



# The View from Washington

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**T**his month's View continues the process of looking at the Repair Station Training Program elements and developing the tools to efficiently (and cost-effectively) implement the FAA's mandated training program.

We have been talking about the "new" 145 training program at regional meetings, annual convention, and through *Avionics News* since 1999, and now it's here.

The AEA regional meetings this fall spent three hours reviewing the individual elements of the training program and the use of the FAA's Repair Station Training Program template. The use of the FAA's standardized template is very important in implementing a cost-effective program.

Taking advantage of the staggered implementation period is also very important. The regulations require that your training program must be submitted to your local FAA District Office by the last day of the month your repair station certificate was issued, regardless of the year it was issued. **DO NOT SUBMIT IT EARLY!** Take advantage of delay provided by the staggered approach to give you time to document the job descriptions, employee qualifications, needs assessments, and the five required training categories for the repair station.

Remember, you do not implement the approved training program until it is received back from your local FAA office: **APPROVED.**

Continue the training you currently provide; add the new training as it becomes ready, but don't rush the FAA approval of your program. Take advantage of the delay that you were given. Test your training program, practice performing needs assessments, and let

your employees document a lifetime of technical experience. Don't rush the FAA approval. Remember, you have nothing to gain by early approval.

When the time is right, developing your training program and submitting it to the FAA is pretty straight forward: use the template in AC 145-10. It has already been deemed an acceptable means of compliance to FAR 145.163. Any other template must be thoroughly evaluated under the criteria of the FAA's handbook bulletin which is more restrictive than the AC and requires more personal judgment of your Principal Inspector.

AEA has, with the help of a computer programmer, taken the FAA's text and created a program on Resource One for AEA member repair stations that self-populates your repair station name, critical managerial personnel, and air carrier customer information. Once three simple questions are answered, the program then allows you to print your training program manual, customized to your repair station from the FAA's acceptable program as published in AC 145-10.

So rather than focusing on the content of your training program, which is readily available on AEA's Resource One at no charge to AEA members, AEA's training is focused on "how" to implement an effective FAA-compliant training program. As was stated last month, over the next few months the View from Washington will focus on the management elements of implementing a training program.

This month we will focus on the five training categories as described in the FAA's program.

The five categories are:

1) elementary and logical: indoctrina-

tion, 2) initial, 3) recurrent, 4) remedial, and 5) specialization training.

The accountable manager or a staff person delegated by the accountable manager, will outline training requirements for the company and/or for the individual, based on the results of a training needs assessment. The training requirements will fall within one or more of these five categories.

## Indoctrination Training

Webster defines indoctrination as "to instruct especially in fundamentals." Indoctrination training includes the fundamentals a new employee would need to know of the repair station organization in order to perform their assigned tasks. From a Federal Aviation Regulation perspective, indoctrination training should ensure an employee works within the parameters of Part 145 and in accordance with Part 43. Indoctrination training may include topics such as a review of the repair station manual; identification of key repair station personnel such as the chief inspector and the accountable manager; definitions of the limitations of the new employee's job responsibilities; the location and operation of the tool calibration program; etc.

Indoctrination training should consist of the repair station's specific operations and procedures. This is core training for all repair station personnel. The scope and depth of indoctrination training may vary based on the individual's assigned position. However, indoctrination training should be similar for all employees to establish a standard knowledge base.

## Initial Training

Initial training is the technical train-

ing criteria that an employee would need to properly perform a maintenance task. Initial training may be as basic as the criteria of Part 147 for a new technician; training on a new product line for an experienced technician; training on new test equipment for all employees; or technical training on specific products.

To assist in the assessment of competence for determining individual initial training, job descriptions are recommended for each job role in the organization.

Basically, the assessment should establish that technicians are able to carry out their maintenance tasks. This training should consist of all of the applicable technical subject areas and be consistent with the specific employee's position and assigned job activities.

Technical training requirements should focus on providing employees with the appropriate skill or task training required to properly perform job task assignments.

### **Recurrent Training**

Recurrent training is designed to keep employees current within their assigned job activities through refresher training.

The repair station should have procedures to determine the recurrent training requirements for each job assignment or employee. Not all job assignments will have the same recurrent training requirements. The repair station should have procedures to determine the type and frequency of recurrent training for each of its employees.

