



# The View from Washington

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**N**ow that the industry has a bit of breathing room on implementing Part 145, it seems like a good time to reflect on this past year.

I have heard a fair amount of constructive criticism regarding the 11 Part 145 sessions that industry hosted for the Federal Aviation Administration and I thought this would be a good time to address a few concerns. The criticism has been unilateral both from FAA inspectors and industry.

To begin with, I agree, at least to some degree, with the remarks. However, I think that those offering the constructive criticism missed a very important point: there were 11 public meetings to criticize. Before these meetings were held, the criticism was that there weren't *any* meetings.

When industry approached the Agency to host these outreach meetings, FAA leadership saw the value in this effort and at a time when FAA headquarters' resources were already strained, they committed to supporting these public meetings. Never have I seen this much effort by the FAA to communicate with industry on a single issue. Could it have been better? Of course. Was it an all-star effort on the part of the FAA? Absolutely.

This article could not be written without recognizing Diana Frohn and Wayne Fry for their efforts. Diana Frohn is the manager of the General Aviation and Repair Station Branch (AFS-340) at FAA headquarters and Wayne Fry is an Aviation Safety Inspector who has the responsibility to coordinate the field approval policies. These two individuals gave every

presentation at every location. Industry hosted what essentially became bi-weekly meetings which ranged from Florida to Alaska with an additional Part 145 meeting in Europe. Each time, Diana and Wayne showed up with their usual cheery attitude and presented the information and graciously took the occasional pot shots from the audience. Not once did I hear a complaint from either one of them.

But most importantly, I'd like to recognize the 2,000 plus participants—both repair station personnel and FAA employees—who took the time out of their busy schedules to attend these meetings and to make them the success that they were. Without you, these meetings could not have succeeded.

I did hear quite a few recommendations, some constructive criticism and an occasional complaint from the audience.

First the complaints. Part 145 was changed because it was broken. It needed to be modernized and at the same time varying interpretations created an inconsistent application of the rule across the country, in fact, throughout the world. The rule needed a major tune up to address both deficiencies with industry's use of the rule and the Agency's enforcement of the rule.

Most of the true complaints came from FAA employees. In general, they objected to "airing Agency laundry," and identifying examples where FAA inspectors had pushed the envelope and, in some cases, exceeded their authority. The Agency was not singled out, the examples used during the

presentation were balanced and fair, and examples from industry were cited as often as examples from the FAA. However, I found it amazing that when the speakers would give examples of why certain areas of the rule was changed, the audience, and especially some of the FAA's own employees, took offense with the examples that cited cases where FAA's employees had gone beyond the intent of the regulation. Do these inspectors actually think that they are without fault? Has the Agency become so politically correct that a general example of what not to do is objectionable? No one likes to hear that they made a mistake, an error or an omission. But with all of the emphasis on human factors and learning from our mistakes and continuous improvement programs, I think these inspectors who took offense at (or maybe could identify with) the general description of examples of what generated the changes to the regulations may need to revisit their procedures. Perhaps they might take a lesson or two from the human factors training that the Agency encourages industry to take and make some corrections to their daily operations.

Industry proposed this program and hosted these meetings; industry did not set the agenda. The topic and agenda of the meetings were set by the FAA. I received a number of comments about the agenda and topics. I tend to agree that the agenda could have been better. And it was. The last meeting was 11 times better than the first. After each meeting, the presentation was upgraded, revised and improved. Continuous improvement

is one element of human factors in maintenance; this program was the recipient of continuous improvement. The presentations are available for downloading on AEA's website, [www.aea.net](http://www.aea.net). If you attended one of the earlier meetings, please take the time to download one of the later presentations as there may be information in the presentation that you missed at an earlier meeting.

The Association has been conducting regulatory sessions on the new Part 145 for two years. Every element of the new regulation has been reviewed at the annual convention and at each regional meeting. The FAA's agenda was a good supplement to these programs. If you had not attended one of the previous technical sessions, you would have been somewhat disappointed with the FAA's program. But if you already had an understanding of the new regulation, these meetings should have added to your knowledge and helped to understand some of the more controversial areas. AEA will continue to conduct Part 145 sessions at each regional until January, 2004.

