



The View from Washington

BY RIC PERI
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"As a citizen you have the right to question your government."

Mr. Nick Sabatini,
FAA Associate Administrator for Regulation and Certification
July 2004

I would add to that, that it is every citizen's responsibility to govern their government, and as such, to actively be involved in the rulemaking process of the various Federal Agencies.

The rulemaking process is reasonably simple. The parameters of how a Federal Agency governs are set out in a series of laws or acts. The methods by which the various agencies implement these laws are spelled out in regulations—the Code of Federal Regulations (CFR). Acceptable methods of showing compliance to specific regulations are typically spelled out in agency policies. In the case of the Federal Aviation Administration these are primarily issued as Advisory Circulars. The FAA also issues various Policies and Notices. To govern internal employee behavior, and those individuals delegated certain responsibilities, the Administrator publishes her Orders.

When a Federal Agency proposes changes to a regulation or to a policy that affects the public's compliance with a regulation, then the Agency is required to publish a notice in the Federal Register and receive public comment on their proposal.

The public comments are not needed to be literary works but rather simple explanations and guidance from the public to the government. The comments should simply answer a few basic questions. How are you affected

by their proposal; do you agree or disagree with the proposal; what is the impact of their proposal on you or your business; and how would you recommend changing their proposal so that it would be acceptable to you.

There are few times where rulemaking has a global effect on aircraft maintenance facilities. In 1998, the FAA proposed Part 66 with widespread impact on the entire aircraft maintenance industry affecting every certificated mechanic and repairman. Then again in 1999, the FAA made a broad-brushed proposal which changed the regulations governing the repair station's business and quality control organization.

Now, after five years it is once again time for the public to get involved and tell the FAA how they want them (the FAA) to design the repair station training program.

We know that under 14 CFR part 145, all certificated repair stations located both within and outside the borders of the United States that perform maintenance, preventive maintenance, and alterations on United States-registered aircraft, airframes, engines, propellers, appliances, and component parts must have an approved FAA training program.

More specifically we know under the new Section 145.163, which was promulgated in August 2001, that each repair station certificated under part

145 must establish a training program for its employees who perform work under its ratings and classes. The FAA argued this training program will enhance aviation safety by ensuring each employee who works for a repair station is fully capable of performing that work. They specifically cited that it also would ensure a level of safety equivalent to that of maintenance performed under parts 121 and 135. Recognizing that repair stations vary in size, the FAA expects that each repair station would have a training program appropriate to its organization and the work it performs.

However, the proposed Advisory Circular (AC) takes quite a bit of literary license in the design of your required training program, far exceeding the agreement that the public had with the FAA in 1999, when they originally proposed repair station employee training.

The following are excerpts from the draft AC 145-RSTP which highlights just some of the elements of the proposed training program. A complete review of the draft AC is essential in order to understand the scope of the FAA's proposal. The draft AC is available on AEA's website at: www.aea.net.

The AC's "required program scope and complexity" is as follows:

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a. The purpose of the repair station's training program is to—

(1) Provide compliance with §145.163;

(2) Provide, through initial and recurring training, a continuing education program enabling repair station employees to perform their job functions efficiently, safely, and correctly; and

(3) Familiarize repair station employees with the repair station manual, quality control manual, and their procedures.

b. Each repair station's training program will be based on its individual operation and needs. When developing its training program, each repair station should consider its size, location, ratings, the type of employees it uses, and its employees' experience and skill levels.

c. Each individual employed by a repair station should have training based on the person's job function. Therefore, each repair station should develop procedures for

determining which employees require what training. All repair station employees usually do not require the same level of training. To facilitate the development of the training requirements and courses of study, each repair station should develop procedures to separate its staff into categories.

d. Each repair station's training program should address at least the following training courses of study for the different categories of employees:

(1) Indoctrination training for new employees covering the repair station's operations;

(2) Initial technical training to provide new and existing employees taking on new job functions with the appropriate technical skills;

(3) Recurrent technical training to ensure all employees remain current;

(4) Specialized technical training or advanced training for specific tasks or functions; and

(5) Remedial technical training for certain employees to correct training deficiencies.

e. Each repair station's training program will vary in the number of different courses of study, course content, hour requirements, training devices, and training sources. One repair station may have three indoctrination courses of study (one for technicians and inspectors, one for managers and supervisors, and one for support staff). Another repair station may have four indoctrination courses of study by breaking the technicians and inspectors into separate courses of study, and yet another may need only one indoctrination course that is appropriate for all of its employees.

f. The FAA does not require a minimum number of hours for each type of training course of study or a list of courses that should be offered. Consistent with its evolving systems safety certification and surveillance process, the FAA may ask the following questions:

(1) Is there clear responsibility and authority? Did the repairs station clearly identify the individual or individuals by job title who