The repair station may need procedures for developing one-time recurrent training courses when the repair station introduces a new product line or new test equipment that may require specific training.

If the repair station provides new information on initial training requirements to existing employees under the recurrent training system, its program procedures should set forth training that

updates the initial training requirements on a one-time basis, or training that is conducted on a regular basis (refresher training).

### **Remedial Training**

Remedial training is used when a discrepancy is identified that can be corrected through additional training to either an individual or the technical staff. The repair station should use remedial training to rectify an employee's lack of knowledge or technical ability by providing information as soon as possible. The information may be from the repair station's indoctrination, initial, or recurrent training program. In some instances, remedial training may be provided by an appropriately knowledgeable person reviewing procedures with an employee through on-the-job training (OJT).

Remedial training should be designed to fix an immediate knowledge or skill deficiency and may focus on one individual.

### **Specialization Training**

Specialized training is designed to provide job training for those tasks that require special skills or have a level of complexity that would require the development of specialized training for individuals to ensure capabilities. The repair station should have procedures to identify job assignments that may require specialized training. Specialized training may include training for tasks such as high-reliability soldering, special inspection or test techniques, or complex assembly operations. Individuals who attend specialized training and develop competency in a particular job assignment or task should be able to convey the information to other employees.

### **AEA Can Help Meet These Five Training Categories**

These five categories seem overwhelming and an unmanageable training

burden for most small repair stations. For many businesses, the development and commercial administration of each training category for every employee is simply not reasonable.

To assist the AEA members, the Association has developed our training so that it can be received by one technician and brought back to the repair station and administered to the remaining technicians. This is labeled "Train the Trainer."

While it is difficult to organize some of AEA's technical training (initial and recurrent) as a Train the Trainer course, most of the regulatory, business, safety or environmental training conducted at the regional meetings or at the annual convention are organized as Train the Trainer courses. This course format will allow the student to take the information back to the repair station and become the instructor for the technicians that couldn't break away to attend the AEA training program. PowerPoint presentations from the various AEA venues will be available on the member's only side of AEA's website.

In addition to the hundreds of hours of training provided throughout the year at the various AEA venues, AEA also provides regulatory training in the form of Training CDs as part of the AEA member benefits. These training CDs are easily obtained by contacting the AEA office at (816) 373-6565.

There are three fundamental elements of the FAA's mandated training program: 1) the FAA approved training program; 2) the management of the training program itself; and 3) the administration of training.

Your membership in AEA will provide you with the tools to make these three elements as cost-effective as possible. See you next month with more training program elements. □

# Frequently Asked Questions

The following information is from the Federal Aviation Administration as published in the September 9, 2005 Federal Register.

TOPIC:

## Mechanic's Lien

### State Court Decision Affecting Recordation of Artisan Liens

Consistent with Agency policy, the Federal Aviation Administration (FAA) gives notice of the holding in *Creation Aviation, Inc., vs. Textron Financial Corporation*, Florida District Court of Appeal, Fourth District, No. 4D04-2178, decided on April 27, 2005.

The Court in *Creston* held that Federal law pertaining to recording with the FAA Aircraft Registry did not preempt a Florida statute requiring that an artisan lien for work on an aircraft first be filed in the county where the work was performed in order to enforce the lien under Florida law. Accordingly, the FAA is advising the public that recording an artisan lien with the FAA Aircraft Registry only, may be insufficient to enforce an artisan lien under Florida law.

Under 49 U.S.C. 44107, the FAA maintains an aircraft registry that records "conveyances that affect an interest in civil aircraft of the United States."

The FAA published notice in the Federal Register that the FAA Aircraft Registry would record artisan liens on aircraft that met the minimum requirements of state statute. The notice stated that, for aircraft, "there is Federal preemption of place of filing: The FAA Aircraft Registry at Oklahoma City." 46 FR 61528, December 17, 1981. The

sole purpose of that notice was to set out the criteria for recording artisan liens with the FAA Aircraft Registry.

Florida Statutes, F.S.A. 329.01, requires all liens of affecting civil aircraft to be filed with the Federal Aviation Administration. F.S.A. 329.51 provides that aircraft liens are enforceable provided the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located when services were furnished.

