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Aviation Law Made Simple

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Recordkeeping is an Important Function for Every Repair Station

It is a busy time for the AEA community right now. Advance comments for the FAA's safety management systems proposal are due by Oct. 21. The FAA's long-awaited overhaul of the manufacturing rules is expected to be published in November, and this rule change is expected to feature elements affecting the repair station community.

But I would like to take a moment this month to direct your attention to a simpler issue: recordkeeping.

keeping cases in which our law firm has represented repair stations accused of recordkeeping improprieties.

Recordkeeping is a very important function for a repair station. Whenever a repair station completes a maintenance task or an alteration task, it needs to create a record that meets the requirements of several different regulations.

There are many reasons for keeping accurate records of work performed. Accurate records help a repair station

inspector who doesn't care about your records? Don't let this be an excuse to allow your recordkeeping practices to suffer. If one inspector allows a repair station to "slide" on recordkeeping requirements, it generally does not prevent the FAA from enforcing the requirements against that repair station at a later time.

Meeting 14 CFR §43.9

Except for certain inspections — those controlled by 14 CFR §43.11 — nearly every completed maintenance or alteration task must be reflected in a record that meets the requirements of 14 CFR §43.9.

Many people think the 8130-3 tag is a required record for bench work on avionics. It is not. The regulations merely require you to include certain information on the record; they do not dictate what form you must use for the record. The 8130-3 tag is an acceptable form for recording a 43.9 record, but you also can continue to use the traditional yellow tag.

The real driver for what you use often depends on customer demand. If your customers insist you use the 8130-3 tag, you must use this tag to meet their commercial demands.

Whatever form you use, you need to

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I recently found myself working with a repair station that had performed overhauls, but was accused of performing them improperly. The biggest problem with the overhauls was not the manner in which they were performed; rather, it was the manner in which they were recorded.

This article recounts some of the recordkeeping requirements of the regulations, with some additional recommendations based on past record-

track its own work. Accurate records also help a repair station defend itself in the event of an accusation about the work. Additionally, accurate records are necessary to meet regulatory requirements.

The FAA can be very strict about recordkeeping requirements because records often are the only mechanism the FAA has to track a repair station's compliance.

Do you have a principal avionics

ensure it includes the following information:

- A description (or reference to data acceptable to the Administrator) of work performed.

- The date of completion of the work performed. Remember, for major alterations, you need to forward a copy of the 337 within 48 hours after completing the work. Therefore, you should withhold signature until you are prepared to declare the work complete and to file the paperwork appropriately.

- The name of the person performing the work. In most cases, among AEA's membership, the person performing the work is the repair station (assuming it is a corporate entity) and the name of the person performing the work is the name of the repair station.

- If the work has been performed satisfactorily, you must include the signature, certificate number and kind of certificate (repair station) held by the person approving the work.

The description of work performed deserves a bit more discussion. This needs to be accurate and succinct. It is worthwhile to have a separate inspection function to verify the accuracy of the description of work performed. It should accurately describe the scope of work performed.

If you followed 99 percent of the manual, but made a small divergence for any reason (a different tool than the one recommended, a different part than the one recommended, a different inspection than the one recommended, a connection to a unit not on the approved equipment list in an STC, etc.), the description of work performed should note this divergence. This can be an explicit statement or a reference to a work order, but there

should be some note to indicate what actually was accomplished.

I have seen administrative law judges who held the recordkeeping was incorrect because the repair station wrote "IAW OEM manual, paragraph X" but failed to note the repair actually diverged from the strict terms of the OEM manual.

If the approval for a return-to-service record makes reference to another document, such as a work order, this is a fine opportunity to ensure your other record is an accurate portrayal of the work performed.

The OEM manual should be a guide to your recordkeeping. If the OEM manual states you should take a measurement and record it, this measurement should be in your records. It is important for repair stations to develop their travellers or work orders so they capture any data the OEM manual calls out as an element to be recorded. The traveller or work order also should call out each major element of the project and provide an opportunity to confirm the element was accomplished.

In an overhaul, for example, the record should indicate each major element of the overhaul, including:

- Disassembly (What procedures were used? Who accomplished this step? To what extent was disassembly reasonably possible? Was there an inspection of this step?)

- Cleaning (What procedures were used? If the manual provides no instructions on cleaning, how do you know the cleaning procedures protected the equipment? Who accomplished this step? Was there an inspection of this step?)

- Inspection (What procedures were used? Who accomplished this step?)

What equipment was used to accomplish the inspections? Was the calibration of the test equipment verified before use? What findings were made by the inspection? Was the inspection supervised?)

- Repair as necessary (What repairs were necessary? What repair instructions were used for each repair? Was the calibration of the tools used for repair verified before use? Who accomplished each repair? Who verified that the repairs were completed properly?)

- Reassembled (What procedures were used? Who accomplished this step?)

- Test in accordance with approved standards and technical data (What test procedures were used? Who accomplished this step? What readings were produced by the tests? To what data were those readings compared? Did the test equipment produce a test record that can be attached?)

