



# The View from Washington

BY RIC PERI  
VICE PRESIDENT, AEA GOVERNMENT & INDUSTRY AFFAIRS

**A**t the end of the year it seems like an opportune time to review some of what your Government Affairs team has been involved in this past year. I know that for the most part whenever AEA is involved in government or industry issues, it is my face the membership sees. But, believe me when I say there is a fantastic team behind the scenes that makes the process look seamless.

To the AEA headquarters team, I offer my gratitude. Paula and Debbie, Mark and Mike, Rachel and Tracy, and Linda and Rita, without them AEA's ability to provide the information, manuals and events simply would not happen. I attend the meetings, develop the informative materials, and produce the presentations but, without the conduit that this team provides, my efforts would never reach the membership.

The Association is represented before National Aviation Authorities worldwide. To help me be at two and sometimes three places at the same time I rely on the rest of the Government Affairs team. AEA is supported by part-time contracted support with Jason Dickstein in the United States, John Carr in Canada, Franz Redak in Europe, and Darryl Jeffries in Australia. Plus, the invaluable support of the essential volunteers of the AEA board of directors and the Technical Committee members worldwide greatly assists my job. To each I say, thank you for another great year.

The Association was asked to participate in FAA Reauthorization Hearings before the United States House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Aviation. AEA was the only general aviation association testifying that day with a focus on aviation small businesses. We pointed out to Congress that the general aviation industry is supported by small

businesses. Over 80 percent of general aviation maintenance facilities, fixed base operations, airports, flight schools and technician training schools are small businesses. As such, the Federal Aviation Administration had a dismal record for developing performance-based regulations, small business friendly administrative procedures, and employee accountability for small business interaction.

The Association was adamant that in order to protect the viability of aviation businesses it is imperative they minimize the impact that enhanced security has on the local airport economy.

As a result of our participation in these hearings and with letters to individual representatives, the final FAA Reauthorization bill contains provisions that add a higher level of accountability to airspace closures and protection for individual technicians from certificate revocation action by the Transportation Security Agency. The provision requiring the FAA to establish a small businesses ombudsman was in the House version of the bill but not supported by the Senate so it was removed during negotiations. This is an important protection for aviation small businesses and we will continue the fight to establish this position to oversee FAA's rulemaking activities.

## Part 145 Training

AEA partnered with the National

### AEA Members: Have a Regulatory Question?

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Air Transportation Association (NATA) to provide worldwide FAA-taught Part 145 training sessions. In a proposal from NATA and AEA to the FAA, we proposed to sponsor a series of Part 145 training sessions to be attended jointly by industry and FAA employees. After the FAA accepted the proposal, the Aeronautical Repair Station Association (ARSA), and the Teterboro chapter of the Professional Aviation Maintenance Association (PAMA) graciously offered, and we accepted, to host a couple of the meetings. There were 11 of these meetings held beginning in April at AEA's convention in Orlando, Fla., until the last meeting held in Long Beach, Calif., on September 4. In between, we traveled to Las Vegas, Nev.; Amsterdam, The Netherlands; Kansas City, Mo.; Anchorage, Alaska; Manchester, N.H.; Teterboro, N.J.; Dallas, Texas; Chicago, Ill.; and Seattle, Wash. If someone missed the meetings, the presentation is available on AEA's website at [www.aea.net](http://www.aea.net). In addition, audience questions were captured at each session and the FAA answers to these questions are also available on the website.

### **AEA Part 145 Guidance Document**

The Association published a transition guide for assisting repair stations as they transition to the new Part 145 manual requirements. This guide is designed to take the information in the existing repair station's Inspection Procedures Manual and format it for the two-manual format that the new Part 145 regulations require, and then supplement the IPM information with additional process descriptions required by the new regulation. Those members who have still not received their copy of this transition guide can

*Continued on following page*

## **Frequently Asked Questions**

### **TOPIC: Part 145 Contractor Audits**

#### **QUESTION:**

A recent conversation with a member raised the following scenario. It seems that they do contract maintenance for other repair stations and their customers were sending them extensive audit questionnaires supposedly because of the new part 145. The question to me was, is this required?

#### **ANSWER:**

Generally speaking it is not. The FAA had originally proposed that a repair station would have to audit all contractors. During the public comment period, AEA challenged the issue based on the fact that Part 145 already contained the quality provision and that the FAA was actively auditing these facilities, therefore it was excessive to expect a repair station to audit other repair stations. When the FAA issued the Part 145 final rule, they agreed with industry's position and eliminated the requirement to perform an audit of contractors who hold a valid Part 145 certificate.

Section 145.217 allows a certificated repair station to contract a maintenance function pertaining to an article to an outside source provided (1) the FAA approves the maintenance function to be contracted to the outside source; and (2) The repair station maintains and makes available to its certificate holding district office, in a format acceptable to the FAA, the 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.

