



INTERNATIONAL NEWS AND REGULATORY UPDATES

F R O M R I C P E R I
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 emails to avionicsnews@aea.net.

UNITED STATES News & Regulatory Updates

Technical Data

The Federal Aviation Administration has issued change 147 to Flight Standards Information Management System FAA Order 8900.1, volume 6: surveillance, chapter 14 technical data, section 1 inspect a maintenance provider's technical data. Below is what the FAA inspector has been instructed to look for when auditing a maintenance service provider. (*Editor's note: it is the Association's desire that the FAA applies this surveillance equally, without discrimination, to certificated (Part 145) and non-certificated maintenance facilities.*)

► 6-2960 PROCEDURES

A. Performing Surveillance.

When performing surveillance on a maintenance provider, the principal inspector should perform the following tasks:

1. Verify that the appropriate "acceptable data" (methods, techniques and practices required by § 43.13(a)) are available to the maintenance provider.
 - a. Manufacturer's ICAs/manuals/data. The manufacturer's ICAs, manuals and other maintenance or alteration information are developed using technical data that was approved during the product's design approval. These manuals contain approved technical data as well as acceptable methods, techniques and practices.
 - b. If the manufacturer's ICAs, manuals and other maintenance or alteration information do not spe-

cifically cover a repair or alteration, then the maintenance provider must make a determination if the repair or alteration is major.

Note: If deviation from a manufacturer's maintenance manual is necessary, an assessment will be required to determine if the deviation is major or minor in nature (i.e., would it constitute a major repair or alteration on its own?). Minor deviations will only require method, techniques and practices that are acceptable to the administrator. However, if the deviation is deemed major, that technical data must be approved by the FAA prior to approving the product for return to service.

- c. Acceptance/approval by the air carrier. If a maintenance provider is performing maintenance, preventive maintenance or alterations for an air carrier, then the air carrier must either make the major/minor determination, or the maintenance provider must verify that the air carrier agrees with the determination.
- d. Designee approved data. A properly authorized DER may approve technical data supporting major repairs or alterations developed by the maintenance provider. Technical data approved by a DER must contain all of the data necessary to show that the repaired or altered product conforms to the airworthiness standards applicable to that product. In addition, given the proper authorizations, an ODA also may approve technical data supporting major repairs or alterations.

Note: Repair specification DERs and major repair, alteration and airworthiness functions ODA administrators have the authority to approve repair specifications. Repair specifications provide an alternative to the methods, techniques and/or prac-

tices contained in a manufacturer's manuals, service bulletins or ICAs. They are required when the repair will be used for multiple-use, non-serial number-specific, non-DAH repairs. They include step-by-step how-to instructions for performing the repair.

- e. Air carrier's approved technical data. An air carrier may have a process for the FAA to approve technical data supporting major repairs or alterations. The air carrier has the responsibility to determine if the repair or alteration is major. Once the air carrier determines the repair or alteration to be major, it should provide the maintenance provider with documentation that the technical data supporting that repair or alteration has received approval.
 - f. FAA-approved technical data. FAA data, such as airworthiness directives, field approvals, repair specifications and installation instructions emanating from STCs, are similar to manufacturer's maintenance manuals in that they generally contain not only approved technical data, but the methods, techniques and practices necessary to complete a given maintenance or alteration procedure.
2. Verify that the technical data is appropriate for the maintenance or alteration being performed.
 3. When performing surveillance on a Part 145 certificate holder, verify that the repair station has a procedure under § 145.211(c)(1)(v) for determining that the data required by §§ 43.13(a) and 145.109(d) is current, accurate and complete.
 - a. If the repair station has a contract with a provider for the documents listed in § 145.109(d), it should have instituted a system for ensuring currency and ability to conduct proper work with the new information.
 1. The document/data should be reviewed for any necessary changes to:
 - Housing
 - Facilities
 - Tools/tooling
 - Equipment, including test equipment
 - Materials
 - Technical training
 - Routers/travelers
 2. If no changes are necessary, the new data should be implemented as soon as practicable.
 3. If changes need to be implemented, they

should be completed within a reasonable timeframe, for example, 90 days after the receipt of the updated document or data. The implementation timeframe will depend on the complexity of the revision with respect to variables, such as procurement of special test equipment and tooling.