In *Creston*, a fixed base operator attempted to foreclose a mechanic's lien that had been filed and recorded with the FAA consistent with 49 U.S.C. 44107 and F.S.A. 329.01. However, the Florida Court of Appeal held that the fixed base operator's failure to file a notice of lien in the county where the work was performed rendered the lien unenforceable under state law.

The Florida Court of Appeal did not accept the fixed base operator's argument that state or local filing requirements contained in F.S.A. 329.51 were preempted by Federal law. The Court in *Creston* cited *Holiday Airlines Corporation v. Pacific Propeller, Inc.*, 620 F.2d 731 (1980), which had similar facts. The Court in *Holiday* held that a lien filed with the FAA was enforceable, notwithstanding a lienor's failure

to file in the State of Washington. The Court held that the "federal recording statute, and rules implementing it, clearly preempt the filing requirements of Washington law." On the other hand, the Court in *Holiday* held that "matters touching on the validity of liens are determined by underlying State law."

The Florida Court of Appeal accepted the argument that until a lien on a civil aircraft is recorded with the FAA Aircraft Registry, it is valid only against those persons with actual notice and their heirs and devisees and that after the lien is filed with the FAA, it is valid against all persons. However, the Court determined that the State of Florida is not precluded from imposing requirements, including local filing requirements that affect the enforceability of aircraft liens in Florida.

Interested parties may wish to research state lien statutes to determine if local requirements affect enforceability of artisan liens recorded with the FAA.

FOR FURTHER INFORMATION CONTACT: Joseph R. Standell, Aeronautical Center Counsel, Monroey Aeronautical Center (AMC-7), Federal Aviation Administration, 6500 S. Mac-Arthur, Oklahoma City, OK 73169; Telephone (405) 954-3296.

*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

### United States

#### False and Misleading Statements Regarding Aircraft Products, Parts, Appliances and Materials

The FAA has issued a final rule which amends FAA regulations to create additional rules banning certain false or misleading statements about

type certificated products and products, parts, appliances and materials that may be used on type certificated products. This action is necessary to help prevent people from representing that these items are suitable for use on type certificated products when in fact they may not be. These rules are intended to provide assurance that aircraft owners

and operators, and persons who maintain aircraft, have factual information on which to determine whether a product, part, appliance or material may be used in a given type certificated product application.

This rule is critical to any shop or distributor who sells aircraft accessories directly or indirectly to the public.

This amendment can be viewed on AEA's Resource One and became effective October 17, 2005.

### **Proposed Advisory Circular (AC) 20-DATABUS, Aviation Databus Assurance**

The Federal Aviation Administration (FAA) announces the availability of and requests comments on a proposed Advisory Circular (AC) 20-DATABUS, Aviation Databus Assurance. This proposed AC provides guidance for manufacturers of aircraft, aircraft engine, and avionics incorporating databuses and databus technology in the design of their aircraft, aircraft engine, or avionics systems. In the proposed AC, they recommend how the manufacturer may get design and airworthiness approval for their databus.

Aircraft, aircraft engine, and avionics manufacturers may choose from several databus configurations for use on aircraft. The function of a databus is to transfer information between avionics modules, components, or line replaceable units (LRU) installed in an aircraft.

As such, these databuses are becoming more complex as aircraft, aircraft engine, and avionics manufacturers integrate more avionics components into the aircraft and aircraft engine data sources, resulting in large data transfers between data buses. System design engineers have considerable flexibility when designing a databus because of the many physical and logical configurations for airborne systems architecture, data units or packets, protocols, message traffic, and so on, thereby providing manufacturers, vendors and integrators more latitude when configuring databuses. This proposed AC contains the criteria applicants must address when developing, selecting or integrating databus technology they will use to show compliance with the appropriate certification requirements for their aircraft or aircraft engine.

You may get a copy of the proposed AC from the Internet at: <http://www.airweb.faa.gov/rgl>. Once on the RGL website, select "Draft Advisory Circular," then select the document by number.

Send all comments on the proposed AC to: Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Technical Programs and Continued Airworthiness Branch, AIR-120, 800 Independence Avenue, SW, Washington, D.C. 20591 ATTN: Mr. John Lewis, or via e-mail at: [john.lewis@faa.gov](mailto:john.lewis@faa.gov).

