewed contained errors. Some errors were the result of the FAA's automated ops specs process; some were the oversight of the FAA's principle inspector. It really doesn't matter; if the ops specs limit you to installing "only" new avionics, then you better not be installing "used" equipment.

I encouraged every member in attendance to review their ops specs and offered to help review them if members would send me, via fax or e-mail, a copy of their ops specs.

The session also reviewed the notice of proposed rulemaking against the repair station regulations, Part 145. The NPRM would have a major affect on your repair station operations with significant changes in the repair station ratings and quality programs. We discussed the recent proposal against Part 21, "Production and Airworthiness Approvals." While most people assumed this was a manufacturing and production rule, there are substantial changes in the manufacturing of owner-produced parts as well as parts produced incidental to maintenance.

As reported in the AEA's "Regulatory Update," the FAA extended the inspection authorization renewal from one year to two years. Unfortunately, it means little to the IAs as the only change is the FAA's biannual issuance of the IA certificate. The activities and responsibilities to renew the certificates of IAs are exactly as they were previously. However, the rule now

adds a "currency" requirement, which wasn't in the previous rule.

In addition, we briefly discussed the changes to Section 91.411, "Altimeter System and Altitude Reporting Equipment Tests and Inspections" and the recent update to AC 43.9-1F, "Instructions for Completion of FAA Form 337."

The Rise & Shine also included a "Rulemaking 101" discussion in which we reviewed how laws are written, how regulations are drafted, and how public comment affects the final outcome. The session included a review of some of the laws the FAA must comply with as part of rulemaking, such as:

- The Administrative Procedures Act, which requires agencies to make public their proposals and to receive and address public comments.
- The Paperwork Reduction Act, which requires agencies to justify public reporting and the use of government forms.
- The Regulatory Flexibility Act, which requires agencies to know and understand the impact on small businesses and, where possible, evaluate cost-effective alternatives for small businesses.

The session concluded with a brief overview of the roles of the Office of Management and Budget, which is the government watchdog.

Everyone attending the session was challenged to log onto <https://dms.dot.gov> and review the Department of Transportation's docket management system where comments to FAA's proposed rules are posted.

The session ended with another informative regulatory update from Wes Ryan of the FAA's Small Airplane Directorate. We have been very pleased with their participation over the last few years and always find their updates timely and applicable to the problems AEA members face in their day-to-day operations.

Friday morning again began at 8 a.m. with a three-panel program in which the first two panels were directly related to regulatory issues and problem solving for the AEA membership. The third panel focused on the single greatest legislative issue facing AEA members this year: the FAA's reauthorization and its proposal for user fees.

Panel 1 focused on safety management systems (SMS). Modern management and safety oversight practices are moving increasingly toward a systems approach that concentrates more on control of processes rather than efforts targeted toward extensive inspection and remedial actions on end products. This panel introduced SMS from a regulatory perspective as well as from a business-management perspective.

Richard Abbott from the FAA's Flight Standards Division in Washington D.C., introduced and briefed the audience on the FAA's efforts to implement what they call a systems approach for safety oversight (SASO). The FAA established the SASO program to redesign its oversight processes for achieving the highest level of safety and efficiency.

In his presentation, "United States Approach to SMS Implementation," Amer Younossi from the FAA's Flight Standards Service began his presentation by quoting Wilbur Wright, "Carelessness and overconfidence are more dangerous than deliberately accepted risk."

This presentation focused on the implementation of SMS by ICAO and its mandate for all countries to have an SMS requirement in place by Jan. 1, 2009. As such, the FAA will introduce an NPRM later this year for implementation by Dec. 31, 2008. Because it is in such an early stage, the depth of the proposal would be speculation at best.

This first panel discussion was anchored by Amy Koranda's pre-
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Frequently Asked Questions

The following information is from the Federal Aviation Regulations.

TOPIC: Mode S Transponders

QUESTION:

Does 135.143 (c)(2) allow for the exchange of Mode A/C transponders in Part 135 aircraft?

ANSWER:

No. Section 135.143 (c)(2) allows for an operator to continue the use of his Mode A/C transponder as long as it can be maintained. However, if it can no longer be maintained, it must be replaced with a Mode S transponder. The rule does not allow for exchanges of the transponder as a method of maintaining equipment except when maintenance is being accomplished.

What does Section 135.143 (c)(2) actually state?

Section 135.143, "General Requirements."

(c) ATC transponder equipment installed within the time periods indicated below must meet the performance and environmental requirements of the following TSOs:

(2) After Jan. 1, 1992: The appropriate class of TSO-C112 (Mode S). For purposes of paragraph (c)(2) of this section, "installation" does not include:

- (i) temporary installation of TSO-C74b or TSO-C74c substitute equipment, as appropriate, during maintenance of the permanent equipment;
- (ii) reinstallation of equipment after temporary removal for maintenance; or
- (iii) for fleet operations, installation of equipment in a fleet aircraft after removal of the equipment for maintenance from another aircraft in the same operator's fleet.

