Aeronautical Repair Station Association

the hotline

www.arsa.org Washington, D.C. May 31, 2003

Special ICA Issue

MAINTENANCE MANUALS:
For Safety's Sake, FAA Must Step Up to the Plate!

Your Action Guide on Instructions for Continued Airworthiness

Sarah Says

Angels Don't Vote

Some things are just right. It is right that maintenance providers follow the manufacturer's recommendations. It is right that manufacturers provide those instructions at a fair and reasonable cost. The rules requiring this exchange of information have been in the FAA safety standards for years. The current debate is about money.

Certain manufacturers believe that only they should be allowed to repair their own products. It is argued that they spend millions of dollars developing the product. Further, the repairs are complicated and require special equipment and expertise. All well and good; however, the development of the product has, for many years, included the requirement to produce basic maintenance information. Further, no person may perform maintenance in aviation without the necessary housing, facilities, equipment, trained personnel and data.

For years, certain manufacturers made basic maintenance information available at reasonable costs. However, after discovering that maintenance can be lucrative and can make up for losses on the manufacturing side, some of these manufacturers dramatically increased the price of their manuals.

ARSA entered this fray 20 years ago. Recently we took the dramatic step of asking Congress for help. Section 419 of H.R. 2115 would force the industry and the Federal Aviation Administration (FAA) to deal with this issue head on. It asks for fair and reasonable enforcement of section 21.50(b) of the Federal Aviation Regulations. It doesn't ask for proprietary data. Our members want their own and others' proprietary repairs protected. It merely asks for basic safety information essential to the continued airworthiness of civil aircraft.

It does not ask for Congress to make the technical determinations. It asks for FAA rulemaking. This enables interested parties to engage in a deliberative process to determine the line between regulations and economics.

The Association believes it is on the side of the angels, but unfortunately, as one congressional staffer put it, angels don't vote. That may be true, but repair station owners and employees do! Make sure your congressional representatives *commit* to a vote on the side of the angels.

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Bills on the Hill

Flight 100 High on House June Agenda

By Christian A. Klein, ARSA Legislative Counsel

The unavailability of aircraft maintenance information has long plagued the repair station industry.

Section 21.50(b) of the Federal Aviation Regulations (FARs) requires manufacturers of aircraft and aircraft parts to prepare and provide maintenance manuals (called Instructions for Continued Airworthiness or ICAs) to any individual required to comply with the regulations, including repair stations, airlines and other persons performing maintenance on civil aviation products.

Despite this regulatory requirement, some manufacturers have flatly refused to make their maintenance manuals available. Others have charged prices for their ICAs that are so high that they render the ICAs effectively unavailable. The Federal Aviation Administration (FAA) has failed to enforce the regulations.

A Light at the End of the Tunnel?

Now, thanks to legislation pending on Capitol Hill, the ICA problem is on the verge of resolution. Section 419 of the Century of Aviation Authorization Act (Flight 100, H.R. 2115) contains language proposed by ARSA that would ensure that maintenance manuals are available for the cost of preparation and distribution. Section 419 would:

- Restate the FAA's regulatory requirement on the manual issue;
- Define the terms "make available" and "design approval," which are used in the regulation, to eliminate any doubt about what the regulations require;
- Require the FAA to conduct a rulemaking to define the term "essential to continued airworthiness;" to consider whether major repairs and alterations are design approvals that should be covered by ICA rules; to require manuals for older aircraft to be made available where possible; and to require manufacturers who have failed to comply with their obligations under 21.50(b) to do so within one year.

The old cliché says that laws are like sausage; as much as you may like the finished product, you should never watch either being made. When this is over you may never want to eat sausage again. Even so, here's a look at how we got to where we are on the ICA issue, where we're going, and what you'll need to do to ensure success:

After persuading senior House Transportation and Infrastructure (T&I) Committee and aviation subcommittee leaders and staff to include ARSA's ICA language in the initial version of the aviation bill, the next step was to ensure that Section 419 was kept in at the subcommittee level.

In the days leading up to the subcommittee markup, ARSA sent every subcommittee member a briefing kit explaining Section 419 and the ICA problem. We also met with legislative staff in the offices of key subcommittee members and had ARSA members contact subcommittee member offices. Our first important victory came on May 14th, when the subcommittee reported Flight 100 with Section 419 intact.

The next step was markup by the T&I Committee, which followed a week later on May 21st. At this point the manufacturer groups knew something was up. They began mobilizing their forces to try to eliminate Section 419.

In an unprecedented lobbying blitz for ARSA, we visited the offices of all 76 members of the T&I Committee to hand-deliver briefing materials, answer staff questions about the ICA issue, and gather intelligence about the other side's activities. In addition to our direct lobbying initiative, ARSA members also participated in a massive grassroots campaign focused on T&I members urging support for Section 419.

the hotline is the monthly publication of the Aeronautical Repair Station Association, the not-for-profit international trade association for certificated repair stations.

To receive a membership application, please call 703 739 9543 or visit www.arsa.org.

Bills on the Hill continued

As markup neared, word reached us that Rep. Jerry Moran (R-KS) was considering offering an amendment to weaken or eliminate Section 419. Thus, the day before markup was spent making "whip" calls to T&I member offices to urge rejection of the Moran amendment (should it be offered) and to gauge support for our position.

As it turned out, all the hard work by ARSA members paid off. No amendments were offered at markup regarding Section 419, although Rep. Moran did speak out against it.

Rep. Steven C. LaTourette

Fortunately, we had our heroes as well, most notably Rep. Steve LaTourette (R-OH), who praised the aviation subcommittee for including the ICA language in the bill and expressed concerns about manufacturer practices that prevented repair stations from obtaining ICAs.

Rep. Jim Oberstar (D-MN), the ranking Democratic member of the full committee, also expressed concerns about current manufacturer practices with regard to ICAs, saying that his subcommittee had investigated this issue years ago and that as far as he could see, nothing had changed.

In the end, Flight 100 was reported favorably by voice vote and Section 419 was still there. The next big step in the process for Flight 100 is consideration on the House floor, which is expected sometime in the next four weeks.

Intel from friends on the Hill tells us that groups representing manufacturers are working to build support for an amendment that would strike Section 419 from the bill or substantially water it down. Indeed, specific lobbyists have been hired to persuade leadership to get rid of the language. Needless to say, ARSA will be keeping up the pressure to make sure that doesn't happen.

Your Participation is Crucial

In the coming days we'll be sending materials about Section 419 to every member of the House and continue our meetings with key lawmakers. Participation by ARSA members must also continue to be crucial if we're to succeed in getting Section 419 enacted into law.