### **Service Difficulty Reports**

The Federal Aviation Administration is proposing to withdraw a final rule published on September 15, 2000, that would have amended the reporting requirements for certificate holders concerning failures, malfunctions, and defects of aircraft, aircraft engines, systems and components. The effective date of this final rule has been delayed several times and is now January 31, 2006. The FAA is proposing to withdraw this rule to allow the FAA time to re-examine the service difficulty report (SDR) program based on comments received and other developments since the final rule was published. We are also proposing several amendments that improve the existing SDR program because they did not receive significant comment when proposed in the final rule.

You can get an electronic copy of rulemaking documents using the Internet by visiting the FAA's Office of Rulemaking's website at [www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/).

You may send comments [identified by Docket Number FAA-2000-7952] using DOT Docket website: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

The FAA is also proposing to make

several minor changes to the existing SDR program. Most of these changes were already incorporated in the final rule we are now proposing to withdraw; we are proposing to proceed with these changes because they did not receive significant comment and will improve the SDR program.

### **Sections 121.703, 125.409 and 135.415**

The FAA is proposing to rename the titles of Sec. Sec. 121.703, 125.409, and 135.415 to "Service Difficulty Reports." The existing titles reflect the fact that these reports have been called various names over the years by different parties, resulting in some confusion. This proposed change would reflect the most common industry term for SDRs and result in the eventual use of only one consistently used term when referring to them.

### **Sections 121.703(d), 125.409(b) and 135.415(d)**

The FAA is proposing three changes to improve the process of submitting SDRs to the FAA under these sections: (1) Replacing the terms "send," "mailed," or "delivered" with the term "submit." This change would allow for the use of other means, such as electronic transmission, to submit SDRs to the FAA. (2) Increasing the time for submitting an SDR from 72 hours to 96 hours after an event occurs that requires an SDR. The increased reporting time gives certificate holders additional time to prepare the SDR and should reduce the number of supplemental SDRs that need to be filed. A reduction of supplemental SDRs should reduce the administrative burden on both the FAA and industry. (3) Changing the location to which the certificate holder must send SDRs. The current rule requires SDRs to be sent directly to the Certificate Holding District Office (CHDO). There, the SDRs

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are reviewed by the assigned Principal Maintenance Inspector (PMI) and then forwarded to the FAA offices in Oklahoma City, Okla., where all SDRs are entered into the SDR database. The proposal would require the certificate holder to send SDRs directly to the FAA Oklahoma City offices.

The PMI would be instructed by internal agency procedures to review the individual SDR for their assigned certificate holder through an internal FAA computer system that would access the SDR database. This proposal would remove the intermediate step of processing SDRs through the PMI, but not relieve the PMI of the responsibility for reviewing them. The proposed change would also facilitate electronic reporting by eliminating the necessity of delivering a copy to the PMI. The certificate holder would retain the option of submitting paper SDRs should it so choose, although the FAA strongly encourages electronic reporting.

Finally, for only Sec. 135.415, the FAA is proposing to remove the provision for aircraft operated where mail is not collected. This was an old provision that was rarely used by the industry. Mail service is available now in most locations and various alternatives to the U.S. Postal Service now exist.

### Section 121.703(e)

The proposal would require certificate holders to submit SDRs in a form or format acceptable to the Administrator. Many operators have voluntarily adopted reporting formats compatible with the FAA's electronic systems to simplify their reporting under the current rule. Electronic submission of SDRs through the FAA website is an acceptable format. This provision is intended to assure that, regardless of the method and format chosen for use, the information we receive is readable. However, when using electronic

technology, the electronic language used must be one the FAA is capable of reading.

## Canada

### Transport Canada Addresses Avionics Workshop Issues

At the AEA Canada Regional Meeting, held September 23-24 in Calgary, Transport Canada Civil Aviation (TCCA) provided an updated response to issues outstanding from the 2003 and 2004 Avionics Modification Workshops.

