



The Update Report

The Airline Suppliers Association

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February 1998

INTERNATIONAL AFFAIRS

Watch Where You Export!

The United States has banned the export of certain products to certain countries. Because the aviation market is a global one, these bans can be a burden to distributors. An even greater burden, though, is the penalty associated with violation of these restrictions.

Criminal fines ordinarily range up to one million dollars for companies; however a guilty party can be fined up to five times the value of the export if that would yield a greater fine than the normal million dollar cap. In addition, individuals involved in the transaction can also be fined a quarter million per violation. Add up to ten years of jail time per violation and it is easy to see that the federal government is not kidding about these export controls.

Restrictions come from two sources - the Bureau of Export Administration and the Treasury Department's Office of Foreign Assets Control. Between these two offices, the United States has issued export controls against the following nations:

- Angola
- Burma (Myanmar)
- Cuba
- Iran
- Iraq
- Libya
- North Korea
- Sudan
- Syria

Unlike diamonds, export controls are not forever. On January 16, 1996, the Treasury Department lifted sanctions against the Federal Republic of Yugoslavia, and on May 10, 1996, the sanctions against the Republic of Bosnia and Herzegovina were also lifted. As these embargos were related to the conflict in this area, there is no expectation that these sanctions will be reimposed.

The sanctions against Angola are limited in nature - not every product is restricted; however they restrict almost any aviation service or supply that could be provided. The President signed a new Executive Order on December 12, 1997 that continues this treatment of aircraft parts, although it does explicitly permit the Secretary of the Treasury to designate certain ports of entry (presumably those not controlled by UNITA) to which properly licensed exports may travel.

The Antiterrorism and Effective Death Penalty Act prohibits financial transactions between U.S. entities, including banks, and certain governments known to support terrorism. The prohibitions extend to entities known to be controlled by such governments. The list of affected governments includes Cuba, Iran, Iraq, Libya, North Korea, and Syria (this is a subset of the list above). In general, goods, services and technology may not be exported, sold, nor supplied to these countries by U.S.

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Congratulations to:

- Hubair, Inc.**
Davie, FL
- Flight Director, Inc.**
Austin, TX
- Solair, Inc.**
Ft. Lauderdale, FL
- Source One Spares**
Houston, TX

for their accreditation to the Airline Suppliers Association's Accreditation Program.

Keep monitoring, <http://www.airlinesuppliers.com> for a growing list of FAA accredited distributors.



A Message from ASA's President

ASA has been speaking throughout the country on the aviation regulations and commercial laws and how they affect your business.

Many members have asked me what the regulations required. A great example of the confusion associated with the regulations concerned FAR 21.303 and the PMA requirements. While admittedly it has taken the FAA and industry a long time to become educated as to the manufacturing approval requirements, it is clear that now most companies understand when a PMA is required.

ASA has seen an increase in the knowledge of our members and industry. This is evident by the progression of questions asked at our conferences/workshops. After an ASA workshop, we ask the participants to fill out a survey and one of the questions asks for topics for future workshops. Many of the surveys requested more discussion on the regulations.

It is very important to know what the regulations require, but it is also important to acknowledge that the regulations do not provide all the information we want. Sometimes, a requirement imposed upon a distributor is driven by the customer and does not have a basis within the regulations.

A prime example of this is the confusion regarding accident/incident material. The FARs do not define accident nor incident. The NTSB defines these terms, but only to guide the NTSB as to when they need to investigate an occurrence.

There is no regulatory requirement for an air carrier or air agency to ask if a

part/product was involved in an accident or incident. There is a requirement for an air carrier or air agency to assure the airworthiness of the work it performs. Knowing whether a part was previously involved in an accident/incident lets the maintenance performer know whether to perform a hidden damage test.

Commercial requirements like this can be more confusing than the requirements imposed due to the regulations. Absent guidance from the FAA, distributors should develop and follow a written policy for how they determine what is accident or incident related. Distributors should always disclose this information to the end-user to aid in determining the airworthiness of the part.

ASA is developing guidance to help distributors address the issues surrounding accident/incident related parts.