When and if we make it through the House, we still have a long way to go. Although the Senate Commerce Committee has reported its version of the FAA reauthorization bill (called the Aviation Investment & Revitalization Vision Act or "AIR-V" (S 824)), the Senate has yet to act on it. No ICA language is currently included in the Senate bill and ARSA is considering whether to seek a floor amendment that would add the language of Section 419.

Even if there is no effort to do so, it is vital that ARSA members and their friends work to educate their senators and staff on the ICA issue. Remember that eventually the House and Senate bills will be sent to a conference committee made up of the leaders of the House T&I and Senate Commerce Committees.

It will be up to the conference committee to hash out the details of the final bill. It's imperative that the representatives from both houses of Congress understand how important this issue is to you, their constituents.

To get involved and stay involved in the ICA fight, make the ARSA Web site your best resource. The site will be updated frequently with news, background information, and other materials to make you a more effective advocate for Section 419.

Remember: As far as we have come on the ICA issue, we can't afford to rest on our laurels. The legislative process is a marathon, not a sprint and we have to keep up our momentum to win the race.

ICAs: Timeline of Key Events

By Bennett Z. Kobb, ARSA Publication Services

Congress is now considering whether and how to ensure repair station access to Instructions for Continued Airworthiness (ICAs): vital technical data on aviation products. This perennial issue has an impact on engineering and safety practices, competitive markets, and even intellectual property law (trade secrets, copyrights, trademarks and patents).

In 1990 ARSA promoted a bill to address ICAs, but lacked the considerable resources necessary to push for stand-alone legislation. Today, ARSA backs a provision in the omnibus aviation bill -- Flight 100 -- to make ICAs available to maintenance providers for the cost of preparation and distribution.

Federal aviation authorities have always required ICA availability, but have not enforced compliance. As your Association's extensive research shows, the regulatory history in aviation and other relevant fields supports the maintenance industry's call for Congress to resolve this longstanding problem.

First Requirement to Produce Maintenance Manuals

June 13, 1941: U.S. Civil Aeronautics Authority issued the first requirement to produce maintenance manuals.

Civil Air Regulation (CAR) § 13.32, *Manufacturer's Instructions,* required the holder of a type certificate (TC) to "prepare and submit for approval by the Administrator suitable instructions for the installation, operation, servicing, maintenance, repair and overhaul of the type certificated engine model or models. The holder of a type certificate shall make the approved instructions available to *persons engaged in the operation, maintenance, repair or overhaul of engines* manufactured under such certificate and shall prepare, submit for approval, and make available such revisions to the instructions as are found advisable from service experience." (*Emphasis* added.)

Sustaining and Refining ICA Requirements

1950-1980: Various changes to the CARs and the Federal Aviation Regulations (FARs) sustained and refined the requirements to make manuals available for aircraft, rotorcraft and other types of aviation products. These actions included the 1968 creation of the current ICA rule FAR § 21.50, *Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections.*

September 11, 1980: An amendment to § 21.50 added subsection (b), clarifying that ICAs and their changes must be furnished to the owner of each aircraft, engine, or propeller and thereafter made available to any other person required to comply with any of the terms of those ICAs.

ARSA Founded; ICA Reform Efforts Begin

June 14, 1984: Aeronautical Repair Station Association incorporated in Washington, D.C. by a group of ten repair stations. Among the new association's goals is finding a solution to the practice of some manufacturers to skirt the ICA requirements by overcharging for manuals or denying them to repair stations.

February 1990: ARSA representatives met with House Aviation Subcommittee leadership on the ICA issue. According to ***the hotline,*** May 1990, "The Congressmen were particularly interested in the withholding of manuals on air safety and the ability of the repair industry to increase its productive capacity."

November 1990: ***the hotline*** reported that "ARSA has been working with Congress to enact legislation [the Repair Data Availability Act of 1990] which would require original equipment manufacturers (OEMs) to supply one copy of repair data and pertinent updates to certificated Part 145 facilities at a reasonable price. ...However, the heavy crush of business at the end of the 101st Congress, notably the budget crisis, precluded any action by Congress before its adjournment."

ARSA's Airline Service Committee learned of hundreds of instances of the rule requiring repair stations to have current manuals in their possession being narrowly applied.

October 1998: After months of negotiation, ARSA's Executive Director met with Boeing and established procedures by which Boeing will assist repair stations in obtaining repair manuals for components and equipment installed on Boeing aircraft.

Boeing produced minutes of the meeting. With regard to FAR §§ 21.50(b) and 25.1529, Appendix H to Part 25 and Part 145, the minutes stated: "In general, we agreed that Boeing's interpretation and ARSA's interpretation are generally in agreement, i.e. that an OEM supplier should furnish continued airworthiness data to a designee. We identified Supplier Hardware Services as being a contact for repair stations when a supplier appears to be non-compliant to the FARs."

ARSA provided its members with a letter detailing the procedure developed with Boeing, including a questionnaire and the necessary Boeing contact information.

Refusal to Provide ICA "Puzzling," "Artificial Obstacle" to Airworthiness

December 13, 1999: In a written legal opinion, FAA Deputy Chief Counsel James W. Whitlow told a repair station that a major aircraft manufacturer's refusal to provide ICAs is "puzzling, at best, and at worst is an artificial obstacle to ensuring that each...airplane is maintained in an airworthy condition."

Whitlow believed that the manufacturer "technically" did not violate the ICA requirement because the TC for the aircraft was applied for prior to January 28, 1981 (see October 19, 2001 entry below). He wrote, however, that the refusal to provide ICAs is "inconsistent with the objectives of § 21.50(b) and is not in the best interests of aviation safety."

January 10, 2001: ARSA's legal counsel delivers an exhaustive historical review of maintenance manual regulations. The study is powerful evidence that ICA availability requirements were fundamental to U.S. civil aviation since its earliest days.

Draft ICA Policy Falls Short

October 19, 2001: FAA requested comments on a draft policy for ICAs (66 FR 53282). The draft policy fell far short of what was needed because it failed to define "make available" and was based on the erroneous assumption that maintenance manuals were not required to be prepared until 1981.

The draft policy included a six-point interim guidance in applying § 21.50(b). In summary, the guidance provided that: (1) Each TC, STC or ATC applicant must submit complete ICAs. (2) Design approvals for STCs and ATCs should not be issued until ACO and AEG accept the ICAs. (3) FAA will not require ICAs for products previously approved without ICAs unless ACO and AEG personnel determine that ICAs are needed to prevent or correct an

unsafe condition. (4) The ICA for an STC/ATC need only address the design changes. (5) No further ICA development is necessary if the applicant shows that the certification project did not change the current ICA or require new ICA and the FAA concurs. (6) If previous ICAs do not exist, or were developed before January 28, 1981, the ICA submitted for a design change should follow specifications in the appropriate airworthiness standards in Parts 23-35. "This guidance does not create any new requirements," the FAA said.

