



INTERNATIONAL NEWS AND REGULATORY UPDATES

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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 e-mails to avionicsnews@aea.net.

UNITED STATES News & Regulatory Updates

FAA: Change to Order 8900.1

On May 1, 2008, the FAA issued Change 22 to FAA Order 8900.1, including an amendment to Volume 2, "Air Operator and Air Agency Certification and Application Process."

The new change states:

"Repair stations are not issued ratings and/or limitations for hydrostatic testing of pressure cylinders. Certification of hydrostatic testing facilities (initial or renewal) is the responsibility of the Department of Transportation, Research and Special Programs Administration, 1200 New Jersey Ave. SE, Washington, D.C. 20590; 800-467-4922."

FAA: Change to Order 8130.21E

FAA Order 8130.21 describes the procedures for completion and use of the FAA Authorized Release Certificate, FAA Form 8130-3, "Airworthiness Approval Tag."

Order 8130.21 describes the use of the form for:

- Domestic airworthiness approval, conformity inspections and prepositioning.
- Airworthiness approval of new products, parts and appliances.

- Splitting bulk shipments of previously shipped products, parts and appliances.

The order also provides guidance for the issuance of the form for approval for return-to-service of products and parts, and the export airworthiness approval of Class II and Class III products.

On Feb. 4, 2008, the FAA issued Change 2 to the order, which incorporates the following revised guidance for the issuance of FAA Authorized Release Certificate, FAA Form 8130-3, "Airworthiness Approval Tag:"

- a) Paragraph 401(d) was changed to allow the issuance of export Form 8130-3 for Class II and Class III products located outside the United States.
- b) Paragraph 402(e) was changed to allow manufacturing designated airworthiness representatives (DARs) and maintenance DARs, when authorized, to issue export Form 8130-3 for Class III products at qualified accredited distributor facilities.

- c) Paragraph 402(e)(1) through (4) were added to provide certain limitations when authorized DARs are to issue export Form 8130-3 at qualified accredited distributor facilities.
- d) Figure 4-3, Remarks Block, was changed to read "Direct Shipment Authorization."

For more information, visit the FAA website at www.faa.gov.

FREQUENTLY ASKED QUESTIONS

United States

TOPIC: **14 CFR 91.411 and 91.413 Checks**

The following information is from the Federal Aviation Regulations.

QUESTION:

I usually sell 91.413 checks with a 91.411 check. But recently, I reread the regulations and need some clarification. Does a VFR aircraft need to have a 91.411 check performed at all?

ANSWER:

No. While any aircraft with a transponder requires the 91.413 checks, only aircraft operated under IFR need the 91.411 check. However, this does not mean a VFR pilot can take off knowing the altimeter is out of calibration.

An excerpt from 14 CFR Section 91.411, "Altimeter System and Altitude Reporting Equipment Tests and Inspections," states: "(a) No person may operate an airplane, or helicopter, in controlled airspace under IFR unless..."

The key to this section of the regulation is, "No person may operate an air-

plane under IFR unless..." The maintenance checks of 14 CFR 91.411 are required for the airplane to be qualified for flight under instrument flight rules.

An excerpt from 14 CFR Section 91.413, "ATC Transponder Tests and Inspections," states: "(a) No persons may use an ATC transponder that is specified in 91.215(a), 121.345(c) or § 135.143(c) of this chapter unless, within the preceding 24 calendar months, the ATC transponder has been tested and inspected and found to comply with Appendix F of Part 43 of this chapter; and (b) Following any installation or maintenance on an ATC transponder, where data correspondence error could be introduced, the integrated system has been tested, inspected and found to comply with paragraph (c), Appendix E of Part 43 of this chapter."

The key words here are, "No person may use....the transponder unless..."

While 14 CFR 91.411 is required for flight under IFR, the transponder checks required of 14 CFR 91.413 are required by anyone who uses a transponder. The checks of 14 CFR 91.413 are required, at a minimum, every two years or anytime following installation or maintenance on a transponder where data correspondence error could be introduced.