To answer the exchange as a function of maintenance question, you have to go back to the original Feb. 3, 1987 rule. In the Federal Register notice (52 FR 3280), under the "Summary of FAA Actions" section, the FAA states, "The requirement to meet the Mode S TSO after Jan. 1, 1992, does not apply to: (a) A transponder which meets the requirements of the rule when originally installed, and which is removed from an aircraft for maintenance and then reinstalled on the aircraft from which it was removed."

The rule does allow for a Mode A/C transponder to be exchanged temporarily when the permanent transponder is removed for maintenance as long as the permanent equipment is reinstalled following maintenance.

Note: The AEA offers "Frequently Asked Questions" to foster greater understanding of the Federal Aviation Administration regulations and the rules governing our industry. The AEA strives to ensure FAQs are as accurate as possible at the time of publication; however, rules change. Therefore, information received from an AEA FAQ should be verified before being relied upon. This information is not meant to serve as legal advice. If you have particular legal questions, they should be directed to an attorney. The AEA Disclaims Any Warranty for the Accuracy of the Information Provided.

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sensation of SMS from a business-management perspective. Koranda is the director of safety management for the National Air Transportation Association. NATA has been active in implementing SMS in its member FBOs and charter operations.

While the FAA and other regulatory agencies have been talking about SMS from a regulatory-mandate perspective, NATA's efforts to implement SMS from a pro-active business-management perspective is to be commended; however, SMS for business and regulatory SMS are two separate discussions.

The second panel of the morning was called "FAA Leadership: Here and Abroad." This panel seemed to generate more comments and feedback than any other session so far this year.

The panel consisted of four representatives from the FAA: Kim Smith, manager of the FAA's Small Airplane Directorate; Jennifer Arquilla from the International Policy Office of the FAA Aircraft Certification Service; John Colomy, standard staff manager of the FAA's Small Airplane Directorate; and Dave Cann from the FAA's Flight Standards Division.

Smith spoke about the activities of the Small Airplane Directorate and the challenges faced by both the FAA and industry as technology advances.

Arquilla provided the audience with the latest information on the soon-to-be-signed Bilateral Aviation Safety Agreement between the United States FAA and EASA. In addition, she briefed us on the interim agreement.

Colomy had everyone's attention with his "Son of AGATE" presentation on the technologies of the future and the possibilities for future flight technology.

Cann briefed us on the status of delegation, the future of delegation, and the maintenance implementation plans

(MIPs) currently being developed for Europe through EASA and with the New Zealand Civil Aviation Authority.

A program on human factors, which took place Saturday morning, concluded the convention's regulatory sessions. As part of AEA's commitment to provide as much of the training required of repair stations as possible, the AEA plans to conduct human factors training at its conventions each year.

This year, the AEA was pleased to again bring Dr. Bill Johnson, chief scientific and technical advisor for human factors in aircraft maintenance systems for the FAA, to the convention for the benefit of its membership.

In this session, Johnson discussed solutions to everyday problems repair stations deal with, such as fatigue, rushed schedules and availability of resources. This session also introduced the four influences of human performance — people, environment, actions and resources — and their impact on the safety and efficiency of aircraft maintenance.

At each regulatory session offered during AEA conventions and regional meetings, it is my goal to solve problems members deal with every day. For every hour you commit to attending an AEA session, my goal is for you to receive two hours back in improved efficiency, availability of resources and

information, or better management of those resources.

I am very pleased with the sessions presented at this year's convention, and I thank the speakers who presented the information and often entertained us as well. I thank you for taking time out of your busy schedules to attend these regulatory sessions — especially as early as they were presented. And I especially thank those of you who provide feedback to help us make the next sessions even better.

Thanks to all of you, and I look forward to seeing you in Washington, D.C., in April 2008 for the 51st annual AEA International Convention & Trade Show.

Regulatory Update

United States

FAA AC 43-10B: United States/Canadian BASA/MIP Maintenance

Advisory Circular 43-10B provides air carriers, repair stations and certificated airmen with recommended procedures for maintenance, preventive maintenance and alterations (excluding annual inspections) performed on United States aeronautical products located in Canada by Canadian approved maintenance organizations (AMO) and aircraft maintenance engineers (AME), and Canadian aeronautical products located in the United States by U.S. repair stations and certificated airmen.

The AC was developed to provide guidance relating to the Bilateral Aviation Safety Agreement (BASA) and accompanying maintenance implementation procedures (MIP) between the United States and Canada.

An FAA-approved repair station or FAA-certificated airman may perform maintenance, preventive maintenance and alterations (with the exception of

annual inspections) on a civil aeronautical product under the regulatory control of the TCCA.