- b. If the repair station does not have a contract with a provider of the listed documents and data, it should have instituted a system for ensuring currency and ability to conduct proper work with the new information. The system should ensure the following:
 1. Regular review of the TC/production certificate holders' websites for current publication listings. If the document or data is not contained on or in the TC/PC holders' listing, the repair station should find the DAH/production approval holder (PMA, technical standard order) that does list the document. These sources should be checked on a regular interval, but should not exceed a biannual review to determine the current revision level. If the DAH/PAH is no longer in business, the last revision it provided would be considered acceptable to the FAA.
 2. The document/data should be reviewed for any necessary changes to:
 - Housing
 - Facilities
 - Tools/tooling
 - Equipment, including test equipment
 - Materials
 - Technical training
 - Routers/travelers
 3. If no changes are necessary, the new data should be implemented as soon as practicable.
 4. If changes need to be implemented, they should be completed within a reasonable timeframe, for example, 90 days after the receipt of the updated document or data. The implementation timeframe will depend on the complexity of the revision with respect to variables, such as procurement of special test equipment and tooling.

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Note: The requirements of §§ 145.109(d) and 145.211(c)(1)(v) differ from the requirements of Part 43. Due to the specific language in § 43.13(a) that allows use of “other methods, techniques and practices,” the FAA would have to show that the use of the prior version was unacceptable in order to prove a violation. If the FAA could not show how the prior version was unacceptable, the FAA could not prove a violation of this section. The requirement for current data in § 145.109(d) is attained by the repair station by showing compliance with Part 43 and having a system for ensuring that the data is not only current but used appropriately under § 145.211(c)(1)(v).

B. Manufacturer Repair Stations.

Repair stations associated with, or part of, a PAH facility often use the DAH’s technical data to perform repairs and alterations. This technical data may not meet the requirements of § 43.13(a) because it may not contain the how-to instructions (methods, techniques and practices) necessary to complete the maintenance or alteration action. In addition, caution these repair stations that parts manufactured by the production side of the facility must receive FAA-approval through a PMA, TSO, TC/PC, direct ship authority or other means before being eligible for installation during maintenance or alteration activities.

FREQUENTLY ASKED QUESTIONS

United States

Tools and Equipment

The following information is from the Federal Aviation Regulations Part 145 and advisory circular 145-9.

QUESTION:

Can a repair station borrow tools and equipment from another facility when needed? And, does a repair station need to show a “contract,” including the price paid, for tools and equipment that are acquired from another source and not permanently kept at the repair station?

ANSWER:

Yes, a repair station can borrow tools and equipment. Yes, the repair station should cite an agreement for the tools and equipment. No, there is no need for monetary compensation.

The regulation: 14 CFR 145.109 (a) states that “except as otherwise prescribed by the FAA, a certificated repair station must have the equipment, tools and materials necessary to perform the maintenance, preventive maintenance or alterations under its repair station certificate and operations specifications in accordance with Part 43.” It further specifies that the “equipment, tools and material must be located on the premises and under the repair station’s control when the work is being done.”

Let us look at the statement; “except as otherwise prescribed by the FAA.”

AC 145-9 paragraph 4-2. d. expands on the discussion of the regulation and provides “an acceptable means of compliance” for this requirement.

The AC continues with the basic requirement:

- The repair station must have the equipment, tools and materials necessary to perform the maintenance in accordance with Part 43.
- The equipment, tools and materials must be located on the premises and under the repair station’s control when the work is being done.

Then the AC describes the logic and intent to allow the repair station to contract for the use of expensive or rare equipment.

- Some of this equipment may be very expensive, and the repair station may rarely use it. If the repair station does not own the equipment and it is not kept at the facility, the manual must describe how the equipment is obtained (i.e., lease, rental, etc.).
- The manual should also describe the procedure for ensuring the equipment is on the premises and under the repair station’s control at the time the work is being performed.

The repair station should not be intimidated by the requirement for a contract. According to the *Merriam-Webster Dictionary*, a contract can be “a binding agreement between two or more persons or parties.”

If a repair station chooses to not purchase and store all of the required tools and equipment, the repair station manual should describe the who, what, when, where and how the repair station intends to manage its contracted tools and equipment.

CANADA

News & Regulatory Updates

Canadian Round Table at AEA Convention

At the AEA International Convention and Trade Show, March 22-25 in Reno, Nev., more than 30 representatives from member organizations in Canada attended the Canadian round table session to discuss current issues and concerns. A summary of the discussion follows:

► Safety Management System

Ric Peri, AEA vice president of government and industry affairs, announced the AEA will fund a Safety Management System umbrella project for Canadian and U.S. member maintenance organizations. The intent is to provide a centralized process for management of safety issues in accordance with Transport Canada Civil Aviation and Federal Aviation Administration SMS regulatory requirements.

This should provide alleviation to the member organizations for many of the SMS processes, and also enable the AEA to maintain a central database and report issues to the TCCA and the FAA. The AEA is planning to meet with TCCA officials to present this proposal prior to the AEA Canada Regional Meeting, Aug. 31-Sept. 1, 2011. A progress report will be presented at the AEA Canada Regional Meeting.