January 20, 2002: ARSA commented on the draft policy. The Association pointed out that an applicant had to create ICAs in order to receive a TC, ATC or STC well before § 21.50(b) was promulgated (regulations have required design approval holders to provide ICAs before January 28, 1981 and indeed since 1941). ARSA asked FAA to clarify that applicants must prepare ICAs in accordance with § 21.50(b) regardless of the date of the original TC, if the creation was required by regulation under which the design approval was obtained.

The Association recommended changes to the draft policy. For example, it asked that point 2 above include TCs; that point 3 be eliminated, because the FAA cannot, by policy, exempt anyone from compliance with § 21.50(b); and that points 4 and 5 acknowledge that ICAs must be made available to specified persons.

Strong Legal Precedent for ARSA Position on ICAs

March 30, 2002: ARSA's legal counsel delivers a report on the history of the term "make available". The FAA and its predecessors offered no guidance into what "make available" means. Other federal agencies, however, also require maintenance data to be "made available," "provided" or "furnished." The report explored agencies' use of these phrases in such contexts as medical devices, marine equipment and motor vehicles.

The report demonstrated that in the interest of public safety and freedom of choice, federal agencies have long upheld the claim of independent repair facilities to essential manufacturer data on affordable terms. An Environmental Protection Agency regulation, for example, holds that "any [maintenance] information which is not provided at a fair and reasonable price shall be considered unavailable."

August 7, 2002: A report prepared for ARSA examines copyright claims in manufacturer service bulletins incorporated into Airworthiness Directives (ADs). The report concludes that the FAA has the right to publish service bulletins that are incorporated by reference into ADs. Moreover, the manufacturer may not prevent distribution of service bulletins to persons required to comply with them.

"Constitutional access requirements apply to all laws, including Federal Aviation Regulations, and as a result the FAA has a due process requirement to make the laws it promulgates, including Airworthiness Directives, reasonably accessible to those who are bound by them," the report explained. "Simply saying the manufacturers must make the Service Bulletins available is not sufficient. To meet its due process obligation to provide reasonable access to the law, the FAA must define reasonable access in terms that are sufficiently concrete to allow such provisions to be enforced if they are violated," it said.

FAA Legislation Includes ICA Provisions

May 14, 2003: ARSA succeeded in inserting Section 419, *Availability of Maintenance Information,* into the House version of Flight 100, the Century of Aviation Reauthorization Act (H.R. 2115). Section 419 codifies § 21.50(b) and clarifies manufacturers' existing regulatory obligations to make maintenance information available to those working on aviation products. It defines ICAs, design approval, and the term "make available" and instructs the FAA to determine the meaning of "essential to continued airworthiness" via public rulemaking.

Responding to manufacturer concerns, ARSA agrees to the following addition to the bill:

> (d) Limitation on Statutory Construction.—Nothing in this section shall be construed as requiring the holder of a design approval to make available proprietary information unless it is deemed essential to continued airworthiness.

May 21, 2003: In a major victory for the aviation maintenance industry and for ARSA, the House Transportation and Infrastructure (T&I) Committee favorably reported (passed) Flight 100 with Section 419 intact.

Manufacturer groups lobbied aggressively to remove the ICA language from the bill. The Committee retained Section 419, however, in large part because of grassroots support provided by ARSA members. Repair stations from around the country contacted members of the Committee to relate their experiences trying to obtain manuals from manufacturers. The bill now heads to the House floor.

ARSA Welcomes New Members

Airborne Nacelle Services, Hot Springs, AR • Square One Design, Owasso, OK

Legal Briefs

This edition of Legal Briefs by Marshall S. Filler is based on a series of columns published in November and December 1997 and March 1998. In his law practice, Marshall represents clients from all segments of the aviation industry on domestic and international regulatory compliance matters. Marshall is also an instructor on international aviation safety issues for The George Washington University's Aviation Institute in a cooperative program funded by the FAA. Known as "The International Summit on Aviation Safety and Security," the program is presented to senior foreign aviation officials several times each year. Contact Marshall at 117 North Henry St., Alexandria, VA 22314-2903, T: 703 299 0784; F: 703 299 0254; or E: msf@potomac-law.com.

ICAs: An Essential Link

As one of the most highly regulated industries in the world, aviation relies upon written manuals, procedures, reports and other records to ensure and document compliance with all pertinent requirements. For example, when the Federal Aviation Administration (FAA) conducts an inspection of an airline, repair station or manufacturer, it demands that the certificate holder demonstrate that their approved or accepted systems are not only sound but that they are being followed and are periodically audited to evaluate their effectiveness. The reason for this emphasis on systems, written procedures and attention to detail is obvious. Mistakes in this business, as we know all too well, can have tragic consequences.

One of the fundamental concepts taught in the Association's regulatory compliance training courses are the "links in the chain". Simply stated, it means that the design, production, operation and maintenance rules are interdependent and form the links of the airworthiness chain. Each entity has an airworthiness responsibility and safety can only be ensured if the links are properly connected. Unfortunately, in actual practice, there are occasions where the links have not been properly formed or are broken.

Federal Aviation Regulation (FAR) 21.50(b) requires each holder of an FAA design approval, for which application was made after January 28, 1981, to furnish Instructions for Continued Airworthiness (ICAs) to the owner and any other person required to comply with their terms.

The intent of ICAs is to ensure the availability of maintenance and alteration information "essential to the continued airworthiness of the product". For an aircraft, the ICAs must also include the ICAs prepared for each engine and propeller, and for each required appliance, including information relating to the interface between those appliances and products.

The ICAs must be prepared in accordance with the pertinent airworthiness standards contained in FAR Parts 23, 25, 27, 29, 31, 33 and 35. The instructions and their updates can consist of manuals or sections of manuals that describe the systems and characteristics of the product, provide the instructions for performing maintenance and specify any airworthiness limitations (such as mandatory replacement times and structural inspections) required by the approved type design.

ICAs Provide the Foundation

The reason FAR 21.50(b) is so important is obvious. The information provides the foundation upon which maintenance and alteration must be performed. For aircraft registered in the United States, that means compliance with FAR Part 43, most notably, Section 43.13(a). This rule requires that maintenance or alteration be performed in accordance with the manufacturer's maintenance manuals, the ICAs or other methods, techniques and practices acceptable to the Administrator.