Although the altimeter checks of 91.411 are required only for IFR flight, all aircraft, including all VFR aircraft, are prohibited from flying with inoperative instruments unless they have and are authorized to use a minimum equipment list. This includes all aircraft regardless of the type of airworthiness certification, including experimental aircraft and light-sport aircraft.

14 CFR 91.213 prohibits any person from taking off from an aircraft with inoperative instruments or equipment installed unless an approved minimum equipment list exists for that aircraft, or the aircraft has within it a letter of authorization issued by the FAA authorizing operation of the aircraft under the

minimum equipment list.

§ 91.213, "Inoperative Instruments and Equipment:"

a) Except as provided in paragraph (d) of this section, no person may take off from an aircraft with inoperative instruments or equipment installed unless the following conditions are met:

1) An approved minimum equipment list exists for that aircraft.

2) The aircraft has within it a letter of authorization issued by the FAA Flight Standards district office having jurisdiction over the area in which the operator is located, authorizing operation of the aircraft under the minimum equipment list. The letter of authorization can be obtained by written request of the airworthiness certificate holder. The minimum equipment list and the letter of authorization constitute a supplemental type certificate for the aircraft.

While 91.413 is required every two years at a minimum, and 91.411 is required only for IFR flight, all instruments must be operational prior to any flight unless the aircraft has explicit authority from the FAA for operations without those instruments.

shall be recorded on the documentation accompanying the part and certified by means of a maintenance release.

• 571.10, "Maintenance Release:"

The definition of "similarly worded statement" has been amended to mean any statement that can be interpreted as conveying the meaning of the maintenance release statement of subsection 571.10(2) of the CARs. For example, a FAR 43.9 approval for return-to-service issued in compliance to an agreement between Canada and the United States constitutes a "similarly worded statement" and has the same meaning as a maintenance release. Also, 571.10(2)(c) has been amended to state that the maintenance release shall contain a statement indicating when an airworthy part was removed from an aircraft. Previously, 571.10(2)(c) stated that the maintenance release shall contain a statement indicating when a part is removed from an airworthy aircraft.

• 571.13, "Installation of Parts (General):" Approved alternative parts now are eligible for installation. An approved alternative part may be a replacement part that has been given either part design approval (TCCA PDA) by Transport Canada or a parts manufacturer approval (FAA PMA) by the Federal Aviation Administration.

• 571 Appendix B, "Weight and Balance Report:" The revised appendix states that following a modification or a major repair that involves a change to the empty weight or centre of gravity of an aircraft, the person who made the change shall make an entry into the journey log or approved alternative system as soon as practicable after the change; however, at the latest, before the next flight. Previously, the appendix referred to "any change that affected the empty weight or centre of gravity."

• 571 Appendix F, "ATC Transponder Performance Tests." This appendix has been amended to clarify the require-

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CANADA News & Regulatory Updates

Transport Canada: Amendments to CAR STD 571

Transport Canada Civil Aviation has amended CAR STD 571, "Maintenance," at Change No. 9. In addition to some minor editorial changes, this change affects the following sections:

• 571.08, "Installation of Used Parts:" 571.08(3) has been added to state that where a part has been removed for troubleshooting purposes and is subsequently found not to be the cause of the reported problem, details of the reported problem and the method of eliminating the part as a cause of that problem

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ments for an ATC transponder integration test and state that it is a system integration test to verify the accuracy of the data transmitted by the system as a whole, and as such, shall be conducted on the aircraft. To prevent interference with the air traffic control radar beacon system and airborne aircraft equipped with TCAS, portable test equipment shall be used. The appendix is amended to state that whenever an error is reported in the altitude reporting data, or when maintenance is performed on the system that could introduce a correlation error, the integration test shall be performed. When the maintenance performed consists of the installation of a line replaceable unit and the installed LRU is a known airworthy part, the integration test need not be accomplished if an operational test is carried out prior to flight.