Best Regards
Michele Schweitzer

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The Update Report provides timely information to help Association members and readers keep abreast of the changes within the aviation supply industry

The Update Report is just one of the many benefits that the Airline Suppliers Association offers our members. For information on the Airline Suppliers Association Accreditation Program, ASA-100, Conferences, Workshops, Industry Memos, Advisory Circulars, or services benefits, contact the Association.

The Update Report For information on special package rates for advertising, contact the Association at 202-216-9140. Subscription cost is \$120.00 US per year.

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New Proposed TSOs Available

More production approvals mean more approved products! The FAA has drafted two new Technical Standard Orders (TSOs) and made them available for public comment before final issuance. The two new TSOs address 1) Emergency Evacuation Slides, Ramps, and Slide/Raft Combinations, and 2) Aircraft Portable Megaphones. Once the TSOs are issued, any part properly manufactured pursuant to one of them will be considered an "approved part."

TSOs reflect minimum performance standards for acceptable articles. The FAA approves them to indicate that articles manufactured to these standards will meet airworthiness standards. A manufacturer may apply for a TSO authorization (TSOA), which is granted if the applicant can demonstrate a fabrication inspection system adequate to assure that the articles it produces will meet the TSO standards. A production approval holder for a

product (like an aircraft or an engine) may then specify replacement parts by TSO number, indicating that any part manufactured under the TSO in question is acceptable for installation. For example, a type certificate holder could install inflatable emergency exit ramp, indicating that it conforms to TSO C-69c, Type III. The production approval holder for the product knows that the TSO articles are airworthy because they meet the minimum performance standards described in the TSO.

Copies of the TSOs are available at any FAA Aircraft Certification Office. Comments may be offered before April, and the TSOs should be issued shortly thereafter. Copies and additional information are also available at the ASA website.

I think the single-biggest obstacle to building the system we need could be the inability of the aviation community to work together. If we work together - if we summon the will - then we will deliver to the American people the aviation system they deserve - a system worthy of the legacy of the Wright Brothers.

- Jane F. Garvey, FAA Administrator, February 10, 1998

Around the Industry

Recent FAA retiree **Barry Valentine** has accepted a position on the Board of Directors of the **Experimental Aircraft Association**. A pilot with over 1,000 hours of combat flight time and a former state Congressman, Valentine spent much of his four years at the FAA acting in various senior executive roles, including a brief tenure as acting Administrator from February 1997 until August 1997.

AlliedSignal Inc. announced that it will purchase two divisions from **Banner Aerospace**: the Hardware Group (fasteners, bearings) and PacAero (adhesives, lubricants, coatings and other chemical products used on airframes). The acquisition is expected to be completed within the first quarter of 1998.

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companies or other U.S. persons, no matter where the U.S. person is located. Although there are exceptions for publications and humanitarian supplies, there are no exceptions that would apply to aircraft parts. It is also illegal for U.S. persons to assist others in selling to a forbidden country - brokering a deal is considered the illegal sale of a service to the embargoed foreign entity.

Sudan has been accused of supporting international terrorism, as well as condoning a variety of human rights violations, including slavery. In response to these serious charges, the United States prohibited exports to Sudan, as well.

The Burmese sanctions are much less

restrictive - they only prohibit investments in Burma, and do not prohibit exports. Nonetheless, distributors doing business with Burma should be careful about the way in which they finance transactions, to make sure that they do not run afoul of these restrictions, which apply to a broad range of so-called "investments."

Despite these restrictions, licenses are sometimes available from the Commerce Department for limited sales under certain conditions. For example, licenses have been granted to sell equipment to North Korea to aid the country in converting to light water reactor power plants. Make sure, though, that any license granted covers liability from all of the applicable prohibitions - treasury regulations as well as commercial export regulations.

Anyone who suspects violations of the United States trade regulations may report such suspicions to the government. Notification is optional, and is not a reporting requirement.