Upcoming Equipment Mandates

EQUIPMENT	APPLICABILITY	DUE DATE	REFERENCE
RVSM	RVSM will be implemented between flight level (FL) 290-410 (inclusive) in the airspace of the lower 48 States of the United States, Alaska, Gulf of Mexico and Atlantic High Offshore Airspace (including Houston and Miami Oceanic airspace) and the San Juan FIR.	The planned implementation date/time is January 20, 2005 at 0901 UTC	68 FR 61303
TAWS Class B (TSO-C151)	Airplanes manufactured on or before March 29, 2002. Turbine-powered U.S.-registered airplane configured with six or more passenger seats, excluding any pilot seat.	March 29, 2005	§ 91.223
TAWS Class B (TSO-C151)	Airplanes manufactured on or before March 29, 2002: Turbine-powered airplane configured with six to nine passenger seats, excluding any pilot seat.	March 29, 2005	§ 135.154 (b)
TAWS Class A (TSO-C151) including an approved terrain situational awareness display	Airplanes manufactured on or before March 29, 2002: Turbine-powered airplane configured with 10 or more passenger seats, excluding any pilot seat.	March 29, 2005	§ 135.154 (b)

are responsible for the different aspects of the training program and have authority to make changes to the training program?

(2) Are there written procedures? Are the repair station training program policies and procedures written in its training program document?

(3) Is there a measurement of effectiveness? Does the repair station have a procedure for management to measure the effectiveness of the training program?

(4) Are there controls in place? Does the repair station have specific procedural controls to ensure that all elements of the training program are carried out?

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

(6) Are there written procedures for maintaining personnel training records?

(7) Is the manual identified with company name, address, certificate number, and other contact information appropriate to this manual (phone, fax, email, etc.)?

(8) Does the control system include a distribution list identifying a particular manual to a person or location?

(9) Does the manual contain an adequate revision system to allow an easy determination of currency?

(10) Is there a procedure for submitting revisions to the CHDO for approval and retaining records for a 2-year minimum?

(11) Does the training program have provisions for initial and recurrent training?

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

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

(14) Are individual training requirements identified and documented?

While an argument can be made that the five elements of maintenance employee training are reasonable and justified, the following are the proposed

administrative requirements to manage the training program. The following is the AC's proposed "Training Program Basic Components," again, a complete review of the draft AC 145.RSTP is necessary to capture the entire administrative requirements of the proposed program.

Paragraph 400. General.

a. Any effective training program should contain the following elements.

(1) Needs assessment. The repair station should have well-defined processes for identifying its overall training requirements and assessing each individual's capabilities. The procedures should include the following:

- Determination of who needs training and what type of training,
- Reassessment when changes occur at the repair station,
- Ongoing review to ensure that training meets all the repair station's needs,
- Evaluation of all new employees to determine their initial capability and training requirements,
- Assessment of current repair station employees when they are assigned new job functions to determine their training requirements, and
- Analysis of data from voluntary reporting systems, internal evaluations, or repair station rework after deliveries.

(2) Course definition. The training program should include procedures the repair station will use to design each course of study, and individual courses. This includes defining the specific purpose and objectives of a given course of study, the prerequisites, the required courses, the hour requirements, and the desired outcome. The course definition should include a detailed description of what technical information or skill is obtained by the course.

(3) Identification of training sources and methods. The repair station should have a method to identify and select the source and method of training that will best meet its training objectives.

(4) Measurement of effectiveness. The training program should include a process

to continually measure the effectiveness of the overall training program and individual training courses. This is an essential process if the continual review of training needs is to be useful.

(5) Training documentation. The repair station should have procedures to document each individual's training. This includes a system for creating, accessing, and retaining training records.

(6) Interfaces. The repair station should include a description of how its training program affects other repair station functions.

(7) Content of course of study. Each individual repair station should develop courses of study for each category of employee. Each course of study should include a list of courses for that course of study, including the total number of hours of instruction, objectives, and desired outcome for that course of study.

b. Each repair station's procedures addressing the above elements will vary in terms of complexity and scope and should fit the repair station's capabilities. Therefore, training programs may range from relatively small and simple programs to large and complex programs.

The previous excerpts are from the draft AC 145-RSTP which highlighted just some of the elements of the proposed training program. A complete review of the draft AC is essential in order to understand the scope of the FAA's proposal. As stated earlier, the draft AC is available on AEA's website at: www.aea.net.

Once you have reviewed the draft AC, you should submit your comments to Herb Daniels with copies also sent to the Manager of the Repair Station Branch, Dan Bachelder. We also ask that you copy our aviation advocate at the Small Business Administration, Charles Maresca, with your comments along with a file copy to AEA.