The entire maintenance system relies upon the creation and dissemination of the basic data required to be included in the ICAs. Part 135 operators must comply with the manufacturer's recommended maintenance programs (FAR § 135.421). Each Part 145 repair station must maintain, in current condition, all manufacturer's service manuals, instructions and service bulletins related to the articles that it maintains or alters (FAR §

145.57(a)). Although other methods, techniques and practices can be acceptable to the Administrator, it would be impractical and unwise to require each maintenance provider to produce its own maintenance procedures for each product or component. The reason for including FAR 21.50(b) in the regulations was to provide the consistent and basic information necessary for the continued airworthiness of civil aviation products.

Certificate Holder's Responsibility

The FAA has not properly formed this essential link in the regulatory chain. The requirement that approved design holders ensure that this basic information is prepared and disseminated has not been adequately enforced. The type certificate holder may refer to its equipment or appliance manufacturer for this basic information. However, it does not relieve the certificate holder from making sure the ICAs are prepared and disseminated in accordance with the rule. This is particularly troubling when the component or appliance manufacturer does not prepare the information or refuses to supply the information to maintenance entities.

Ironically, this link may have been formed commercially, at least in the case of large transport category aircraft. For instance, most large aircraft type certificate holders have elaborate product support agreements with their prime suppliers. These agreements require that the supplier prepare and provide maintenance information for their products and to make them available to all owners, lessees and operators of their aircraft and to the designees of those owners, lessees or operators. These commercial requirements are based upon information contained in the World Airline Suppliers Guide and in Air Transport Association Specification 100, documents prepared by the air carriers to help standardize the data and material required to be provided by prime aviation manufacturers and their suppliers.

Nevertheless, certain type certificate, supplemental type certificate and other design approval holders have refused either to prepare the information required by the regulation or to provide the information to maintenance entities required to comply with the terms of the ICAs. The FAA must adequately form this essential link by providing the necessary guidance material for the public and their own workforce to ensure the proper preparation of the ICAs and by aggressively enforcing the rule once everyone understands their regulatory duties.

Establishing the Parameters

The FAA must make substantive policy decisions to establish the parameters of how an applicant for design approval can meet the airworthiness standards set forth in the relevant subparts of the regulations regarding the development of ICAs. For example, § A33.1(b) states that the ICAs must include the ICAs for all engine parts. If the ICAs are not supplied by the part manufacturer, the ICA for the engine must include the information essential to the continued airworthiness of the engine. What does the FAA mean by these phrases? I suggest that any part required by the type certificate would be essential to the continued airworthiness of the engine and therefore would require the development of information as set forth in the subsequent paragraphs of Appendix A.

Similarly, § A33.1(c) states that the applicant for an engine type certificate must submit to the FAA a procedure to show how changes to the ICAs (whether made by the applicant or by the manufacturers of engine parts) will be distributed. This is a critical requirement. Its purpose is to ensure that any changes to a product's design are incorporated into the ICAs and then disseminated to those primarily responsible for assuring that maintenance or alteration is performed in an airworthy manner: operators, aviation technicians and repair stations.

The FAA must decide how this process will work because changes in type design have all too often not resulted in changes to the ICAs. If they have, the changes have frequently not been disseminated to persons who need this information to comply with their regulatory obligations under FAR 43, 145 and the various operating rules.

Moreover, because the ICA requirement is imposed only on design approval holders, it stands to reason that changes to the ICAs are required when there is a change in the product's design. Those changes might be characterized as minor, major, extensive or required in accordance with FAR 21. However, if they affect the Instructions for Continued Airworthiness, the ICAs must be changed and the changes disseminated in accordance with FAR 21.50(b) and Appendix A of Part 33.

Does this mean that a special repair process, developed by a type certificate holder or other entity after an engine is introduced into service, must be shared with the entire maintenance industry? In most cases, no. For example, the new repair may be an attractive commercial alternative to scrapping a part because it is beyond the limits specified in the maintenance or overhaul manual. But, is it essential to the continued airworthiness of the engine?

I suggest that it is not since scrapping the part would achieve the same airworthiness objectives as performing the special repair process.

Section A33.3 lists the items that must be included in the ICAs. On the maintenance side, they include a description of the engine's features, including its components, systems and installations, servicing and operating information, troubleshooting techniques, instructions on how to perform maintenance and what tools and equipment are necessary. The type certificate holder, who is ultimately responsible for the ICAs, may either develop separate manuals or separate sections of a single manual for each of the items listed. If a particular portion of the ICA is to be provided by a supplier to the TC holder, then the ICA must cross-reference the component maintenance manual developed by that supplier. The component maintenance and overhaul manuals are part of the ICA documents whether they are prepared by the applicant or one of its suppliers.

Maintenance Data for Parts

Section A33.3(b) specifies the information required for performing overhauls on engines. Among other things, it requires that repair methods be described for worn components. Does this mean that repair processes must be provided for every piece part? (Remember, the language of section A33.1(b) requires ICAs for all engine parts.) Perhaps not every piece part, but if a part is an integral component of a fuel control system produced by a supplier to a TC holder, the TC holder is responsible for ensuring that maintenance data is provided if it would be essential to the continued airworthiness of the product. Where will the FAA draw these lines?

What about instructions for testing after overhaul? Although clearly required by section A33.3(b)(6), the FAA issued a Flight Standards handbook bulletin (FSAW 97-06) stating, in effect, that a manufacturer can determine what steps are required to overhaul its product. If testing was not among them, the maintenance provider may still call it "overhauled" if the work otherwise complied with the manufacturer's overhaul manual. Unfortunately, this bastardization of FAR 43.2 (which explicitly requires testing as an essential element of an overhaul) and A33.3(b)(6) might have been avoided if we had paid more attention to the rules before industry practice had overtaken them.

FAR 43.13(b) imposes a separate requirement on those performing maintenance, rebuilding and alterations that they return the item being worked on to its original or properly altered condition. In addition to providing acceptable methods, techniques and practices for performing maintenance in accordance with FAR 43.13(a), the ICAs also tell us how to ensure that the work performed is accomplished in an airworthy manner (FAR 43.13(b)).

In addition to performing maintenance, the ICAs also provide a baseline for establishing aircraft maintenance and inspection programs. For example, section A33.3(a)(6) requires that the ICA contain scheduling information for each part of the engine setting forth recommended intervals for cleaning, inspecting, testing and lubricating. The design approval applicant must also include an inspection program to provide for the continued airworthiness of the entire engine. Similar information is required in the overhaul section of the ICAs. FAR 33.15 requires that the suitability and durability of materials used in the engine must be established on the basis of experience and tests and must conform to approved specifications. FAR 33.19 requires that the engine design and construction must minimize the likelihood of an unsafe condition developing between the recommended overhaul periods.