As usual, hind-sight always gives us a better picture of what we should have done, but while the program wasn't perfect, it was a great effort on the FAA's part to communicate to both industry and their employees. While it was easy to criticize the meetings, before the meetings, industry and the Agency personnel complained bitterly that there wasn't enough communication, and now, after FAA Headquarters invested significant resources to support these public meetings, the complaints were that it wasn't the "right" communications. I'm personally grateful to FAA headquarters for developing and supporting the 11 workshops, the individual regional managers who supported and encouraged FAA inspector participation and especially the individual inspectors who through their

own initiative saw the value in these workshops and attended on their own. To all, I say thank you.

Now the next step.

It is true that the effective date of Part 145 has been delayed until January 31, 2004. But rather than waiting until after the holiday break, I challenge each member to have their manuals completed and submitted to the local FAA office by December 1. Based on the number of phone calls I received in the last few days before the extension was granted I know that there was a lot of midnight-oil burnt in trying to complete the manuals. I encourage you to finish the manual and get them turned in early.

The Association will continue to communicate issues about the repair station regulations and development of the required manuals. By now, each member should have requested and received a copy of the AEA Repair Station Manuals Transition Guide. This guide will walk you through the process of transitioning your current Inspection Procedures Manual to the required Repair Station Manual and Quality Control Manual. If you have already completed your manuals, use the transition guide as a self-evaluation to ensure your new manual covers all of the required manual elements.

In the past year, there had been a constant stream of communications between your Association and FAA headquarters regarding Part 145. You can access a myriad of information on AEA's website, [www.aea.net](http://www.aea.net). Click on the "Part 145, What you need to know" link and open up access to the Federal Register notice containing the new Part 145 regulation, information on AEA's Part 145 Manual Transition Guidance Workbook, FAA Published Part 145 Guidance Materials, FAA Answers to Part 145 Frequently Asked Questions, and the FAA Presentation on Part 145. Anyone without access to the internet

can contact AEA by phone.

The AEA is hosting three Part 145 Open Forum Discussions the day preceding each of the three United States Regional Meetings. These forums are designed as a follow on to the FAA workshops so that the members can have an open dialogue on complying with the new Part 145. Most shops now have some experience in developing the new manuals and this open forum is an opportunity to discuss the challenges that have been identified since the FAA meetings.

Admission to these forums is free. However, the Association asks that each attendee please register on the AEA website so we will have adequate seating. Registration should be sent in at least five days prior to the date and location you choose to attend.

The dates and locations are:

**Kansas City: October 23**

Embassy Suites Hotel

6:30 pm - 9:00 pm.

**Reno: November 13**

Reno Hilton Hotel

6:30 pm - 9:00 pm.

**Tampa: November 20**

Wyndham Westshore Hotel

6:30 pm - 9:00 pm.

In another effort to continue to communicate the issue surrounding Part 145, the Frequently Asked Questions section of *Avionics News* has focused on Part 145 questions the last few months and will continue to focus on Part 145 through the January issue. If you have a specific question, please don't hesitate to send me your questions. We have unprecedented access to the people who wrote the regulation. Who better to answer your questions?

I look forward to your questions, see you at the regionals. □

# Regulatory Update

Part 145 Effective Date  
January 31, 2004

## United States

### FAA delays the effective date of Part 145.

The FAA is delaying the effective date of the final rule that amends the regulations for aeronautical repair stations. This action is necessary to give repair station certificate holders more time to develop required manuals using recently issued FAA guidance material before submitting the manuals to FAA for acceptance. Also, this action will allow repair station certificate holders to follow FAA guidance material for requesting FAA approval of contract maintenance functions.

The effective date of the final rule amending 14 CFR parts 91, 121, 135 and 145 published on August 6, 2001, at 66 FR 41088 is delayed until January 31, 2004, with the following exception: Sec. 145.163 remains effective April 6, 2005.

On July 30, 2001, the FAA issued Repair Stations; Final Rule with Request for Comments and Direct Final Rule with Request for Comments (66 FR 41088; August 6, 2001). That final rule updated and revised part 145 of Title 14, Code of Federal Regulations, which prescribes the regulations for aeronautical repair stations. In that rulemaking action, the FAA established a new requirement that each repair station must maintain and use a current repair station manual and a quality control manual. They also prescribed the contents of these manuals.

