



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

Parts Marking

The Federal Aviation Administration has revised FAA order 8900.1 with change 156, which highly amends volume 4, aircraft equipment and operational authorizations, by adding chapter 13 parts marking, section 14, general operating and flight rules—maintenance issues. (Editor's note: we assume the FAA referenced this incorrectly, and it is actually chapter 14, section 13.)

This section provides guidance to aviation safety inspectors, maintenance and avionics, for advising operators and maintenance providers on the marking of inservice articles.

With the exception of § 45.13(b) through (e), which apply only to the removal, installation, changing or placement of identification information for aircraft, aircraft engines, propellers, propellers hubs and propeller blades, there are no regulations, other than lifelimited parts, which deal directly with part marking of inservice articles during maintenance or alteration. Therefore, evaluate this issue in light of general airworthiness principles.

Most important in this order, besides the clear understanding that a missing dataplate is not in and of itself a reason for rejection of an article, is the guidance regarding parts marking of parts produced as a function of maintenance. The following is extracted from the order:

F. Owner Produced Parts and Parts

Fabricated by Maintenance Providers.

Maintenance providers, including owners and operators, fabricating aircraft parts to be consumed during maintenance and alteration should clearly identify those articles with an additional permanent

and legible marking. The marking should include the following:

- The name, trademark or symbol of the FAA certificate holder (fabricator) under whose control the fabrication occurred.
- A unique part number that clearly distinguishes the fabricated part.
- The original manufacturer's part number, if removed as a result of the fabrication.

Critical parts should be marked in accordance with § 45.14. This provides traceability for subsequent operators and maintenance providers to the source of the fabricated part.

Note: In cases where it is impractical to mark a fabricated part, or where doing so would compromise airworthiness, the marking information should be included in the maintenance records for the part.

Note: Certificate holders who desire to sell their fabricated parts separately (i.e., outside the course of performing maintenance or an alteration) must obtain a parts manufacturer approval. Refer to 14 CFR Part 21.

Due to the limited duration of maintenance record retention requirements, the FAA encourages maintenance providers that independently develop major repairs and major alterations (i.e., those not contained in the manufacturer's maintenance manual, instructions for continued airworthiness or other manufacturer's service information) to provide a unique marking such as the name, trademark, designator or symbol of the FAA certificate holder to parts that have undergone this work. This information would provide subsequent maintenance providers with an indication that the part may require special handling to ensure continued airworthiness, such as the use of inspection criteria developed by the person who performed the major repair or major alteration.

FREQUENTLY ASKED QUESTIONS

United States

Use of the FAA Form 8130-3, Airworthiness Approval Tag

The following information is from FAA order 8130.21G: procedures for completion and use of the authorized release certificate, FAA form 8130-3, airworthiness approval tag.

QUESTION:

Is the FAA form 8130-3 a required form for return to service of an article? And, can a repair station issue a FAA form 8130-3 to document the return to service of an article following maintenance?

ANSWER:

No, the FAA form 8130-3 is not a required form.

The FAA encourages its use; however, it has never mandated its use, or any other form, for documenting a return to service. Often, customers may include the requirement to supply the form as a condition of a maintenance contract.

Yes, a repair station may issue a return to service on an FAA form 8130-3. From FAA order 8130.21G, chapter 3:

3-1. General information on approval for return to service.

a. Air agencies certificated under 14 CFR Part 145, or the holder of a U.S. air carrier certificate operating under 14 CFR Part 121 or Part 135, with an approved continued airworthiness maintenance program may issue an FAA form 8130-3 for approval for

return to service for a product or article maintained or altered under 14 CFR Part 43, maintenance, preventive maintenance, rebuilding and alteration.

Note: The restriction in this order relating to the original issuance of the form does not apply when the form is used as a maintenance record and approval for return to service. Copies of the original form when used as a maintenance record or an approval for return to service may be provided to the owner/operator, or others, who require copies of maintenance records as prescribed by the applicable CFRs.

3-2. Approval for return to service after maintenance, preventive maintenance, rebuilding, and alteration — products and articles.

a. Only those persons described in paragraph 3-1a and b, when authorized by § 43.7(c), (d) and (e), may issue an FAA form 8130-3 for approval for return to service of products and articles that have undergone maintenance, preventive maintenance, rebuilding or alteration, provided the applicable recordkeeping requirements of §§ 43.9, 91.417, 91.421, 121.380, 135.439, or 145.219 are met.

The use of FAA form 8130-3 for this purpose is optional, but the FAA recommends its use. This will help aviation authorities and the industry to ensure complete traceability and ease the movement of products and articles through the aviation system.

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.

CANADA

News & Regulatory Updates

Independent Delegates Raise Certification Process Issues with Transport Canada

Members of the Association of Independent Delegates of Aircraft Certification, comprised of design approval representatives in the Ontario region, recently met with Transport Canada to raise a number of systemic issues associated with delegation of certification activities and approval of modifications. Major issues discussed included:

- **Level of Involvement.** The current implementation of the TCCA level of involvement policy is severely impacting the supplemental type certificate approval process in the Ontario region. 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. TCCA management indicated there is intended to be flexibility in the LOI process, and

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it is not intended to be used for TCCA engineer learning or training—although this is a useful aspect, especially on more complex programs. TCCA suggested putting certain determination criteria in delegates' manuals to have pre-determined LOI for certain types of programs to avoid delays associated with the process. It also suggested the LOI is a risk-based process which should not be applied randomly.