Instruction Continues

In a proposed airworthiness directive (AD) on B-727 cargo aircraft issued in 1997, the FAA contemplated substantially reducing the maximum payload of cargo aircraft, which had been modified pursuant to four different STCs. In the preamble to the notice of proposed rule making (NPRM), the FAA noted the following:

> *Unsubmitted Instructions for Continued Airworthiness.* Federal regulations require an STC holder to submit 'Instructions for Continued Airworthiness' to the FAA for review. These instructions include maintenance procedures, maintenance manuals and maintenance program requirements for the continued safety of the airplane converted under the STC. **Only one of the four STC holders has complied with this requirement.** (Emphasis added.)

In January of 1998, the FAA issued FSAW 98-03 establishing an agency-wide policy to ensure that ICAs were prepared for all major alterations performed under the field approval process. The policy requires field approvals for major alterations to comply with FAR 21.50(b); in other words, at least one set of complete ICAs will be required to be developed for each field approval. The ICAs will be documented on FAA Form 337 and become a part of the aircraft's inspection and/ or maintenance program.

Legal Briefs continued

It is important to remember that the TC holder is required to prepare ICAs under each FAR part applicable to a specific product (aircraft, engine or propeller). While the TC holder can rely on suppliers to provide this information, the FAA can enforce the ICA requirement against the TC holder by virtue of the airworthiness rules applicable to each product. Apart from this regulatory obligation, the product support agreement typically requires suppliers to the TC holder to prepare this information, keep it current and make it available to customers and designees of the TC holders.

PMA and TSOA Holder Obligations

An interesting legal question is whether the FAA can enforce the ICA requirements only through the TC or STC holder, or whether the agency can also enforce these obligations directly on persons holding Parts Manufacturer Approvals (PMA) or Technical Standard Order Authorizations (TSOA) in their own right.

With regard to PMAs, FAR 21.303(d)(1) states that an applicant is entitled to a PMA if the Administrator finds that the design meets the airworthiness requirements applicable to the product on which the part is to be installed. Further, FAR 21.303(f)(1) requires each PMA applicant to make all inspections and tests necessary to determine compliance with the applicable airworthiness requirements. Recognizing that a PMA is another form of design approval, FAA Order 8110.42A requires a PMA applicant to furnish data sufficient to determine that the ICAs will continue to be valid for the product on which the PMA part will be installed. Otherwise, the applicant must furnish supplemental ICAs.

In other words, the basic requirement to prepare ICAs is contained in all of the agency's airworthiness regulations. Since FAR 21.303 requires PMA applicants to demonstrate that their part complies with these standards (including preparation of the ICAs relating to that part), the FAA can enforce this obligation against PMA holders independent of section of 21.50(b).

Additionally, FAR 21.50(b) requires any design approval holder who submits its application after January 28, 1981 to furnish at least one copy of the ICAs to the owner of the aircraft, engine or propeller upon delivery and to make them available, as well as any changes thereto, to any other person required to comply with their terms (i.e. owners, operators and maintenance providers).

The fact that this rule is located in Subpart B of Part 21 relating to type certificates should not take precedence over the plain language of the section, which imposes these obligations on any design approval holder, including a PMA holder. Therefore, there appears to be two independent legal bases for the FAA to directly require a PMA holder to develop ICAs - FAR 21.303 and 21.50(b).

The situation for TSOA holders is a bit different. Unlike PMA holders, who must demonstrate that their design meets airworthiness requirements, the holder of a TSOA must show that it meets the performance standards established by the FAA for that particular article. FAR Part 21, Subpart L, does not contain similar language requiring a TSOA holder to show that it meets the airworthiness regulations.

However, since a TSOA does not confer installation eligibility for a particular article (it is only a design and production approval), an STC is often necessary before the TSOA'd article may legally be installed on an aircraft.

That brings us again to FAR 21.50(b), which clearly requires that ICAs be furnished by STC holders. In addition, the TSOA is a design approval in its own right and, even in the absence of an STC, the FAA should be able to require that TSOA holders furnish ICAs.

The ICA requirement is one of the most fundamental and important regulations in the FARs. Unfortunately, the all-too-frequent absence of this critical airworthiness information has been well established.

Regulatory Lookout

Continuing Analysis and Surveillance System

FR Date: 5/2/03 **Document:** Advisory Circular (AC) 120-79 **Issued:** 4/21/03
Affects: FAR 121 and 135 **Location:** http://www.airweb.faa.gov/rgl

AC 120-79 provides information on how to implement a continuing and analysis and surveillance system (CASS) that is required for certain types of air carriers and commercial operators under §§ 121.373 and 135.431. A CASS is a quality management system for air carriers and commercial operators that monitors and analyzes the performance and effectiveness of inspection and maintenance programs.

For technical information contact Russell S. Unangst, Jr. <unangst@faa.gov>, Technical Advisor for Aircraft Maintenance, Aircraft Maintenance Division (AFS-304), Flight Standards Service, FAA, 800 Independence Ave. S.W., Washington, DC 20591-0004; T: 202 267 3786; F: 202 267 5115.

Cancellation of Proposed Data Recording AC

FR Date: 5/13/03 **Document:** Cancellation **Docket:** FAA-2003-15104

The FAA cancelled its proposed AC for onboard recording of voice and data link messages in crash-survivable memory (see Your Two Cents, the hotline, April 30, 2003.) The regulatory requirements to equip aircraft with such a system have not completed the rulemaking process. The FAA concluded that offering the proposed AC to the public for comments was premature.

For technical information contact Gregory Frye <gregory.e.frye@faa.gov>, Avionics Systems Branch, Aircraft Certification Service, Aircraft Engineering Division (AIR-130), FAA, 470 L'Enfant Plaza S.W., Suite 4102, Washington, DC 20025-6113; T: 202 385 4630, F: 202 385 4651.

Your Two Cents

This is your chance to get involved. Agencies must provide the public notice and an opportunity for comment before their rules or policies change. The notices are published in the Federal Register (FR). Comments should be received before the indicated due date; however, agencies often consider comments they receive before drafting of the final document begins. You can find notices and file comments on the Web at http://www.regulations.gov or at the Department of Transportation site http://dms.dot.gov/search. To examine draft Advisory Circulars, use http://www.airweb.faa.gov/DraftAC or *http://www.opspecs.com/awcirculars. The Federal Register is available at http://www.access.gpo.gov/su_docs.*

False and Misleading Statements Regarding Aircraft Products, Parts, and Materials

FR Date: 5/5/03 **Document:** Proposed Rule **Affects:** New FAR Part 3
Comments Due: 8/4/03 **Docket:** FAA-2003-15062 **Location:** http://dms.dot.gov

Currently, few regulations concern false or misleading statements regarding aircraft parts. It may be difficult for the FAA to investigate apparent false or misleading statements because it does not regulate parts distributors. The proposed FAR Part 3 rules extend the prohibition on fraudulent or intentionally false statements beyond those now covered by FARs 21 and 43; provide a regulation covering fraudulent and intentionally false statements that, if violated, would be addressed by FAA enforcement action; and provide for FAA investigation of representations made regarding the quality of aircraft parts.