Sometimes, an overhaul procedure might require relatively little more than a bench check — if the check was successful. In such a case, you still should record the extent to which other steps were accomplished, as well as the reasons they might have been skipped, if the manual authorizes a step to be skipped.

Remember, the signature constitutes the approval for return-to-service only for the work performed. This means, if you only replaced an autopilot and you accurately described the work you performed, you are not responsible for airworthiness of the landing gear (or any other system you did not touch).

It is a good idea to withhold your approval for return-to-service signature

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until all work is complete and you are ready to file your paperwork.

One reason for withholding signature is to permit you to ensure the work meets all requirements before signing off on it. There are plenty of tales of last-minute changes and modifications to work for a variety of reasons, ranging from a “just-received” service bulletin to a customer changing his mind.

Another reason for withholding signature until you know the work is complete is to ensure your approval for return-to-service permits you to properly and timely file documentation required by Part 43, Appendix B.

Appendix B: Alterations

Part 43, Appendix B provides additional recordkeeping requirements for major repairs and major alterations.

These additional requirements do not apply to minor repairs and minor alterations. However, if you accomplish these steps for both major and minor repairs and alterations, you do not have to worry about someone second-guessing your recordkeeping practices if the person questions whether your work was major or minor.

When completing a major alteration, a repair station must execute an FAA Form 337. The form should be completed at least in triplicate and all three copies should be signed.

One copy should go to the aircraft owner. I have seen situations in which an owner denied ever receiving a copy of the Form 337.

To avoid this sort of problem, it is a good idea to have an “aircraft return form” for the owner to sign, acknowledging he or she is taking possession of the aircraft and acknowledging he

or she has received the signed Form 337.

Where logbooks are passed back and forth, the owner should acknowledge return of the logbooks. In some cases, the repair station provides the owner with a label to insert into the logbook to record the work performed. If this is your practice, the “aircraft return form” also can acknowledge receipt of a logbook entry label and can remind the owner he or she is obliged to place the label in the logbook.

The second signed copy of the completed Form 337 should be forwarded to the FAA Aircraft Registration Branch in Oklahoma City, Okla., within 48 hours after the approval for return-to-service.

The third copy of the completed Form 337 should be kept in the file of documents the repair station keeps with respect to the work performed. The regulations only say you need two copies, not three, but they also require you to keep copies of your documentation for at least two years.

An important thing to consider when completing the Form 337 is whether or not to have the FAA sign the document. Some repair stations still believe the FAA needs to sign every Form 337. This is not the case. The FAA can sign a Form 337 to approve data (a field approval); however, if you already have a complete set of approved data (such as an STC or appropriate 8110-3 data approval forms), you do not need the FAA to duplicate the approval process through a field approval.

If your approved data does not include an element of your alteration (for example, a different model autopilot not included in the approved model list of autopilots for the STC you are using) and the alteration is a major alteration, you should make sure the

additional element is subject to appropriate approval (for example, a field approval).

Appendix B: Repairs

A repair station does not need to file a Form 337 for a major repair, although filing a Form 337 for a major repair would be permitted. Normally, however, a repair station can use the customer’s work order in place of the Form 337. It must be a work order on which the details of the repair are recorded.

When using the work order as your maintenance release document to meet the Appendix B requirements, you should ensure you give the aircraft owner a signed copy of the work order and retain a copy in your own records. The work order should include a maintenance release that provides the following information:

1) Identity of the aircraft, airframe, aircraft engine, propeller or appliance:

- For an aircraft, it should include the make, model, serial number, nationality and registration marks, as well as location of the repaired area.

- For an airframe, aircraft engine, propeller or appliance, give the manufacturer’s name, name of the part, model and serial numbers, if any.

2) Include a return-to-service statement worded similarly to the following:

- “The aircraft, airframe, aircraft engine, propeller or appliance identified above was repaired and inspected in accordance with current regulations of the Federal Aviation Agency and is approved for return-to-service. Pertinent details of the repair are on file at this repair station under Work Order No. ___.”

3) The date on which the work was completed.

4) Signature of an authorized representative of the repair station — someone authorized to sign under the terms of the repair station's manual.

5) The name of the repair station.

6) The certificate number of the repair station.

7) The address of the repair station.

Your Customer's Recordkeeping System

In addition to the fact you must meet customer demands for commercial reasons, if you work for Part 135 or Part 121 customers, you also must follow their recordkeeping requirements.

You should ask (in writing) for a copy of their recordkeeping practices and follow whatever written requirements are provided to you. It is best to keep them in a file and make sure the special requirements of each customer are incorporated into the recordkeeping process for that customer.

Your Own Recordkeeping System

It is important for every repair station to meet the requirements of its own recordkeeping system. This means you must comply with any recordkeeping requirement you have imposed on yourself through your manual.

Take a moment to read through your manual and confirm all of the recordkeeping requirements are still valid. Sometimes, a repair station manual requirement represented a good idea that is no longer useful to the repair station and was never required under the regulations. In such cases, it makes sense to remove those practices from your manual and from your system.

Do you have a question about recordkeeping? Not sure whether your current practices are fully protecting your repair station? Contact the AEA with your questions: It's one of the reasons we're here. □












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