Your comments should be sent to the following addresses:

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Remember your comments do not need to be a Shakespearian masterpiece but rather a simple explanation of your thoughts on the FAA's proposal. Your comments should simply answer a few basic questions. How is your business affected by their proposal? Do you agree or disagree with the proposal? What is the impact of their proposal on you or your business? How would you recommend changing their proposal so that it would be acceptable to you?

Before you convince yourself that your vote doesn't count, remember that as a citizen, the government works for you and depending on what YOU tell them in your comments, this AC will be revised. Later this year when your inspector hands you a copy of the revised AC what do you want it to say?

It's your government. □

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Regulatory Update

United States

Correction to 14 CFR Part 29

On January 12, 2005, the Federal Aviation Administration (FAA) published a correction to 14 CFR Part 29, Airworthiness Standards: Transport Category Rotorcraft; Equipment: Flight and Navigation Instruments.

The Federal Register (FR) notice corrects an error that appears in the Code of Federal Regulations (CFR), title 14, as of January 1, 2004. The regulation relates to attitude-indicating instruments that are required to be installed on transport category rotorcraft. As published in the CFR, Sec. 29.1303(g) contains an error in which the word "altitude" was incorrectly substituted for the word "attitude." Accordingly, 14 CFR Part 29 is being corrected.

Flight Standards Information Bulletin for Airworthiness (FSAW) 98-04C has been amended.

On December 29, 2004, the FAA published their amended guidance for performing field approvals of Traffic Collision Alerting Device (TCAD), Traffic Advisory Systems (TAS), as well as Traffic Alert and Collision Avoidance Systems I (TCAS I)

Collision Avoidance System

On April 1, 2003, the FAA revised the applicability of certain collision avoid-

ance system requirements for airplanes. The current rules are based on passenger seating configuration and therefore exclude all-cargo airplanes. This final rule will use airplane weight and performance characteristics as the basis for collision avoidance system requirements to capture cargo airplanes weighing more than 33,000 pounds (lbs.) maximum certificated takeoff weight (MCTOW). Sections 121.356, 125.224, and 129.18 each contain specific TCAS criteria for turbine-powered airplane of more than 33,000 pounds maximum certificated takeoff weight and for piston-powered airplane of more than 33,000 pounds maximum certificated takeoff weight.

Terrain Awareness and Warning System

This final rule is a general aviation regulation that affects all U.S. registered turbine-powered airplanes with six or more passenger seats (exclusive of pilot and copilot seating). Section 91.223 titled, Terrain awareness and warning system, prohibits any person from operating a turbine-powered U.S.-registered airplane manufactured on or before March 29, 2002 which is configured with six or more passenger seats, excluding any pilot seat, after March 29, 2005, unless that airplane is equipped with an approved terrain awareness and warning system that as

Upcoming Compliance Dates:

Terrain Awareness and Warning System	March 29, 2005
Emergency Medical Equipment	April 30, 2005
Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes	Sept. 2, 2005

a minimum meets the requirements for Class B equipment in Technical Standard Order(TSO)-C151.

Emergency Medical Equipment

The Federal Aviation Administration (FAA) is extending the compliance date for batteries installed in automated external defibrillators (AEDs) to meet the requirements of a Technical Standard Order (TSO). The primary manufacturer of AEDs has only recently applied for approval of its battery. Not enough approved batteries exist to equip the entire air carrier fleet by the original compliance date of April 12, 2004. Extension of the compliance date will have a negligible impact on safety, will allow AEDs to continue to be used, and will allow for further approval and production of batteries that meet the TSO requirements. Power sources for automated external defibrillators must meet the standards of the applicable TSO by April 30, 2005.

Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes

The FAA is adopting upgraded flammability standards for thermal and acoustic insulation materials used in transport category airplanes. These standards include new flammability tests and criteria that address flame propagation and entry of an external fire into the airplane. This action is necessary because the current standards do not realistically address situations in which thermal or acoustic insulation materials may contribute to the propagation of a fire. This action is intended to enhance safety by reducing the incidence and severity of cabin fires, particularly those in inaccessible areas where thermal and acoustic insulation materials are installed, and providing additional time for evacuation by delaying the entry of post-crash fires into the cabin.

Canada

Transport Canada Issues New Manufacturing Regulations

TCCA has sent a proposed new manufacturing regulation, CAR 561, and associated new CAR STD 561 to final consultation and publication. The latter replaces the existing Airworthiness Manual (AWM) Chapter 561. It is anticipated that the new regulation and standard will come into force in the first half of 2005.

The proposed new regulation will apply to the manufacture of aeronautical products in Canada that have TCCA design approval under the Type Certificate (TC), Supplemental Type Certificate (STC), or Appliance approval (TSO & AP), processes. The proposed requirements, format and language will be harmonized with FAA and EASA usage.