For technical information contact Beverly Sharkey <beverly.j.sharkey@faa.gov>, Suspected Unapproved Parts Program Office (AVR-20), FAA, 13873 Park Center Road, Suite 165, Herndon, VA 20171-3248, T: 703 668 3720, F: 703 481 3002.

Hazardous Materials Training Requirements

FR Date: 5/8/03 **Document:** Proposed Rule **Affects:** FAR 119, 121, 135, and 145
Comments Due: 7/7/03 **Docket:** FAA-2003-15085 **Location:** http://dms.dot.gov

The FAA proposes to amend its hazardous materials training requirements for certain air carriers and operators. It also proposes that certain repair stations document that persons handling hazmat for transportation have been trained as required by the Department of Transportation's Hazardous Materials Regulations. **ARSA has**

requested additional time to comment on this rule so that adequate review of the economic impact on repair stations and air carriers can be made.

For technical information contact William Wilkening <bill.wilkening@faa.gov>, Hazardous Materials Division (ASI-300), Office of Security and Investigations, FAA, 800 Independence Avenue S.W., Washington, DC 20591, T 202 267 9864, F: 202 493 4524.

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

FR Date: 5/28/03 **Document:** Interim Final Rule **Affects:** 49 CFR 40
Comments Due: 8/26/03 **Docket:** OST-2003-15245 **Location:** http://dms.dot.gov

The Department of Transportation has issued interim guidelines that will provide more flexibility for medical review officers (MROs) in determining whether urine samples have been substituted. Such substitution would be treated under the regulations as equivalent to having a positive test result. The intent of the interim rule is to ensure that individuals who produce creatinine levels naturally that are within certain parameters are not considered to have substituted a sample without further review by the MRO.

For information contact Robert C. Ashby <bob.ashby@ost.dot.gov>, Deputy Assistant General Counsel for Regulation and Enforcement, Office of the Secretary of Transportation, 400 7th Street S.W., Room 10424, Washington, DC 20590-0001, T: 202 366 9310, F: 202 366 9313 or Ken Edgell <kenneth.edgell@ost.dot.gov>, Acting Director, Office of Drug and Alcohol Policy and Compliance, 400 7th Street S.W., Room 10403, Washington, DC 20590-0001, T: 202 366 3784, F: 202 366 3897.

Polymer Matrix Composite Systems

FR Date: 5/13/03 **Document:** AC 23-XX **Comments Due:** 6/12/03
Location: http://www2.faa.gov/certification/aircraft/aceBySubject.htm (use "Advisory Circulars, Proposed" link)

This proposed AC concerns material and process specifications, or other documents, used to ensure sufficient control of composite prepreg materials in normal, utility, acrobatic and commuter category airplanes. For technical information contact: Lester Cheng <lester.cheng@faa.gov>, Small Airplane Directorate, Regulations and Policy (ACE-111), 901 Locust, Kansas City, MO 64106-2325, T: 316 946 4111, F: 816 329 4090.

Minimum Performance Standards for VHF Radio Equipment

FR Date: 5/20/03 **Document:** Proposed TSO Revisions
Dockets: FAA-2003-15158 (TSO C-37e, transmitters) and FAA-2003-15179 (TSO C-38e, receivers)
Comments Due: 6/19/03 **Location:** http://av-info.faa.gov/tso/Tsopro/Proposed.htm

These proposed revised Technical Standard Orders (TSO) apply to transmitters and receivers operating in the 117.975-137 MHz range. They tell manufacturers seeking TSO authorization or letter of design approval what minimum standards the radio equipment must meet for approval and identification with applicable TSO markings.

For technical information contact Moin Abulhosn <moin.abulhosn@faa.gov>, Aircraft Engineering Division, Aircraft Certification Service (AIR-130), Room 815, FAA, 800 Independence Avenue S.W., Washington, DC 20591-0004, T: 202 385 4645, F: 202 385 4651.

High Altitude Flight Certification

FR Date: 5/30/03 **Document:** Policy Statement ANM-03-112-16 **Affects:** FAR 25
Comments Due: 6/30/03 **Location:** http://www.faa.gov/certification/aircraft/anminfo/devpaper.cfm

The proposed statement provides policy on the compliance issues associated with high altitude flight, specifically how the FAA will evaluate petitions for exemption from § 25.841(a), as amended by Amendment 25-87. For airplanes with wing-mounted engines, this regulation in effect limits the maximum operating altitude of airplanes approved to this standard to 40,000 feet.

Several airframe manufacturers have asked the FAA to develop a new safety standard, which is being addressed in rulemaking activities. Those manufacturers have also asked for interim policy to provide relief because high altitude flight offers benefits to airplane performance in terms of reduced drag and lower fuel burn.

For technical information contact Stephen Happenny <stephen.happenny@faa.gov>, Propulsion and Mechanical Systems Branch (ANM-112), Transport Airplane Directorate, Transport Standards Staff, FAA, 1601 Lind Avenue S.W., Renton, WA 98055-4056, T: 425 227 2147, F: 425 227 1320.

ICAs: Talking Points

By Sarah MacLeod, ARSA Executive Director, and Christian A. Klein, ARSA Legislative Counsel

Background of the Problem

There can be no doubt that maintenance manuals are essential in ensuring the highest degree of aviation safety. The Federal Aviation Administration (FAA) requires that they be created during the design phase of a product, furnished to the owner and made available to persons required to comply with their terms.

The FAA requires that repair stations and other maintenance providers have these manuals in their possession and follow them when they perform maintenance. They must also be kept current at all times. Yet, in spite of these clear mandates:

- Some manufacturers have adopted policies preventing independent repair stations from obtaining maintenance manuals under any circumstances.
- In those cases where manuals can be obtained, many repair stations are forced to pay exorbitant prices for them. This problem has been exacerbated as manufacturers look for additional sources of revenue in a down market. This is contrary to the letter and intent of the regulations that the manuals be "made available" to persons required to comply with their terms.
- These actions are usually taken for competitive reasons because the repair stations affiliated with the manufacturer compete for the same business as independent repair stations.
- In addition, many manufacturers have removed selected repair procedures from their manuals so that only repair stations affiliated with or specifically chosen by the manufacturer will have access to critical repair data.
- The situation is detrimental to air safety because it results in the proliferation of non-standard repairs for which subsequent maintenance providers find it difficult to determine the continued airworthiness of the article.
- It forces repair stations to obtain the manuals from airlines or other sources, adversely affecting their ability to keep the manuals current and undermining their competitive position in the marketplace for repair services.
- The FAA has not enforced the existing regulations.