TCCA acceptance will not exceed the scope of the ratings and limitations contained in the 14 CFR Part 145 certificate, and authorized functions will be listed on the repair station capabilities list.

Procedures meeting the requirements of the special conditions in the MIP must be included in the repair station manual. FAA-certificated airmen must comply with the current CARs when performing maintenance on Canadian aeronautical products.

A repair station performing maintenance on Canadian air carriers operating in commercial air service under CAR IV or CAR VII must include in its manual a supplement describing the procedures specified in the MIP, or explain where in the repair station manual those procedures are described and approved by the FAA.

A repair station or FAA-certificated airman may continue to perform maintenance, preventive maintenance and

alterations on Canadian aeronautical products if inspection by the TCCA is allowed and the repair station cooperates with any investigation or enforcement action taken by the TCCA.

Notice N8000.362: Air Carrier's Outsource Maintenance Provider Oversight Responsibilities

Notice N8000.362, "Air Carrier's Outsource Maintenance Provider Oversight Responsibilities (Certificated Repair Stations/Noncertificated Facilities)," dated April 23, 2007, provides guidance to principal inspectors (PI) assigned to Title 14 of the Code of Federal Regulations, 14 CFR, Part 121 certificated air carriers who contract some or all of their maintenance to other persons.

Upon receipt of this notice, PIs must complete a review of each air carrier's contract maintenance program to verify the air carrier's procedures adequately ensure compliance with its continuous airworthiness maintenance program (CAMP) and the Federal Aviation

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Regulations. PIs should continue to use this guidance for oversight of each air carrier's contract maintenance program.

This notice cancels Airworthiness Handbook Bulletin (HBAW) 06-05A, "Air Carrier's Outsource Maintenance Provider Oversight Responsibilities (Certificated Repair Stations/Noncertificated Facilities)."

AEA member shops performing maintenance for air carriers are encouraged to read this FAA notice as a review of the maintenance regulations applicable to air carrier maintenance. The notice can be viewed at www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0/7DB48E2620241413862572C8006AFC87?OpenDocument.

AC 43-12A: Preventive Maintenance

Advisory Circular 43-12A provides information concerning preventive maintenance, including who may perform it, the applicable standards of performance, authority for approval for return to service, and the applicable recording requirements.

This AC clarifies those areas most frequently misunderstood in the past. AC 43-12 was revised April 18, 2007.

AC 20-94: Digital Clock Installation in Aircraft

Advisory Circular 20-94A provides guidelines for operating and installing digital clocks in aircraft. The revision to AC 20-94 was published April 13, 2007.

According to AC 20-94A, digital clocks may be approved for installation in certificated aircraft as specified in § 91.205(a) in place of clocks with sweep-second hands.

The AC lists the following installation criteria:

- a) A display of hours, minutes and

seconds may appear simultaneously or be individually selected.

- b) The installation should be accomplished in accordance with the current edition of AC 43.13-2, "Acceptable Methods, Techniques and Practices, Aircraft Alterations." In addition, the clock and airframe manufacturer's instructions should be consulted.

- c) The clock function switch position identification and the digital readout should be readable in all lighting conditions from the pilot's normal position.

AC 20-77A: Use of Manufacturers' Maintenance Manuals

Advisory Circular 20-77A informs owners and operators about the usefulness of manufacturer's maintenance manuals for servicing, repairing and maintaining aircraft, engines and propellers. AC 20-77 was revised April 6, 2007.

Contained in the AC is information regarding the regulatory requirement for service bulletins.

According to the AC, the following is a list of situations in which service bulletins (SB) would be regulatory and covers most situations ASIs encounter if:

- All or a portion of an SB is incorporated as part of an airworthiness directive.
- The SB is part of the FAA-approved airworthiness limitations section of the manufacturer's manual or the type certificate.
- SBs are incorporated directly or by reference into some type of FAA-approved inspection program, such as an approved aircraft inspection program or CAMP.
- SBs are listed as an additional maintenance requirement in the certificate holder's operations specifications.

Canada

TCCA Revises SMS Implementation Schedule

Since the time the "Regulatory Update" for the April issue of *Avionics News* went to press, TCCA has revised its SMS implementation schedule for approved maintenance organizations (AMO).

The in-force date for AMOs now is scheduled for September 2008, followed by a three-year phase-in period as detailed in the April issue of the magazine.

FAA AC 43-10B United States/Canadian BASA/MIP Maintenance

Advisory Circular 43-10B provides air carriers, repair stations and certificated airmen with recommended procedures for maintenance, preventive maintenance and alterations (excluding annual inspections) performed on United States aeronautical products located in Canada by Canadian approved maintenance organizations (AMO) and aircraft maintenance engineers (AME), and Canadian aeronautical products located in the United States by U.S. repair stations and certificated airmen.