The TCCA positions on EMC testing of modifications on FADEC-equipped rotorcraft, and HIRF certification are published as FAQs at:

[www.tc.gc.ca/CivilAviation/certification/engineering/avionics/FAQ/menu.htm](http://www.tc.gc.ca/CivilAviation/certification/engineering/avionics/FAQ/menu.htm)

TCCA has confirmed that FAA AML STCs per AC 23-22 will be accepted for installation on aircraft of U.S. state of manufacture on the Canadian registry, but acceptance of FAA AML STCs on Canadian-manufactured aircraft will still be subject to TCCA review, as indicated in ACPL 23.

TCCA is still in the process of developing policy for: EMC testing of avionics mods; ICAs (a revision to MSI 53); In-Flight Entertainment Systems installations; and non-required avionics equipment installations.

AEA again expressed concern that TCCA is taking excessive time to develop the outstanding policy materials.

### Transport Canada Proposes Changes to Delegation System

At briefing sessions held in Toronto and Calgary in September, TCCA outlined their plan for an overhaul of the existing system for Delegation of Authority to organizations and individuals. For existing delegates, the new proposal could see an organization changed from being a Ministerial

delegate (e.g. DAO or AEO) to being an "Approved Design Organization" (ADO). A Ministerial delegate (e.g. DAR) could be changed to being an "Approved Design Individual" (ADI). A new category of delegate would be created to issue approvals and certificates on behalf of TCCA.

For organizations that are not currently delegates, the new concept could see a company restricted from making applications unless they had demonstrated knowledge and technical capability. TCCA states there would likely be a simplified means of demonstrating knowledge and technical capability for "simple" design changes such as a GPS installation. If the applicant is unable to demonstrate knowledge and technical capability they could be required to make applications through an "Approved Design Organization" (ADO) or an "Approved Design Individual" (ADI).

For further details of the proposal and the industry responses at the briefing sessions, please contact AEA Canada Regulatory Consultant, John Carr at: (250) 860-8477, [john.carr@telus.net](mailto:john.carr@telus.net)

## Europe

### EASA:

JAR-OPS and JAR-FCL: The European Aviation Safety Agency will become responsible for the regulations for air operations and flight crew licensing by the end of 2006. EASA has issued an opinion based on an NPA in late 2004 and drafted an amendment to Regulation EC 1592/2002 which will extend the scope of regulations to both commercial and non-commercial operating requirements as well as to flight crew licensing (JAR-FCL).

Commercial activities shall be subject to implementing rules based on JAR-FCL and JAR-OPS1, 3 and 4, while as non-commercial activities should be based on previously existing material

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based on JAR-FCL and JAR-OPS2.

For non-commercial activities involving non complex motor-powered aircraft a Recreational PPL shall be introduced. For such "Light operation," rules will be developed based on JAR-OPS0.

JAR-OPS0, 2 and 4 were previously issued as JAR-NPA.

The amendment of regulation EC 1592/2002 will mark the final stage of Europe's transition from the JAA to EASA.

The responsibility for the oversight, the issue of air operators' certificates, shall be NAA's responsibility. The agency will be given some power to issue approvals for foreign organizations, issue operational directives, and approve deviations from standard provision.

NPA14-2005: A draft decision of the executive director to introduce or amend ETSOs:

Amending: ETSO-C145a GPS-WAAS, C146a GPS-WAAS, C151b TAWS

Existing modified: ETSO-2C123b CVR and 2C124b FDR

New: ETSO-2C510 Image Recorder, "C511 CNS/ATM Recorder, 2C509 Light Aviation Secondary Surveillance Transponders

Comments should be received by the Agency before December 20, 2005.

### JAA:

With the transition of the Operating and Crew Licensing Requirements to EASA on January 1, 2007, the tasks and responsibilities will be further reduced to the coordination of non-EASA JAA member states.

By January 1, 2007, JAA will close Central JAA and move part of its staff

to EASA headquarters in Cologne to operate the JAA Liaison office until December 31, 2010, or until all remaining JAA member states have established a legal relationship with EASA.

JAA-T, a JAA Training Office will become a new body located in the Netherlands.

JAR-OPS1 Amendment 9 was issued. The newly issued ACJ OPS 1.820 explains the various options of 406 MHz ELTs which fulfill the requirement.

The new JAA Training Course schedule was issued.

### EUROCONTROL

Eurocontrol provides various information on PRNAV Operation on their website. It offers the JAA TGL-10 document next to FAQs to TGL 10 and the approval status of equipment and aircraft. □