What Section 419 Would Accomplish

ARSA supports Section 419 of H.R. 2115. This provision would—

- Codify existing FAA regulations mandating the preparation and distribution of Instructions for Continued Airworthiness (ICAs, or maintenance and overhaul manuals).
- Define the terms "make available" and "design approval" in the current regulations. The amendment would require ICAs to be made available at a cost "not to exceed the cost of preparation and distribution." It would also clarify which design approval holders are required to comply with the ICA rule.
- Require the FAA Administrator to conduct a rulemaking to—
  - ✓ Define "essential to continued airworthiness" as that term is used in the current rules so the industry will have a clear understanding of what must be included in the ICAs;
  - ✓ Consider whether major repairs and major alterations are design approvals that should be covered by the ICA rules;
  - ✓ Consider whether maintenance manuals prepared prior to 1981 should be made available to the same extent and under the same terms as those covered by the current ICA rules;
  - ✓ Require manufacturers who failed to comply with their regulatory obligations to prepare ICAs to do so within one year of the publication of a final rule.

Text of Proposed Legislation

SEC. 419. AVAILABILITY OF MAINTENANCE INFORMATION.

(a) IN GENERAL- Chapter 447 is further amended by adding at the end the following:

Sec. 44728. Availability of maintenance information

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 21.50(b) of title 14, Code of Federal Regulations, that the holder of a design approval--

(1) shall prepare and furnish at least one set of complete instructions for continued airworthiness as prescribed in such section to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery or upon the issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later; and

(2) thereafter shall make the instructions, and any changes thereto, available to any other person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of the instructions.

(b) DEFINITIONS- In this section, the following definitions apply:

(1) MAKE AVAILABLE- The term 'make available' means providing at a cost not to exceed the cost of preparation and distribution.

(2) DESIGN APPROVAL- The term 'design approval' means a type certificate, supplemental type certificate, amended type certificate, parts manufacturer approval, technical standard order authorization, and any other action as determined by the Administrator pursuant to subsection (c)(2).

(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS- The term `instructions for continued airworthiness' means maintenance manuals, overhaul manuals, standard practice manuals, and other manufacturer's service information that sets forth the methods, techniques, and practices for performing maintenance on civil aircraft, aircraft engines, propellers, appliances or any part installed thereon. The term also includes changes to such manuals and information in the form of revisions, service bulletins, service letters, or similar documents.

(c) RULEMAKING- The Administrator shall conduct a rulemaking proceeding for the following purposes:

(1) To determine the meaning of the phrase `essential to continued airworthiness' of the applicable aircraft, aircraft engine, and propeller as that term is used in parts 23 through 35 of title 14, Code of Federal Regulations.

(2) To determine if a design approval should include, in addition to those approvals specified in subsection (b)(2), any other activity in which persons are required to have technical data approved by the Administrator.

(3) To require design approval holders that prepared instructions for continued airworthiness or maintenance manuals before January 29, 1981, to make the manuals available (including any changes thereto), to any person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of those manuals.

(4) To require design approval holders that--

(A) are operating an ongoing business concern;

(B) were required to produce maintenance manuals or instructions for continued airworthiness under the applicable sections of parts 1 through 199 of title 14, Code of Federal Regulations; and

(C) have not done so,

to prepare those documents and make them available as required by this section not later than 1 year after date on which the regulations are published.

(d) LIMITATION ON STATUTORY CONSTRUCTION- Nothing is this section shall be construed as requiring the holder of a design approval to make available proprietary information unless it is deemed essential to continued airworthiness.

(b) CONFORMING AMENDMENT- The analysis for chapter 447 is further amended by adding at the end the following:

44728. Availability of maintenance information.

Turning Myth Into Reality

The following text reproduces a position paper issued by opponents to Section 419 to H.R. 2115. ARSA's response to each point is in **bold.** The General Aviation Manufacturer's Association (GAMA) in conjunction with the Aerospace Industries Association (AIA) produced the original document; their statements are in *italics.*

GAMA supports the enforcement of regulations requiring ICAs necessary for safety.

ARSA strongly supports the enforcement of this regulation.

GAMA does NOT support the release of proprietary data that is not essential to the continued airworthiness and safety of the airplane, engine, or propeller.

ARSA is NOT requesting the release of proprietary data unless it is essential to the continued airworthiness of an aeronautical product or component.

Myth #1: THIS LANGUAGE IS NECESSARY TO IMPROVE SAFETY

Proponents of the language claim "safety" as their motivation. However, their claims are in direct conflict with the text of the bill, in particular the definitions.

Reality #1: The text of the bill asks only for information "essential to the continued airworthiness" of the product or component. There are no conflicts in the bill.

Many repairs developed by manufacturers (the proprietary data) require special skill or capabilities beyond those found in typical repair stations. To safely provide the benefits of these repairs, manufacturers must often require entities to demonstrate the necessary ability and process controls. The bill will denigrate this Quality Control process.

Reality #1A: Nothing in the legislation requires the manufacturer to release proprietary repairs. If the manufacturer requires specific quality control processes in their ICAs (or proprietary repairs), the regulations require repair stations to follow those processes.

Additionally, the FAA must certificate all repair stations (even those "blessed" by the manufacturer).

Myth #2: THIS ISSUE NEEDS TO BE LEGISLATED

There is already a regulation that reads almost word-for-word how Section (a) of the proposal reads. FAR Sec. 21.50.

Reality #2: It is not being enforced.

Also, as part of the certification process, FAA has already accepted the content of ICAs and specifically approved the maintenance required to maintain safety under the regulations.

Reality #2A: The FAA may be "accepting or approving" the contents, but they are not ensuring that persons required to follow the manuals are being provided this basic safety information.

Neither the NTSB nor the FAA have cited the failure to make ICAs available as a serious, systemic safety problem. The proponents of the language have taken a "legislate first, ask questions later" approach – a bad way to develop policy on a highly technical and important issue.

Reality #2B: The regulation is already in place; therefore, the safety question has been answered. The NTSB only gets involved when accidents occur, which we are hoping to prevent. ARSA has attempted to focus the FAA's attention on this issue for almost 20 years. This request to Congress is not "legislate first;" it is please help now!