AMOs should review the changes to STD 571, then make amendments to their maintenance policy manuals as appropriate. STD 571, Change No. 9 can be viewed at www.tc.gc.ca/civilaviation/RegServ/Affairs/cars/Part5/Standards/571s.htm#571s_01.

FREQUENTLY ASKED QUESTIONS

Canada

TOPIC: Recording Software Updates

The following information is from the Canadian Aviation Regulations and Transport Canada Civil Aviation.

QUESTION:

Are there any Transport Canada requirements to record software updates as a logbook entry?

ANSWER:

TCCA does not have any regulation specifically addressing the recording of software updates as a logbook entry. However, TCCA has advised that if the software update is a database release, there is no need for a maintenance release or logbook entry — although a journey log entry would be appropriate.

TCCA recommends the AMO or operator has a process in place to control and keep record of all software updates.

If the software update is a modification to the approved operating software, such as a revised control law or display function, this would be a minor or major modification and would need to be assessed, documented and approved in accordance with CAR 513 and 571.06.

Note: The AEA offers “Frequently Asked Questions” to foster greater understanding of 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.

EUROPE

News & Regulatory Updates

EASA: ADS-B in Non-Radar Areas

In late April, EASA issued an executive director decision, ED 2008/004/R, with new AMC 20 material. The scope of AMC 20-24 includes the airworthiness and operational approval of the “Enhanced Air Traffic Services in Non-Radar Areas Using ADS-B Surveillance” (ADS-B NRA) application.

This AMC is for operators seeking to operate in airspace classifications A to E where the Air Navigation Service Provider has implemented ADS-B NRA services. It provides the basis for approval of aircraft systems and identifies operational considerations.

EASA: European Light Aircraft

EASA issued a new Opinion 02/2008, “Proposal to the European Commission to Amend the Commission Regulation,” proposing to amend EC2042/2003 to introduce new general aviation aircraft types.

The new types are called ELA1 (European light aircraft) and include any of the following aircraft:

- An aeroplane, sailplane or powered sailplane with a maximum take-off mass (MTOM) less than 1,000 kg that is not classified as complex motor-powered aircraft.
- A balloon with a maximum design lifting gas or hot-air volume of no more than:
 - a) 3,400 m³ for hot-air balloons
 - b) 1,050 m³ for gas balloons
 - c) 300 m³ for tethered gas balloons
- An airship designed for no more than two occupants and a maximum de-

sign lifting gas or hot-air volume of no more than:

- a) 2,500 m³ for hot-air airships
- b) 1,000 m³ for gas airships

LSAs (light-sport aeroplanes) include aircraft with:

- An MTOM of no more than 600 kg.
- Maximum stalling speed in the landing configuration of no more than 45 knots calibrated airspeed at the aircraft's maximum certificated take-off mass and most critical centre of gravity.

• Maximum seating capacity of no more than two persons, including the pilot.

• A single, non-turbine engine fitted with a propeller.

- A non-pressurized cabin.

The amendment to the EC regulation aims for easier maintenance, continuing airworthiness management, airworthiness reviews, and issuance and extension of airworthiness review certificates on aircraft not used in commercial air transport.

EASA: Proposal for ETSO Change

A new NPA2008-12 issued by EASA

is applicable to all ETSO holders, DOA holders and maintenance organizations involved in minor repair or design changes to the ETSO.

EASA's NPA2008-12 provides a proposal to allow minor changes or repairs to the ETSO by someone other than the ETSO holder. This would provide an equal level to the FAA system, which allows someone other than the TSO holder to make changes to the article.

For more information, visit the EASA website at www.easa.europa.eu.

Eurocontrol: 8.33 kHz Meeting

Aeroconseil prepared a draft report on the potential airborne impact of 8.33 kHz below FL195. The document was presented at the 8.33 kHz Contact Persons Meeting in May in Brussels, Belgium.

The information is being used to compile the revised business case and the implementation plan for 8.33 kHz below FL195.

For more information, visit the Eurocontrol website at www.eurocontrol.int. □