► UHF ELT Rulemaking

There has been no progress on the proposed rulemaking for the ultra-high frequency (406 MHz) emergency locator transmitter carriage on Canadian-registered aircraft. The federal election in May 2011 and appointment of a new minister of transport has further delayed this rulemaking. At the round table meeting, TCCA confirmed the current exemption to specialized maintenance

for installation of stand-alone 406 ELTs will be extended, and an amendment to the CARS will be proposed to make this a permanent rule change.

► TAWS Rulemaking

No progress has been seen to date on the proposed regulations for equipage of terrain awareness warning systems. The AEA is monitoring the situation and will advise Canadian members of any progress.

► Level of Involvement

As a result of concerns raised in the Ontario region by designated airworthiness representatives and AEA member organizations, the AEA submitted a position paper to TCCA management in Ontario and headquarters. It very strongly stated the current implementation of TCCA "level of involvement" policy is severely impacting the supplemental type certificate approval process in TCCA regions.

This policy allows a TCCA certification engineer to identify their involvement in a certification project, and also dictates that a STC cannot be issued until the TCCA LOI is completed. In many cases, this is delaying STC issue, despite DAR sign-off of all compliance documentation. Ontario DARs and organizations had a meeting with TCCA Ontario region management in March 2011, and the AEA will pursue this issue with TCCA headquarters if a satisfactory resolution is not achieved.

► TCCA/EASA Aviation Safety Treaty

TCCA informed the round table that the treaty has been signed by Canada and the EU, but it still must be ratified by the EU member nations. TCCA and the European Aviation Safety Agency have drafted the technical implementation procedures for certification processes and the maintenance implementation procedures. TCCA hopes to present details of the TIP and MIP processes at the AEA Canada Regional Meeting, Aug. 31- Sept. 1, 2011.

EUROPE

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EASA

In March 2011, EASA published a new Acceptable Means of Compliance (AMC 20-15) with the title: Airworthiness Certification Consideration for the Airborne Collision Avoidance System (ACAS II) with optional Hybrid Surveillance.

The AMC material replaces the JAA TGL 8 Revision 2 document which was used in the past for such installations. The new AMC 20-15 also includes conditions for the use and

certification of the new software version change 7.1, which has been developed to introduce new reverse resolution advisories in case that one or both of the pilots react contrary to the resolution advisories provided by the system.

After undergoing a review of all received stakeholder comments, the comment response document to NPA 2010-13 was finally issued in April 2011. It identified guidelines on the classification of changes in regards to the environmental protection requirements. Although one might think that it does not apply to the avionics world, it has been identified that the equipment itself, or a related installation, may indeed influence the envi-

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ronmental impact of a given aircraft.

The proposed text amends Guidance Material GM 21A.91, and identifies the following conditions as critical and potential major in regards to environmental protection:

- Changes that alter the external profile of the aircraft, such as antennas and cameras.

- EASA recognizes that small antennas usually would not change the acoustical signature of an aircraft.
 - A change that might affect the takeoff and/or landing performance, such as high drag external installations like antennas and/or pods and turrets.
 - A change to the never-exceed airspeed (VNE).
- The necessary amendment to Part 21 should be adopted and published no later than August 2011.

FREQUENTLY ASKED QUESTIONS

Europe

Acceptable Means of Compliance

The following information is from commission regulation (EC) No. 2042/2003.

QUESTION:

If EASA publishes an acceptable means of compliance, must my national aviation authority accept it?

ANSWER:

EASA specifies that member states “may” use an AMC to establish compliance. However, the regulation further states that “when the acceptable means of compliance are complied with, the related requirements of this part shall be considered as met.”

See the following:

Commission Regulation (EC) No. 2042/2003

Section B

Procedure for Competent Authorities

145.B.17 Acceptable means of compliance

The agency shall develop acceptable means of compliance that the member states may use to establish compliance with this part. When the acceptable means of compliance are complied with, the related requirements of this part shall be considered as met.

Note: The AEA offers “Frequently Asked Questions” to foster greater understanding of the aviation regulations and the rules governing the 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.

AUSTRALIA

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Part 66 Guidance Materials

In late April 2011, the Civil Aviation Safety Authority issued multiple advisory circulars in support of the changes to Part 66. The following ACs are available online at www.casa.gov.au:

- AC 66-1(0) - Control or Delivery of Aircraft Type Training by a Part 145 AMO (Systems Based, Manufacturers, Exclusion Removal Training).
- AC 66-2(0) - List of Aircraft Type Ratings for CASR Part 66 Licenses.
- AC 66-3(0) - Engine Ground Run Training and Assessment. □