- **FAR 26 Update.** FAR 26 addresses EAPAS/EWIS, reduction of fuel tank flammability and structural damage tolerance certification. TCCA reminded delegates this currently is not a TCCA requirement, but it must be addressed in U.S. STC applications and for specified aircraft operated under the U.S. registry.
- **Provisions-only STCs.** This is not a preferred

route for TCCA, but is accepted, provided the definition of the modification is clear. TCCA would prefer to see a completion modification approval covering all aspects of the installation. One possible route is to stop calling them provisions-only STCs. Each project should identify what is being installed and the limitations associated with it.

- **Instructions for Continued Airworthiness.** TCCA is moving toward having all applicable drawings contained in the ICA, either as part of the document or attached. This is similar to the current FAA approach.

AIDAC members have proposed the establishment of working groups to address specific issues, such as those above. AEA members involved in modifications and the use of DAR services would benefit from resolution of these issues, and the AEA has provided input to AIDAC on some items. AIDAC will keep the AEA informed on progress with TCCA, and AEA support will be provided when applicable.

FREQUENTLY ASKED QUESTIONS

Canada

Transport Canada Acceptance of Used Parts from Foreign Sources for Performing Maintenance

The following information is from the TCCA aviation safety letter and the Canadian aviation regulations.

QUESTION:

Can used, repaired or overhauled aeronautical parts (used parts) that are obtained from foreign sources be used in maintenance of a Canadian-registered aircraft?

ANSWER:

Generally, with respect to the installation of used parts, the Canadian Aviation Regulations prescribe that any part that has undergone maintenance must be accompanied by an authorized release certificate (form one), or similar document, containing a maintenance release for the work performed on that part. The person providing the maintenance release must

be authorized to sign the release by the holder of an approved maintenance organization certificate. When the maintenance is performed outside of Canada, the person must be authorized to sign under the laws of a state that is party to an agreement or a technical arrangement with Canada, and the agreement or technical arrangement must provide for such certification. This is an important distinction; not all aviation agreements provide for such a recognition.

Used foreign parts procured from jurisdictions with which Canada does not have an aviation agreement are not eligible for installation on Canadian-registered type-certificated aircraft, because these parts do not comply with the applicable regulatory requirements. Installers should first inquire whether or not an agreement exists between Canada and the country of origin. The technical agreements can be viewed on the Transport Canada website. In addition, installers should not rely on the mere fact that an agreement does exist; the repaired or overhauled part might still be ineligible for installation. The used part certification requirements differ by country of origin due to the differences in the respective bilateral or other technical agreements.

Airworthiness notice B-073 also is a useful reference guide and provides more detailed information with respect to part certification requirements for

parts obtained from different sources; however, installers should be aware that it also does not cover all of the respective agreements that are in place. Installers should consult the appropriate technical agreement and familiarize themselves with the specific used part certification requirements that are applicable in their circumstances.

Therefore, it is very important for organizations that procure used parts from foreign jurisdictions to be

vigilant in requesting the proper documentation from the part supplier to support the used, repaired or overhauled part installation eligibility.

Airworthiness notice B-073 may be viewed at: www.tc.gc.ca/eng/civilaviation/standards/maintenance-aarpc-ans-b073-2642.htm.

International agreements may be viewed at: www.tc.gc.ca/eng/civilaviation/standards/int-menu-3668.htm.

EUROPE

News & Regulatory Updates

EASA

Aviation Safety Agreement

The technical implementation procedures for airworthiness and environmental certification between the Federal Aviation Administration and the European Aviation Safety Agency was issued in May.

It addressed how the two authorities handle the interface requirements and activities between the FAA, EASA and European Union member state aviation authorities for the import, export and continued support of civil aeronautical products. It included design approval procedures, post design approval procedures, the administration of such design approvals and export airworthiness certification.

The TIP and the maintenance annex guidance, also signed in May, are part of the implementation procedures pursuant to article 5 and annex 1 and annex 2 of the agreement between the U.S. and the EU on cooperation in the regulation of civil aviation safety issued earlier this year.

The agreement and procedures are in force. However, the agency employees have not all been trained on the procedures. All three documents are available on the AEA website at www.aea.net.

Operational Suitability Data

The comment response document to NPA 2009-01 was issued in May detailing the outcome and the draft text to Part 21 regulation, how to address the operational suitability data (initially called operational

suitability certificate). The OSD process will address a new data requirement for TC applicants to aircraft models being operated in the EU. The new requirement when implemented as proposed will specify:

- Minimum training syllabi for type rating training for pilots, maintenance and cabin crew.
- Simulator data.
- Master Minimum Equipment List.

The goal for the OSD is to close the gap between certification, operations and maintenance processes.

The TC applicant will be responsible to establish the initial OSD. However, any change performed subsequent on the aircraft by a STC applicant also may need to be considered and eventually introduced into the OSD.

A separate privilege for a design organization to classify major and minor changes to the OSD is proposed for 21A.263. A change to an OSD may be necessary if a new operational capability or new training topics (glass cockpit instead of analogue cockpit) need to be addressed. Applicable OSD certification specifications are being drafted and will be issued as a separate NPA. The implication on general aviation aircraft seems to be limited because of the application to type rating trainings only.

The second topic identified in the CRD is the introduction of the safety directive. The purpose of a SD is to impose a change to a design or limitation to users of an aircraft type with or without the involvement of the TC holder, for example, in case of general safety problems (EWIS, fuel tank safety).

The new process would require developing further regulations and material identified as Part-26, CS-26 and AMC-26.

The comment period will end on July 13, 2011. □