The AC was developed to provide guidance relating to the Bilateral Aviation Safety Agreement (BASA) and accompanying maintenance implementation procedures (MIP) between the United States and Canada.

FAA special conditions are applicable to Canadian-based AMOs and AMEs. These special conditions are required to be complied with to meet the requirements of 14 CFR Part 43. These special conditions are in addition to any requirements of CAR 571 and 573.

An AMO applying to work on an aeronautical product under the regulatory control of the FAA may perform maintenance, preventive maintenance

and alterations (with the exception of annual inspections) on that product. To perform maintenance, the AMO must hold a valid AMO certificate issued by the TCCA in compliance with the most current CAR 571 and 573. AMOs performing maintenance, preventive maintenance and alterations for 14 CFR Part 121 or 135 air carriers in commercial operations must have these additional items that include procedures to ensure compliance with Part 121 or 135 air carriers' manuals. The AMO will have a TCCA-approved FAA supplement to its MPM specifying how maintenance, preventive maintenance and alterations are to be performed on U.S. aeronautical products.

This supplement will include procedures to show separation of quality-control functions from other maintenance functions, including the separation of maintenance from inspection on those items identified as required inspection items as defined by the Part 121 or 135 air carrier/customer, if performing maintenance for air carriers in accordance with the requirements of Part 121, Subpart L, or Part 135, Subpart J.

To continue to hold an AMO authorization to maintain U.S.-certificated products, the FAA, or the TCCA on behalf of the FAA, may inspect it for continued compliance with CAR 571, 573 and the special conditions. Investigations and enforcement by the FAA may be undertaken in accordance with FAA rules and directives, and the AMO must cooperate with any investigation or enforcement action.

To perform maintenance, preventive maintenance and alterations on U.S. aeronautical products, Canadian AMEs must comply with the FAA special conditions. The AME must, among other requirements, ensure only FAA-approved parts or components are used. In addition, the AME must use the current manufacturer's recommendations or ICA.

Other special conditions are contained in the MIP Appendix 4.

Europe

EASA Introduced Comment Response Tool

Whenever the certificate of airworthiness is temporarily invalid as a result of damage, for example, or when compliance to requirements has not yet been shown (changes to TC or STC), a permit to fly must be issued prior to further flight.

The European Aviation Safety Agency (EASA) has released an amendment to EC 1702/2003 (Part 21) and EC 2042/2003 (Part 145) and has taken over the technical responsibility for the approval of the flight conditions on the basis of which a permit to fly can be issued by the competent authority. The regulation introduces previously unused Subpart P in Part 21.

An agency decision, 2007-006/R, was amended to provide acceptable means of compliance and guidance material for the applicability, legibility, application, approval and issue of flight conditions, and a permit to fly. Furthermore, Part 21 organizations may apply for a privilege to issue flight conditions based on an approved procedure.

EASA's website (www.easa.eu) further explains and introduces new forms for applying for the approval of flight conditions (EASA Form 37 and 18b) and for a permit to fly (EASA Form 21).

The agency has introduced a comment response tool (CRT), which will be used to automate the consultation process for notices of proposed amendments (NPA) and comment response documents (CRD). The CRT allows users to review NPAs and place their comments and, later, to view the CRDs and add their reactions before publication of the final decision or opinion.

The CRT eventually will be the only consultation system in use for rulemaking NPAs and CRDs; however, during a transition period the old "form+e-mail" method will be used in parallel. Old NPAs and CRDs will not be moved into the application. A detailed "User Guide" is provided to help users become familiar with CRT.

Registration is required to place comments. All registered users have the possibility to receive notifications whenever a new NPA or CRD is published. Once a comment is saved, it is allocated a unique number confirming the comment was saved successfully. This number also will be used in the CRD. While the consultation is open, users can still modify their comments. This tool should help ease access and submittal of comments and allow individuals to place comments more frequently.

Eurocontrol Asked to Develop Draft Implementation Rules for SES

The European Commission has asked Eurocontrol to develop a number of draft implementation rules for the Single European Sky regulation (SES).

Accordingly, Eurocontrol issued a notice of proposed rulemaking on a mandate for data-link services. The proposed rule will require European operators to equip their fleets with certified data-link capabilities. It proposed equipage become mandatory for new aircraft from 2009 and for existing aircraft from 2014, with military, FANS-1/A and aircraft older than 20 years in 2014 being exempted.

Ground data-link services implementation is assumed to progress from an initial group of 17 ATC centers, equipped by 2011, to all EU member states by 2016. The data-link service is proposed above flight level 285. Any aircraft planned for retirement by March 31, 2015, may be exempt.

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Comments must be sent to Eurocontrol. For more information, visit www.eurocontrol.int. □

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