

June 10, 2016

Delivered by email; read receipt requested to:

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RE: Request for Adjustment to Language on Articles Released Before
October 1, 2016

Dear Messrs. Duncan and Galván:

The undersigned industry representatives are deeply appreciative of the extension to the requirement that all new civil aviation articles released by a production approval holder (PAH) on or after October 1, 2016 be accompanied by an FAA Form 8130-3 signed by the PAH or other authorized individual. Unfortunately, the language in the agencies' letter of April 14, 2016 and guidance on documentation requirements for articles currently in inventory is untenable.

(A) Background

The April 14th letter to ARSA and FAA Notice 8900.360 include the following statements contained in a Note:¹

New parts currently in inventory must, at a minimum, have a document or statement (containing the same technical information as an FAA Form 8130-3) issued by the PAH or supplier with direct ship authority. The parts currently in inventory and documented with the required information will be grandfathered and remain suitable for installation into EU articles provided the date on the document is prior to October 1, 2016. (Emphasis added.)

Both agencies agree that the language is meant to "grandfather" parts currently in inventory that do not have FAA Form 8130-3s.

(B) Concerns

Several problems arise from this language, namely:

(1) It is not limited to the scope of EASA 145.A.42(a)(1). Under EASA standards, new parts described in EASA 145.A.42(a)(4-5)² do not need EASA Form 1/FAA Form 8130-3 to be accepted.

(2) The MAG is being read by some FAA inspectors to limit an EASA/FAA approved repair station from accepting articles that do not meet both FAA and EASA standards, even if the article will be installed in an FAA-only maintenance action (i.e., only a single FAA release will be issued). We would therefore appreciate a statement that neither the above-referenced Note nor the MAG applies to new articles that will be installed in maintenance worksopes

¹ See p. 2 of the agencies' April 14, 2016 letter and pp. 2-3 of FAA Notice 8900.360. Only the quoted statements from the Note are at issue.

² Standard parts, raw material and consumables

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subject only to FAA jurisdiction, including but not limited to those installed on U.S.-registered aircraft regardless of their location.

(3) "Dated" documentation "from the PAH" that contains the "same information" as the FAA Form 8130-3 is problematic.

- Many articles – especially older parts – do not have dated documents, and even fewer have documentation from a PAH.
- Packaging will specify the PAH but will not include a date; thus, the "dated by the PAH" requirement cannot be met. It also fails to reflect the same technical information as Form 8130-3.
- Parts will be listed on PAH packing lists – adequate to identify the source – but that document will not contain the same technical information as Form 8130-3.
- The FAA has long considered documents or markings such as shipping tickets and invoices to provide evidence that a part was produced by a manufacturer with an FAA-approved quality system (FAA AC 20-62E). This sort of information also typically does not contain the same technical information as Form 8130-3; however, it still demonstrates the article's airworthiness.
- Distributors and repair stations hold inventories of new surplus parts obtained from U.S. air carriers. While bearing air carrier documentation, these articles will not bear dated PAH documentation (let alone documentation providing the same technical information as Form 8130-3).

Ironically, these new parts are frequently eligible for *export* Form 8130-3 tags. Thus, installers can find them to be airworthy. Unfortunately, the troublesome language will make many articles valueless, without any specific regulatory mandate.

(C) MAG REVISION 6

This note continues to exist in MAG CHG 6. Although MAG CHG 6 provides somewhat different language, many of the same problems continue to exist.

Additionally, the variance in MAG CHG 6 creates a new issue. Because the agencies' April 14th letter and Order 8900.360 continue to exist in their current forms, they will be used to interpret the note found in MAG revision 6. This may lead to further inconsistencies and non-standard application.

(D) SOLUTION

We request that another letter be issued and the note in Notice 8900.360 be changed to remove the requirement that a dated document from the PAH containing the same technical information as an FAA Form 8130-3 must accompany articles released from a PAH prior to October 1, 2016.

New parts must be accompanied by acceptable evidence of airworthiness that meet the recordkeeping requirements at the time of production and sale – that much has not changed.

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Indeed, since the requirement for dated PAH documents did not exist in the past, it should not be required for articles produced before MAG CHG 5 and its successors become effective.

We submit that the following replacement language would accomplish the agencies' and industry's goal:

Note: *New articles released by a PAH before October 1, 2016 are grandfathered and are not subject to MAG CHG 5 or its successors. The fact that an article is known to exist before October 1, 2016 is sufficient evidence to support the creation of a document or statement to that effect. [The following language in the Note would remain the same except for a reference to the now issued MAG CHG 6:] Annex 1 provisions of the agreement regarding the export of parts remain unchanged (i.e., parts that are exported to a customer under the regulatory jurisdiction of the EU will require the export certification as detailed in the Technical Implementation Procedures for Airworthiness (TIP) independent from the aforementioned grandfathering provision). All other provisions of the MAG, Change 5 and its successors, will remain in effect. (emphasis added)*

Pre-October 1, 2016-produced articles will remain in the system for many years. Therefore, the proposed language should be adopted as soon as possible, circulated and preserved.

Respectfully submitted,

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