



THE VIEW FROM WASHINGTON



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What a Difference a Month Makes

Wow, what a month. The FAA pulled the long-awaited Part 145 rewrite, and two new North American aviation leaders have been appointed.

Before I get into details about the withdrawal of the notice of proposed rule making, let me say, congratulations! You, the public, successfully killed this proposal. On May 7, 2009, the FAA withdrew its NPRM of Dec. 1, 2006.

The most critical issues of the NPRM were the FAA's proposal to revise the system of ratings to require each repair station to maintain a capability list (regardless of rating) and to require repair stations to establish a quality program. The NPRM also proposed to designate a chief inspector and have permanent housing for facilities, equipment, materials and personnel. The proposal would have specified additional instances where the FAA could deny a repair station certificate.

The FAA received more than 500 comments to this NPRM.

While there was general support for the need to revise the repair station rules, several commenters asked for the rule to be withdrawn. Many other commenters expressed concerns related to ratings

(particularly avionics rating), capability list, quality system, letter of compliance, chief inspector, housing, facilities, and the FAA's denial of a repair station certificate.

This withdrawal is a classic example of rulemaking that worked. You raised questions the agency (in this case, the FAA) could not resolve. Therefore, the agency only had two options: Republish the NPRM as a supplemental NPRM to get

posed new avionics rating with current market forces would negatively affect the ability of avionics-only repair stations to remain viable. According to Spirit Avionics, the NPRM did not recognize that avionics service facilities are transitioning to flight-line repairs and avionics upgrades as main sources of revenue. The company also said the NPRM did not recognize that an avionics repair station's ability to perform such services are based primar-

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issues resolved, or withdraw the proposal. The FAA chose to withdraw the proposal.

The Aircraft Electronics Association certainly commented on this proposal, but I would like to focus on some of the comments submitted by AEA members.

Spirit Avionics and Temple Electronics Co. recommended withdrawal of the rule. Aircom Avionics, Executive AutoPilots, and Southern Avionics & Communications expressed general disapproval of the proposed rating system.

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posed new avionics rating with current market forces would negatively affect the ability of avionics-only repair stations to remain viable. According to Spirit Avionics, the NPRM did not recognize that avionics service facilities are transitioning to flight-line repairs and avionics upgrades as main sources of revenue. The company also said the NPRM did not recognize that an avionics repair station's ability to perform such services are based primar-

ily on the avionics equipment onboard the aircraft rather than on the type, make or model of the aircraft. The Avionics Shop and Southern Avionics & Communications stated strong opposition to the proposed capability list requirement. They expressed concern that the proposed requirement would cause chaos and bankruptcy. They said such requirements were not justified, and were unnecessary, irrelevant and economically punitive without offering further safety benefits.

Griffin Avionics and Temple Electronics objected to the proposed capability list because it could require having several hundred types of ratings attached to a single repair station aircraft rating.

Temple Electronics said the stated benefit of the quality-system requirements is based on “false premises” because the FAA cited different cost/benefit estimates in prior repair station rules. Temple Electronics also said the FAA removed the quality-assurance requirements proposed in the 1999 NPRM from the subsequent 2001 final rule because the requirements were overly burdensome and not cost-effective. According to Temple Electronics, despite removal of these requirements from the 2001 final rule, the FAA introduced similar requirements in the 2006 NPRM without taking time to assess whether or not the prior rule had proven successful.

Executive AutoPilots, Southern Avionics & Communications, Spirit Avionics, Vero Beach Avionics, and Weld Avionics said if a repair station properly performs maintenance according to FAA-approved processes, maintaining a quality-assurance system would be burdensome and would have little merit.

It was so rewarding to see AEA members taking an active part in this rulemaking, and they clearly were the most cited sources raising challenging and well-reasoned questions to the proposed changes.

FAA LEADERSHIP

On May 21, 2009, the U.S. Senate confirmed J. Randolph Babbitt as administrator of the Federal Aviation Administration for the term of five years.

Babbitt is a lifelong aviator, soloing at the age of 16. He began a career as an airline pilot in 1966. He was active in the Air Line Pilots Association, both in representation and labor relations, and he served as president of the ALPA from 1990 until 1998. He holds a number of FAA ratings, including single and multi-engine aircraft

as well as his ATP.

Since 1999, Babbitt had served as a member of FAA’s Management Advisory Council and, most recently, on DOT’s Internal Review Team at the request of former Secretary of Transportation Mary Peters.

Internationally recognized as a leader in the field of aviation and labor relations, Babbitt has nearly 40 years of experience in the field.

At his Senate confirmation, Babbitt said the greatest challenges for the FAA include:

- Ensuring the world’s safest skies become even safer, and for the U.S. to be recognized as the world leader in aviation safety.
- Moving quickly and efficiently to implement the NextGen air traffic modernization program to maximize the aviation system’s efficiency and to accommodate anticipated increases in traffic.
- Moving aircraft more quickly, more efficiently and with less carbon impact using new technology — and moving more aggressively for joint implementation with stakeholders.
- Regaining internal labor stability and mutual trust within the FAA, as well as building on the “can-do” spirit of the entire FAA workforce.
- Working to ensure the FAA’s accountability and credibility in delivery of its goals, budgetary compliance and safety standards.

The Aircraft Electronics Association is pleased the new FAA administrator has been confirmed, and the AEA staff looks forward to working with Babbitt as the agency takes on the challenge of the Next Generation Air Transportation System and the vital role avionics will play in NextGen.



J. Randolph Babbitt

TRANSPORT CANADA LEADERSHIP

Merlin Pruess, long-time director general of Civil Aviation for Transport Canada, recently retired, and Martin J. Eley was selected as his replacement. Eley previously was director of the Aircraft Certification Branch for Transport Canada.

Eley graduated from Imperial College, London, in 1977, with a bachelor’s degree in aeronautical engineering. He completed his undergraduate apprenticeship with the British Aerospace. Eley spent the next five years working on the development of composite primary structures for the Tornado and Jaguar aircraft at British Aerospace.

In 1982, Eley joined the Aircraft Certification Branch of Transport Canada as a structures certification engineer, working on the CL-601 and DHC-8 aircraft. From 1985 to 1994, he worked as an engineering program manager responsible for the Canadair/Bombardier products, including the CL-601-3A, CL-215T and the regional jet. In 1994, he returned to structures as the section manager.

In April 1998, Eley was acting chief of the engineering division; he was appointed to this position in February 1999. In August 2001, he was appointed to director of the Aircraft Certification Branch. During this time, he was heavily involved in the development of Civil Aviation regulations, standards and advisory material.

Eley is registered as a professional engineer in Ontario, and he is an associate fellow of the Canadian Aeronautics and Space Institute.

I have worked with Eley for more than 10 years, and I am extremely pleased to see an associate reach such a prestigious appointment. □



Martin J. Eley