

Petition for the Extension or Reissue of FAA Notice 8900.380

August 2, 2017

By email transmission and first class mail

John Duncan, Director
Flight Standards Service
Federal Aviation Administration
800 Independence Ave, SW
Washington, DC 20591

Dear Mr. Duncan:

Please accept this petition for the extension or reissue of FAA Notice 8900.380. The undersigned petitioners represent a cross section of the aviation industry, covering a range of interests including commercial air carriers and other operators, aviation service providers, design and production approval holders, aircraft parts distributors, and repair stations.

The Issue

On August 26, 2016, the Flight Standards Service issued FAA Notice 8900.380 (“the Notice”). The Notice is scheduled to be cancelled on August 26, 2017.

Paragraph 8 stated that the information contained in the Notice would be incorporated into Change 7 of the Maintenance Annex Guidance (MAG). However, it appears unlikely that MAG change 7 will be released by the Notice cancellation date of August 26, 2017.

Because the reasons for issuing the Notice still exist today, it should be extended or republished pending publication in MAG change 7.

The Need for the Guidance

There are about 1400 repair stations in the United States that also hold EASA Part 145 approvals. These approvals are administered by the FAA pursuant to the Executive

Agreement between the US and the EU,¹ and the Maintenance Annex to that agreement.² Application is made through the FAA, which oversees compliance to the standards published in the Maintenance Annex.

The Maintenance Annex Guidance (MAG) was published to provide guidance on the implementation of the standards in the Maintenance Annex. To assist US repair stations seeking approval under EASA Part 145, the MAG included a sample EASA Supplement.

MAG revision 6 was a significant change from the prior policy (which accepted the U.S. system for parts' documentation). It includes a requirement that generally prohibits the installation of new parts received without an Authorized Release Document (ARD) (i.e., Form 8130-3, EASA Form 1 or TCCA Form One).

As the FAA is aware, the United States does not require the issuance of Form 8130-3 when a new part is released from a production approval holder's (PAH) quality system. More importantly, there are billions of dollars³ of inventory of new, airworthy parts that do not bear 8130-3 tags. These parts are in the inventories of aircraft parts distributors and other entities in the U.S. today. In some cases, their value does not warrant issuing 8130-3 tags for a domestic sale (it does not make sense to spend \$200 for a designee to issue Form 8130-3 for a part valued at \$20). Even if the cost of an 8130-3 is economically appropriate, obtaining one can be time-consuming, and adds no value to a part that already has adequate indicia of airworthiness.

Repair stations have traditionally exercised the privileges of their certificates to accept new parts received without an ARD by evaluating the available documentation and inspecting the articles before stocking them for installation. Evidence that the part was produced under an FAA production approval and that it has suffered neither damage nor degradation since being released from an FAA-approved quality system is sufficient to permit installation.

Under MAG Revision 6 this is no longer possible; therefore, in Notice 8900.380 the FAA clarified that repair stations could perform a part 43 inspection of a new part received without an ARD and, if it was traceable to a PAH and otherwise suitable for installation, issue Form 8130-3 with a right-side signature.⁴ The Notice provided a critical alternative

¹ Agreement between the United States and the European Community on Cooperation in the Regulation of Civil Aviation Safety

² Maintenance Annex Guidance Between the Federal Aviation Administration for the United States of America and the European Aviation Safety Agency for the European Union

³ This figure is verified by affidavits concerning value submitted by a small selection of ASA members, and made available to the FAA attorneys under seal in *ASA v. Huerta*. The actual figure could be significantly larger.

⁴ EASA also allows this in the E.U. when parts are received without an ARD. The parts are treated as unserviceable until subjected to additional inspections and/or other maintenance actions supporting the issuance of a Form 1. See, e.g., EASA AMC M.A.501(a) (*Installation*); EASA AMC M.A.613(a) (*Component certificate of release to service*).

path to compliance for repair stations performing maintenance and alterations subject to the MAG and therefore should be extended as soon as possible.

Conclusion

For the aforementioned reasons, the undersigned associations request that:

- FAA Notice 8900.380 be extended by one year; or,
- The exact language of FAA Notice 8900.380 be reissued in another Notice whose effective date would be no later than August 26, 2017.

We look forward to working with the FAA on long-term solutions that will make this Notice unnecessary.

Respectfully submitted (*associations in alphabetical order*);

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