So the only thing that a repair station must do to contract maintenance to another repair station is first ensure that the function is listed on their contracted function list previously approved by the local FAA office and then maintain a list of contractors with a list of the certificates and ratings they hold.

*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, you should contact an attorney.*

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request a copy of AEA's Part 145 Manuals Transition Guidance Workbook from our website.

### AEA International Efforts

EU Regulations 1592/2002 established a European-wide aviation authority responsible for maintenance, certification and, ultimately, operation of aircraft and aircraft components throughout the European Union and other countries who volunteer to sign onto this standard titled the European Aviation Safety Agency (EASA). EASA was put into force in September. Patrick Goudou, a French national and former director of the Aeronautical Maintenance Department, was selected as the Agency's executive director.

AEAdrafted comments on four separate transition regulations affecting maintenance organizations, individual technicians and operators. The comments for the most part were successful with some resulting in direct rule changes, some comments resulted in rule language changes which clarified the intent of the regulation, and some generating defining language for regulations as a result of the EASA team rejecting our comments. The Association's comments are available for review on AEA's website.

In addition to the work the Association has been doing in Europe, AEA has been actively involved with the Civil Aviation Safety Authority (CASA) in Australia. CASA has been in the process of revising all of their maintenance regulations for the past few years. AEA has been working with the Authority to ensure that the overall impact to AEA member maintenance organizations is minimized. The Association expects to assist CASA as they begin to work on the draft advisory materials early next year.

A little closer to home, the Association has been working closely with the FAA to improve the field approvals process. Flight Standards and the Small Aircraft Directorate have been working together to develop guidelines to assist aviation repair stations in evaluating alterations and determining the appropriate level of data and approval necessary for the type of equipment being installed. While they have made tremendous progress, they are still a long way from being completed. AEA will continue to work with these two FAA offices to improve the process and reduce the overall administrative time associated with avionics installations.

In conjunction with the progress already made on field approvals, the FAA held a four-hour training program along with the 11 Part 145 sessions held throughout this year to educate both industry and FAAinspectors on the changes to FAA's Field Approval policies.

And at each AEARegional Meeting throughout 2003, and scheduled for the convention in 2004, AEAwill provide training on the evaluation of alterations to assist repair stations in evaluating alteration and determining the appropriate level of data approval for each application. Remember, during 2003, a Federal Judge reinforced the fact that the person performing the alteration must make the initial determination of major and minor. While it is the FAA's responsibility to provide oversight, it is the repair station that makes the initial determination and acts on the results of the evaluation.

One of the long term projects for the Association has been the participation in the FAA's Transport Directorate Aging Transport Systems Rulemaking Advisory Committee (ATSRAC). ATSRAC has been looking at the effect of age on wires and wiring systems. The initial results of inspections and examination of older commercial

aircraft is that age by itself has not been much of a factor. However, the accumulative effect of maintenance, the environment, and general wear and tear on wiring systems is compounded with age.

ASTRAC's Working Group 10 inspected corporate/business aircraft and found similar discrepancies as those found on large commercial aircraft, although not nearly to the same degree. Now Working Group 13 will evaluate instructions for continued airworthiness to determine adequacy of inspection criteria. AEA has found

that each discrepancy found in both the 80 commercial aircraft inspected and the 39 general aviation aircraft was listed in existing FAA guidance on performing wiring inspections. The Association has developed a refresher training program for performing wiring inspections. This program was given at each Regional meeting in 2003 and is scheduled for the 2004 convention.

In addition to the various U.S., Canadian, European and Australian rulemaking committees that AEA sits on, plus the eight scheduled AEA

events during the year, the Association made over 20 technical presentations during 2003 to mechanics, technicians and pilots regarding avionics, electronics and electrical system maintenance.

This is but a sample of what your Association has been up to this year, I trust we are representing you well. As I close this year here in the AEA Washington office, I'd like to wish all members a happy holiday season and a safe and prosperous new year. □

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# Regulatory Update

## United States

### **FSAW 03-06: Structural Criteria for Repairs and Modifications to Airplanes Certified for High Altitude Operation Rulemaking (FAA)**

The FAA published FSAW 03-06 to inform airworthiness inspectors about the requirements of special conditions applied to various airplanes certified for operation at high altitude. These special conditions include pressurization system requirements, damage tolerance, and other failure criteria applied to the pressure vessel. Therefore, any changes to the pressurization system or modifications or repairs to the pressure vessel must be approved in accordance with the requirements defined in the special conditions.

The policy states that inspectors should review the applicable TCDS for information on the special conditions. Part 25, section 25.841 (Amendment 25-87) contains many of the same provisions as the special conditions. For airplanes certificated after this amendment took effect, the spe-

cial conditions were incorporated into the certification basis and are no longer listed as a special condition to the TCDS.