Myth #3: THE EXEMPTION FOR PROPRIETARY INFORMATION IS SUFFICIENT

The definition of "Instructions for Continued Airworthiness" is written so broadly that any and all data, including information protected by patent laws and the Freedom of Information Act, would have to be released to anyone. The bill grants a license to steal proprietary data.

Reality #3: The bill specifically includes the language "essential to continued airworthiness" in the definition of "Instructions for Continued Airworthiness."

Further, the bill contains language that states nothing in it will require the release of proprietary data unless it is indeed "essential to continued airworthiness." Even if it is essential, there is nothing in the bill that would prevent the manufacturer from protecting its data from unauthorized use.

Myth #4: MANUFACTURERS CHARGE EXORBITANT PRICES

Manufacturers spend millions of dollars developing the data included in maintenance manuals. Keep in mind these manuals are produced for products costing millions of dollars themselves.

Without the ability to recoup their investment there would be little incentive for manufacturers to invest in the new technologies required to develop new repairs. The bill will have a chilling effect on research and development.

Reality #4: ARSA is asking for the basic maintenance information that has been required by the regulations since 1941. The information need not include special or "new" repairs, unless they are essential to continued airworthiness. The persons in the best position to provide essential airworthiness information are those that develop the products.

Myth #5: THE LANGUAGE ENHANCES COMPETITION

Independent repair providers may develop alternate procedures independent of the manufacturer and have them approved by the FAA, but there is no requirement for them to share these proprietary procedures with the manufacturers. The language is one-sided in its application.

Reality #5: The bill asks the FAA to conduct a rulemaking that would consider whether independent repair stations that develop alternative repairs would also have to provide information essential to continued airworthiness. Indeed, the language is definitely "two-sided" in its application since many of ARSA's members develop their own independent repairs.

Manufacturer Price Inflations and Refusals

- In 1994, an engine manufacturer priced its overhaul manual at $416. In 2000, the manufacturer boosted the price of the same manual to $24,250.

  (After strong opposition from maintenance providers, this company reduced the manual's price to $8,000. At this writing, the price is $9,256 -- still a 2,125% increase over its 1994 price.)

- A component manufacturer purchased another manufacturer. It billed a repair station almost $3,000 merely to supply cover sheets for 16 manuals, reflecting the new corporate name.

- ARSA has examples of manufacturers refusing even to respond to written requests for maintenance data.

- ARSA has examples of manufacturers refusing to provide their manuals to repair stations, telling them instead to obtain the manuals from aircraft operators -- and contravening Federal Aviation Regulations which require maintenance information to be made available directly to repair stations.

Petitions for Exemption

The Association is frequently asked about the process for seeking and the likelihood of receiving an exemption from a particular Federal Aviation Regulation (FAR). The procedure for submitting a Petition for Exemption can be found in Part 11 of the FARs. That rule is written in "plain language" and can be found at http://www.faa.gov/avr/arm/petitions.cfm. The Association provides this list of Petitions for Exemptions that should be of interest to readers. Use this information for filing your own petition. You may obtain the petition, along with any grant or denial, from http://dms.dot.gov/search/ by entering the last 4 or 5 digits of the "new" docket number (any docket number reading FAA-YEAR-DOCKET NUMBER) in the search field.

Federal Register Date	Docket Number	Petitioner	Section(s) Affected	Description of Relief Sought	Action
5/20/03	FAA-2000-8525	United Air Lines	121.135(a)(3)	To permit United to use electronic digital technology to document the revision level in lieu of printing the last revision date on each page of each manual required under § 121.133.	Grant 1/16/03, Exemption 6612C
5/20/03	FAA-2001-8762	Regional Airline Association (RAA).	91.203	To permit RAA-member airlines to temporarily operate certain U.S.-registered aircraft in domestic airline operations without the airworthiness certificate or certificate of aircraft registration, or both, onboard the aircraft.	Grant 1/27/03, Exemption 5515F.
5/7/03	FAA-2003-14727-1	Sino Swearingen Aircraft Corp.	23.181(b)	To permit a change in the SJ30-2 "Dutch Roll" stability requirements defined by § 23.181(b) *(Airworthiness Standards for Normal, Utility, Acrobatic and Commuter Category Airplanes)* to those defined by § 25.181(b) *(Airworthiness Standards for Transport Category Airplanes)*, as amended by Amendment 25-75.	
5/9/03	FAA-2003-14366	Baby B'Air	121.311(c)(1), 91.107(a)(3)(iii)(B) and (a)(3)(iii)(C)(3); 121.311(b)(1) and (b)(2)(ii)	To allow people to use the Baby B'Air flightvest (a vest-type, lap-held child restraint system) that is not manufactured to U.S. standards and does not conform to all applicable Federal motor vehicle safety standards, is not certificated for use in motor vehicles and aircraft; and has not been accepted by the FAA during all phases of flight, including critical phases of flight.	
5/30/03	FAA-2001-9791	NockAir Helicopter	133.43(a), (b)	To permit NockAir Helicopter, Inc. to use its helicopters to perform aerial trapeze acts without using an approved external load attachment or quick release device for carrying a person on a trapeze bar.	Grant 5/6/03, Exemption 6685C.

Get Wise on Part 145 at FREE Educational Events

ARSA, in cooperation with other aviation associations including the National Air Transportation Association (NATA) and the Aircraft Electronics Association (AEA) is sponsoring meetings with the FAA to present the new Part 145 and the forthcoming Advisory Circular on repair station and quality control manual compliance.

The principal FAA speaker is Diana Frohn, Manager of the General Aviation and Repair Station Branch (AFS-340) at FAA Headquarters. These eight-hour meetings also include information on the field approval process, presented by Aviation Safety Inspector Wayne Fry. The lunch period is from noon to 1:00 p.m.

These meetings are free of charge and open to all interested persons. Seating will be limited, however. We recommend sending one member of your organization. The FAA strongly encourages personnel from its regional offices and FSDOs to attend.

To register, visit http://www.aea.net/Part145TrainingSeminar/Part145TrainingForm.asp.

June 5, 2003	AEA	Amsterdam	July 22, 2003	ARSA & AEA	Dallas, TX
June 10, 2003	AEA	Kansas City, MO	August 5, 2003	NATA	Chicago, IL
June 17-18, 2003	NATA & AACA	Anchorage, AK	August 19, 2003	ARSA & NATA	Seattle, WA
June 24, 2003	AEA	Manchester, NH	September 2, 2003	NATA	Long Beach, CA
July 8, 2003	AEA & PAMA	Teterboro, NJ			

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