Make reports to:

The Office of Export Enforcement
Bureau of Export Administration
U.S. Department of Commerce
Room 2631
Washington, DC 20230
Telephone (202) 482-1208

Or

Office of Foreign Assets Control
U.S. Department of the Treasury
Washington, D.C. 20220
Telephone (202) 622-2520

FAA Answers Frequently Asked Questions

Do you have customers whose FAA inspectors won't let them accept a new or used replacement part into inventory without an FAA Form 8130-3? Are you stuck because AC 00-56 permits alternative documentation but the FAA inspector insists that the regulations require an 8130-3 (not true!)? The traditional way around this problem was to work with the customer to educate the FAA inspector, but this can be a Herculean task.

The FAA is taking steps to educate its employees, as well as the industry they regulate.

FAA employees are required to be part inspector, part auditor, part engineer and part lawyer so it is no wonder we often find holes in their regulatory knowledge. Many are eager to continue learning about the rules they enforce, but an interpretation that differs from the conventional wisdom will always be met with suspicion. That's just natural caution among folks who are charged with ensuring air safety but it means that even under the best of circumstances, educating an FAA employee can be frustrating. It is especially frustrating as conventional

web site for you! The FAA has compiled some of the most common questions and misperceptions about the regulations into a "Frequently Asked Questions" file on the internet. There are currently three 'FAQs' that provide official FAA guidance concerning 1) the use of 8130-3 for documentation (it is one acceptable form, but not the only one); 2) mutilation of scrap parts (they may be mutilated by a contractor); and 3) foreign A & P schools (there are none). More FAQs are expected as the FAA Flight Standards Service identifies common problems and their solutions.

The FAA Flight Standards Service's "Frequently Asked Questions" website is located at <http://www.faa.gov/avr/afs/awfsfaq/awfsfaq.htm>.

Repair Assessment for Pressurized Fuselages

The FAA has proposed new rules that would require transport category airplane production approval holders who prepare instruction for continued airworthiness to incorporate new guidelines in these instructions. These new guidelines may potentially impact the airframe market by excluding certain parts from use in maintenance and alteration.

The new information would incorporate repair assessment guidelines for the fuselage pressure boundary. These guidelines would support a damage-tolerance based supplemental inspection program for structural repairs. The program would detect damage that may develop in a repaired area before

that damage degrades the load carrying capability of the structure below the levels required by the applicable airworthiness standards.

While the new guidelines would benefit all aircraft types, they would be principally aimed at older types that are approaching or exceeding expected design service life. Distributors handling airframe elements like fuselage skins and pressure webs should review this information to make sure it will not adversely affect their existing inventory. The proposal can be found at 63 Federal Register 125 (January 2, 1998), or at ASA's website.

Fuel Tank Explosions

Conspiracy theorists need not apply! A new committee will study ignition of explosive vapors in the fuel tank - a likely cause of the TWA 800 explosion - and will recommend ways to avoid it in the future.

The FAA has established a new ARAC group known as the Fuel Tank Harmonization Working Group [FTHWG]. The FTHWG will study various means of reducing dangers associated with the explosive fuel air mixtures in transport airplane fuel tanks. Some examples of techniques the FAA expects to be discussed include cooling of tank surfaces and modifying fuel properties. The group should also discuss minimizing the resultant hazard if ignition does occur (e.g. installation of reticulating foam or other explosion suppression systems). The FAA expects the discussion to address both technical and economic feasibility. The focus of the group will include retrofit of the current fleet, modification of aircraft in current production, and regulation of new type designs.

You could be a part of this. The working group will be composed of volunteers in the industry who meet periodically, working around their normal professional schedules. Unlike most ARAC groups, the FTHWG is only chartered for a six month period, after which time the FAA will act - with or without ARAC's input - so the time commitment is reasonably limited; but the window of opportunity is short!

Exemption from the Part 145 Housing Requirements

It is always important to know what the customer is doing. By following the changes in the regulations that affect our FAA certificate-holding business partners, we can plan how to improve our own business practices to support their needs. Just as important as knowing the regulations, though, is understanding the trends in how the regulations are not enforced.