### **ELTs**

This is a reminder that back in December 2000, the FAA published a change to Section 91.207 which requires most U.S.-registered civil airplanes to have an approved automatic type emergency locator transmitter and that the previous exemption for turbojet-powered aircraft expires on January 1, 2004. After that date, all turbine-powered aircraft will also be required to have an approved automatic type ELT.

### **Reduced Vertical Separation Minimum in Domestic United States Airspace**

The Federal Aviation Administration (FAA) has issued the long awaited final rule which permits the initiation of Reduced Vertical Separation Minimum (RVSM) flights in the airspace over the contiguous 48 States of the United States, the District of Columbia, Alaska, the portion of the Gulf of Mexico where

the Federal Aviation Administration (FAA) provides air traffic services, the San Juan Flight Information Region (FIR), and the airspace between Florida and the San Juan FIR. The RVSM program allows the use of 1,000-foot vertical separation at certain altitudes between aircraft that meet stringent altimeter and autopilot performance requirements. This rule also requires any aircraft that is equipped with Traffic Alert and Collision Avoidance System version II (TCAS II) and flown in RVSM airspace to incorporate a version of TCAS II software that is compatible with RVSM operations (Version 7). The FAA claims to be taking this action to assist aircraft operators to save fuel and time, to enhance air traffic control flexibility, and to enhance airspace capacity. The final rule is effective November 26, 2003, with a target implementation date of January 20, 2005.

## Canada

Transport Canada proposes amendments to regulations for Approved

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Distributors of parts, and the parts release process.

Transport Canada Civil Aviation (TCCA) has published a series of Notices of Proposed Amendment (NPA) to revise the procedures for certification of new parts by approved distributors, and to introduce new standards for approval of distributors. NPAs 2003-258, 2003-259 propose revisions to CAR 571 to enable installers of new parts to accept distributor certifications, and to allow distributors and AMOs to issue a certified true copy of an original part certification. NPA 2003-260 introduces a new CAR 563, containing regulations applicable to approved distributors of aeronautical products, and specifically allows distributors activities to apply to parts for all kinds of aircraft, whereas an earlier proposal would have allowed distributors to be limited to parts for installation on small aircraft. NPA 2003-261 revises CAR STD 563, Standards for Approved Distributors, that replaces the previous Chapter 563 of the Airworthiness Manual. NPAs 2003-262, 2003-279 propose revisions to CAR 573.05 and STD 573.05 to provide AMOs with similar parts release privileges to those proposed for approved distributors, and to recognize the practice currently employed by many AMOs, of using their own distinctive company tags on the basis of the original documentation received with the part. The NPAs also propose a means of controlling who is authorized to sign such documents on behalf of the AMO. NPAs 2003-281, 2003-282 propose revisions to CAR 573.08 and STD 473.08 to enable standards for parts control procedures that recognize the practice of using company tags, and introduce a system for traceability of parts and materials.

## Transport Canada clarifies AME training provisions for individuals holding ICAO licenses.

TCCA has issued NPA 2003-292 to propose revision to CAR STD 566.07, Alternative Training Provisions. The proposed revision provides clarification to clearly identify that even though an individual applying for an AME license may hold an ICAO license that meets the requirements of STD 566.07 (1), recognition of this license pertains to the basic training requirements only, and does not exempt the applicant from writing the pertinent technical examinations.

The NPAs referenced above are not yet available on the TCCA CARAC website. They were tabled for discussion at the CARAC Technical Committee V (M&M) meeting. Copies of the NPAs may be obtained from CARAC at:

Transport Canada, Chief, Regulatory Affairs (AARBH) Ottawa, Ontario K1A 0N8. (613) 990-1184 Fax. (613) 990-1198.

## Transport Canada addresses policy for issuing STCs with Approved Model Lists (AMLs)

TCCA recently reviewed and accepted the FAA AML STC SA01229SE for installation of the Garmin AT CNX80 Nav/Comm panel display with GPS WAAS capability. As a result of this activity, TCCA is preparing a policy for approval of STC applications with Approved Model Lists. TCCA has also commented to the FAA on their AML policy.

## Europe

By the end of September all of the comments of EASA Part 66, 145, 147 and Part M have been reviewed by the EASA and a comment response document (CRD) was prepared and made official on the EASA website. The Aircraft Electronics Association was

one of about 170 interested parties commenting on the Implementation Regulations.

Out of 38 AEA comments listed on the CRD, three were accepted and used for a changed text. Another six were considered and the implementation period has been extended following our comment.

One important item to begin with is that EASA states that contrary to our belief, EASA claims that Part 66 and Part M amendments with 66 Light and Part – M non-commercial are not considered rulemaking but have been directly derived from JAA regulatory material. (JAA recommendations are not regulations, but since JAA was contracted to disposition comments, I suspect that that technical fact was overlooked.)

The regulation as such has not been altered in a greater extent, however the implementations plan has been altered primarily to extend the implementation periods. The implementation plan was discussed separately and explained in an additional document called Note 2 on Transition on Implementation Rules of Continuing Airworthiness. □

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