Initially, the final rule was to become effective April 6, 2003. However, on October 21, 2002, the FAA received a petition from the Aircraft Electronics Association, the Aerospace Industries Association, the Aviation Suppliers Association, and the National Air Transportation

Association. Those petitioners requested that the FAA extend the effective date of the final rule arguing that the FAA had not yet published advisory material and guidance explaining how to produce an acceptable manual. Further, the petitioners asserted that without advisory material, the Agency could not adequately train FAA personnel. The FAA agreed and extended the effective date of the final rule to October 3, 2003.

On July 3, 2003, the FAA issued Advisory Circular No. 145-9 (AC 145-9), Guide for Developing and Evaluating Repair Station and Quality Control Manuals. That document provides information and guidance material for developing and evaluating repair station manuals and quality control manuals. The material describes an acceptable means, but not the only means, to develop a manual and comply with the rules contained in part 145. Interested parties may access AC 145-9 at the following internet website: [http://www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rWebcomponents.nsf/HomeFrame?OpenFrameSet](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rWebcomponents.nsf/HomeFrame?OpenFrameSet).

On July 22, 2003, the Aircraft Electronics Association, the Aeronautical Repair Station Association, and the National Air Transportation Association submitted another petition requesting that the FAA further extend the effective date of the final rule. The petitioners note that the FAA issued material to guide repair stations in developing the manuals required in Part 145 only 90 days before the effective date of the rule. The petitioners contend that 90 days is not enough time to develop manuals using the guidance materials. Therefore, the petitioners requested the FAA extend the effective date of the final rule an additional 120 days.

The FAA agreed with the petitioners that additional time was necessary to allow repair station certificate holders to prepare repair station manuals and quality control manuals following the guidance provided in AC 145-9. Therefore, the FAA granted a 120-day extension, delaying the effective date of the final rule amending 14 CFR parts 91, 121, 135, and 145 until January 31, 2004. (Note: the effective date for Sec. 145.163 remains April 6, 2005.)

### Fractional Ownership

The FAA has updated and revised the regulations governing operations of aircraft in fractional ownership programs. These regulations provide a level of safety for fractional ownership programs equivalent to certain regulations that apply to on-demand operators. The rule also revises some requirements that apply to on-demand operators that meet certain criteria.

Certain sections of the new Subpart K will have a direct impact on repair stations providing maintenance support for aircraft operated under fractional ownership programs.

Subpart K introduces sections:

91.1109 Aircraft maintenance: Inspection program.

91.1111 Maintenance training.

91.1113 Maintenance recordkeeping.

91.1115 Inoperable instruments and equipment.

91.1411 Continuous airworthiness maintenance program use by fractional ownership program manager.

Maintenance providers are encouraged to review these new regulations.

### FAA Protects Information Gathered as Part of the Aviation Safety Action Program.

The FAA has issued Order 8000.82

# Frequently Asked Questions

## TOPIC: Personnel and Training

This month's FAQ comes from the questions about personnel and training that were asked during the FAA/Industry Part 145 meetings.

Section 145.151 requires each repair station to provide qualified personnel to plan, supervise, perform, and approve for return to service the maintenance, preventive maintenance, or alterations performed under the repair station certificate and operations specifications.

Section 145.153 requires the repair station to ensure that each supervisor is trained in or thoroughly familiar with the methods, techniques, practices, aids, equipment, and tools used to perform the maintenance, preventive maintenance, or alterations.

And finally, section 145.155 requires the repair station to ensure that persons performing inspections under the repair station certificate and operations specifications are thoroughly familiar with the applicable regulations in this chapter and with the inspection methods, techniques, practices, aids, equipment, and tools used to determine the airworthiness of the article on which maintenance, preventive maintenance, or alterations are being performed.

These following questions are being answered by Diana Frohn, Manager of the FAA's General Aviation and Repair Station Branch (AFS-340).

### **When is the actual start date for the approved training program (145.163(2))?**

145.163(a)(2) will be immediately effective on April 6, 2005, for repair station applicants as a part of the certification process. For repair stations

that already have a certificate, training programs must be submitted to the FAA beginning in April 2005. The preamble language (FR volume 66, page 41103-41104) includes a suggested schedule for repair stations to follow in submitting their training programs using the month listed on their repair station certificate. Each month beginning in April 2005, repair stations will submit their training programs for approval to the FAA. By April 2006, all training programs should be submitted and approved—that is the time the rule requirement (compliance and enforcement) actually begins.