New requirements for manufacturers are: the requirement to appoint an accountable executive; provisions setting forth the necessary qualifications for key personnel, and the requirement to identify by name in the company manufacturing procedures manual any persons authorized to issue a statement of conformity. The concept of "accountable executive" is being introduced throughout the CARs for all approved organizations, and must be a person with financial and executive control over the company that is the holder of the manufacturing approval certificate. The appointed person (key person) responsible for the management of the approved manufacturing organization must meet certain experience requirements and demonstrate knowledge relating to the manufacturer's approved policies in an interview conducted by TCCA. The identification of persons authorized to sign a statement of conformity must include a product or range of products which they are authorized to certify and, where a stamp is used, the stamp number assigned.

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Frequently Asked Questions

TOPIC:

List of Acceptable Aircraft Radios

The following information is from the Federal Communication Commission (FCC).

QUESTION: Is there a list of aircraft radios which can no longer be used in aircraft in the United States?

ANSWER: Yes. The Federal Communication Commission (FCC) publishes a list of aircraft radios which are no longer acceptable for use in aircraft.

A listing of radios that are not acceptable for use in aircraft after January 1, 1997 can be found at <http://wireless.fcc.gov/aviation/badlst.html>.

To find a PARTIAL list of radios that have been type accepted by the FCC as meeting the 30 PPM frequency tolerance (some with less than 700 channels) can be found at <http://wireless.fcc.gov/aviation/goodlst.html>.

If an aircraft radio has more than 700 channels, it is acceptable for use after 1/1/97. Aircraft radios type accepted to an even tighter tolerance are acceptable, but may not necessarily be listed. So long as the radio does not appear on the list of unacceptable radios it may continue to be used.

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

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TCCA-approved manufacturers will need to amend their company manufacturing or quality procedures manuals to comply with the new CAR 561 and STD 561, and should consult with their TCCA Principal Maintenance Inspector to accomplish this once the CAR and STD are in force.

The proposed CAR 561, STD 561 and Regulatory Impact Assessment Statement may be viewed at:

<http://canadagazetteducanada.gc.ca/partI/2004/20041120/html/regle5-e.html>

Transport Canada Adopts Advisory Circulars

TCCA Aircraft Certification Branch has adopted an Advisory Circular (AC) system to replace the Airworthiness Manual Advisory (AMA) documents. The transition has been completed, and the new ACs are identified by AWM/CAR STD Chapter number, e.g. AC 513-003. They should be referenced as appropriate in all new STC certification plans and compliance programs in lieu of the old AMAs. The new ACs may be accessed at:

<http://www.tc.gc.ca/CivilAviation/certification/guidance/menu.htm>

Transport Canada Offers Aviation Parts Seminars

TCCA Manufacturing and Maintenance Branch offers a seminar dealing with the handling and usage of aviation parts and is of interest specifically to those persons buying, stocking, or maintaining aircraft parts and components. There are no seminars currently planned, however, presentations may be made upon request through the Chief of Standards and Procedures, Jeff Phipps, via e-mail to phippj@tc.gc.ca

Europe

EASA

NOTICE OF PROPOSED AMENDMENT (NPA) No. 01/2005

The European Aviation Safety Agency (EASA) has published a Notice of Proposed Amendment (NPA) 01/2005 which amends Part 66.

The objective of Appendix I to AMC-66, Aircraft type ratings for Part-66 aircraft maintenance license, is to use the listed aircraft type ratings (aircraft / engine combinations) to ensure a common standard throughout Member States. This requires the Appendix being amended frequently and quickly to keep it up to date.

The existing EASA rulemaking procedure adopted after Part-66 and its AMC, does not allow for these frequent and quick amendments to an AMC. According to the EASA rulemaking procedure it would take nine and a half months to amend an AMC. This would include NPA drafting, consultation, review of comments and adoption. In practice,

Appendix I to AMC-66 would never be current even before its publication by the Agency.

The Agency has therefore come to the conclusion that a different process needs to be implemented. To do so, it proposes to replace the existing text in Part-66 AMC Appendix I by a reference to a list on the EASA website. This would allow for the list to no longer be part of the AMC. The benefit is obviously that it could be kept up to date more frequently through a much lighter process. The list should be seen as "for information purposes only" from a legal point of view. It is clearly not part of rule material to which the EASA rulemaking procedure would apply. The objective of the list will still be to permit a certain standardization throughout Member States.

The method described implies the introduction of a notification procedure in order to inform the Agency of any proposed changes. This procedure should be published on the website together with the list. It suggests that Member States notify the Agency as soon as possible of any aircraft type ratings not included in the list and that the Agency amend the list.

Comments should be received by EASA before April 10, 2005. □