### **Define the word "trained" as used in 145.157(1).**

"Trained" means formal or informal instruction that produces a qualified, proficient and skilled person. This can be done by formal classroom training, informal supervision of on-the-job performance, or a combination of both.

Section 145.161(a)(4)(ii) asks for total years of experience and the type of maintenance performed. Should it be relevant experience?

The requirement is for total years of experience and the type of maintenance work performed. The rosters contain the names of maintenance personnel and inspectors as well as management personnel.

145.161(a)(4)(ii) is specific to those employees who are in a maintenance position—primarily supervisors or inspectors—whereas

145.161(a)(4)(iii) requires the names of employers and employment dates to also include management person-

nel since they may not have the maintenance background required in subsection (ii).

### **In writing the manual, can you leave out human factor procedures that you use that require error reporting for safety and efficiency that may disclose non-compliance with the manual procedures that may lead to enforcement? Is there a procedure that allows for this self-improvement that may be incorporated into the repair station manual?**

Repair stations are only required to have those items identified in 145.209 and 145.211(c) in the manuals.

However, other business choices may necessitate additional non-FAA regulatory items to fully describe the processes, programs, or procedures used by the repair station. The FAA will not violate a repair station for not complying with non-FAA requirements. However, 145.207(a) requires each repair station to prepare and follow a repair station manual. If there are certain reporting criteria for a program that the repair station wishes to use, it may be best to maintain these types of programs separate from the required repair station manuals.

*Note: AEA offers these Frequently Asked Questions (FAQs) in order to foster greater understanding of 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, you should contact an attorney.*

which designates information provided to the agency from a voluntary Aviation Safety Action Program (ASAP) as protected from public disclosure, including disclosure under the Freedom of Information Act or other laws. This designation is intended to encourage participation in the

ASAP and wider sharing of ASAP information with the FAA. FAA Order 8000.82 is published in the Federal Register in accordance with 14 CFR part 193. FAA Order 8000.82 became effective on September 3, 2003.

The objective of ASAP is to encourage air carrier and repair sta-

tion employees to voluntarily report safety information that may be critical to identifying potential precursors to accidents. The FAA believes that identifying these precursors is essential to further reducing the already low accident rate. Under an ASAP,

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safety issues are resolved through corrective action rather than through punishment or discipline.

Under Title 49 of the United States Code (49 U.S.C.) section 40123, certain voluntarily provided safety and security information is protected from disclosure in order to encourage persons to provide the information to the Federal Aviation Administration. The FAA must first find that the information should be protected under the terms of section 40123. The FAA's rules for implementing section 40123 are in 14 CFR part 193.

If the FAA issues an order designating information as protected, that information will not be disclosed under the Freedom of Information Act (5 U.S.C. 552) or other laws, except as provided in section 40123, part 193, and the order that designates the information as protected. This FAA order for ASAP is issued under 14 CFR 193.11, which sets forth the notice procedure for designating information as protected.

FAA Advisory Circular 120-66B governs Aviation Safety Action Programs.

## Europe

As announced earlier this year, the European Aviation Safety Agency (EASA) was legally being put into place over the last weekend in September. Patrick Goudou, a French national and former director of the aeronautical maintenance department, has been selected as the Agency's executive director.

EASA is a new agency of the European Union that has been given specific regulatory tasks in the field of aviation safety. Its establishment is a key to the implementation of the European Union's strategy to maintain and improve the level of aviation safe-

ty in Europe and beyond.

As an agency with legal status (unlike the JAA), EASA shall assist the European Commission with legislative and regulatory tasks as set out in Regulation 1592/2002 (this document can be downloaded from their website), that identifies essential requirements for airworthiness and environmental protection. The Agency shall also be responsible for issuing certificates for aeronautical products as well as approvals for design and maintenance organizations.

Since EASA is not yet able to fulfill the obligations due to their present organization structure, we were told the individual national airworthiness authorities were asked to take over the responsibility until EASA is in the position to do so.

Since this organization is the most important in Europe aviation today, we would propose that everybody interested should have a look at the organization website: [www.easa.eu.int](http://www.easa.eu.int).

As of September 29, the following JARs were transferred into Implementation Rules and are considered as European Law: Part M, 21, 66, 145, 147.

All other previously released JARs—now called Certification Specification (CS) or Acceptable Means of Compliance (AMC)—are currently in the comment phase.

CS is the Agency's suggestions on best practices to be used to demonstrate compliance with the Basic Regulation and its implementing rules. The CS's are CS- ETSO, 22, VLA, VLR, 23, 25, AWO, 27, 29, E, P and APU.

AMC has roughly the same meaning as under the current JAA system. They illustrate a means, but not the only means, by which a requirement contained in an airworthiness code or an implementing rule can be met. AMC's released so far are AMC 1, 20, 34 and 36.

## Canada

### Transport Canada publishes policy for GPS and navigation equipment requirements for IFR operations.

Earlier this year, Transport Canada Civil Aviation (TCCA) published Commercial and Business Aviation (CBA) Policy Letter 142, to provide interpretation for CAR 605.18 (j) regarding navigation equipment requirements for IFR flight, and the installation and use of an IFR approach approved GPS navigation system.

CAR 605.18(j) requires that IFR flight shall not be conducted unless the aircraft is equipped with sufficient radio navigation equipment to permit the pilot, in the event of a (single) failure of such equipment, to proceed to the destination airport or alternate, and when operating in IMC to complete an instrument approach and a missed approach procedure.

Policy Letter 142 clarifies the use of a GPS receiver in meeting the CAR, and states that an aircraft equipped with a single ADF or VOR receiver, and a GPS receiver with an approved installation for IFR enroute, terminal and approach operations meets the intent of the CAR. For operators flying in areas of Canada where NDBs are the prevalent navigation and approach aid, the replacement of one of two installed ADF receivers with an approved GPS unit also meets the intent of the CAR, provide the operator and crew are authorized to conduct stand-alone GPS approaches.

CBA Policy Letter 142 is available for viewing at: [www.tc.gc.ca/CivilAviation/commerce/policy/PL142.htm](http://www.tc.gc.ca/CivilAviation/commerce/policy/PL142.htm)

### Instructions for Continued Airworthiness Publication

TCCA Airworthiness Notice (AN) B069 was published in July to inform

Type Certificate and Supplemental Type Certificate applicants that TCCA publication TP 13850 is now available. TP 13850 provides guidance to applicants who are preparing scheduled maintenance instructions and publishing Instructions for Continued Airworthiness (ICA).

TP 13850 is available at: [www.tc.gc.ca/civilaviation/maintenance/aarpd/tp13850/menu.htm](http://www.tc.gc.ca/civilaviation/maintenance/aarpd/tp13850/menu.htm)

### **Altitude Markings for Sensitive Altimeters**

TCCA has published Policy Letter (PL) 551-001 to replace Airworthiness Policy Letter (APL) No. 2 in order to reflect current regulations and standards. It also incorporates changes to the definition of a "sensitive altimeter" and definition of aircraft altimeter markings as stated in Notice of Proposed Amendment (NPA) 2003-007. TCCA requirements for altitude increment markings for sensitive altimeters are:

For all operations to Cat. II limits or lower, altimeters shall be marked in altitude increments not to exceed 20 feet, and: for all VFR operations, which require a sensitive altimeter and all IFR operations to Cat. I limits, altimeters shall be marked in altitude increments not exceeding 50 feet.

PL 551-001 is available at: [www.tc.gc.ca/CivilAviation/certification/guidance/551-001.htm](http://www.tc.gc.ca/CivilAviation/certification/guidance/551-001.htm)

## **Australia**

The Civil Aviation Safety Authority (CASA) has established a special section on its internet site focussing on the process of moving to the new Civil Aviation Safety Regulations. This internet site is intended to help people throughout the aviation industry quickly find relevant information about the new rules transition.

CASA claims the new web pages will be increasingly important as the aviation industry is required to move

their attention from the development of the new regulations to their implementation. At present, almost half the parts under new Civil Aviation Safety Regulations have been formally made, with the rest scheduled to be presented to the Federal Government by the end of this year.

The New Rules Transition section on the CASA website includes information on Flight Operations, Licensing, Maintenance, Airworthiness and Certification, and, Airspace Safety Management. There is a brief explanation of aviation legislation, describing the Civil Aviation Act, the existing Civil Aviation Regulations, as well as the new Civil Aviation Safety Regulations. The site also describes how CASA intends to transition to the new rules with each of the steps in the process outlined.

The new site can be found at: [www.casa.gov.au/avreg/transition/index.htm](http://www.casa.gov.au/avreg/transition/index.htm) □

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