The FAA accepts petitions for exemption from the regulations. Each petition asks the FAA to permit a deviation from the requirements of the rules; exemptions issued by the FAA provide a window into the dynamic soul of the FAA. Sometimes they are a precursor to a rule change - other times they represent a targeted one-time exemption for a very particular purpose. Those petitions that are denied provide a clue concerning FAA enforcement policy in the near future.

AOG, Inc. filed a petition seeking exemption from the special housing requirements of 14 C.F.R. § 145.37(b). This regulatory provision requires a repair station that bears an airframe rating to have sufficient hangar space

rating to have sufficient hangar space to house at least one of the heaviest variety of aircraft among those covered by the class rating. Under this provision, a repair station with a class four airframe rating (all-metal construction of large aircraft) must be able to house a 747-400.

AOG's petition seeks permission to perform maintenance on flexible and integral fuel cells at its customers' facilities. AOG filed the petition so that it could accomplish this work despite its inability to provide suitable housing for the heaviest aircraft in the class. AOG supports its position by noting that it is not worthwhile for the customer to send the aircraft to AOG's facility for such minor work. As their name implies, AOG frequently does work on grounded aircraft. Based on these facts, AOG concludes that there is no legitimate need for it to have an on-site facility in which to house aircraft that will never arrive.

The FAA has not yet acted on AOG's petition; however, the FAA has denied many recent petitions for exemption from 145.37(b).

Despite these denials, the fact is that

Despite these denials, the fact is that many older and well established repair stations were certificated before Boeing received its type certificate for the 747 (remember, the 747 first flew on February 9, 1969 and the longer 747-400 did not fly until April 29, 1988). Some of these repair stations do not have adequate facilities under the rules.

The FAA has approached the inability to meet the housing requirements of section 145.37(b) in a variety of ways. In some cases, the FAA simply ignores the problem, because the repair station limits itself to the work it can legitimately perform and the bureaucracy associated with a change is simply not worthwhile. This solution is riddled with uncertainty as a change in FAA inspector can lead to problems if the new inspector demands compliance with the rules. Often, a repair station in this situation that seeks an amendment to its certification, like a new rating, will be asked by the FAA to meet the provisions of 145.37 as a condition of the rating change.

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QA Modifies ASA-100 & Sets New Tasks

ASA-100 was the primary topic when ASA's QA Committee recently met, but they found time to examine proposed changes to the CASE 3A standard, and other technical matters affecting the entire industry.

The Quality Assurance Committee met for two days in Los Angeles, California. The meeting started out with the news that Tracy Rose's new position within Pratt & Whitney's Eagle Services would preclude him from continuing as Chairman. Jay Rosenberg of International Airline Support Group accepted the promotion to Chair, and the Committee elected Larry Collings of Time Aviation Services to fill the Vice Chair position that had been Rosenberg's.

The QA Committee reviewed recommendations from Quality Management Solutions LP. Based on these discussions, the Committee recommended three changes to ASA-100. These changes were forwarded to the ASA Board of Directors [See related story at p. 20]

The Committee also reviewed existing and proposed CASE materials. All of these were compared to the existing language of ASA-100 to permit the Committee keep abreast of the likely changes that may occur in the industry.

The QA Committee decided to address several new projects. To do this efficiently, the group agreed to form several subcommittees:

PART-OUT SUBCOMMITTEE

CHAIR: *Frank Langworth, AAR*

MISSION: *To develop guidance on parting-out aircraft*

STATUS: *The subcommittee will develop guidance, and the ASA professional staff will compile this guidance into a usable form.*

TRAINING SUBCOMMITTEE

CHAIR: *Brian Christiansen,*

Baron International Aviation
MISSION: *To develop guidelines and samples of training documentation, and useful checklists; develop minimum qualifications for inspection personnel; and examine training needs and ways ASA can meet those needs.*

STATUS: *The subcommittee is preparing a work plan.*

RECEIVING INSPECTION SUBCOMMITTEE

CHAIR: *Larry Collings,*

Time Aviation Services
MISSION: *Review the draft AC 140-xxx (receiving inspections) to see how it affects distributors and customers.*

STATUS: *The subcommittee is reviewing the draft and will forward comments to the Chair by the end of February.*

FAA/GOVERNMENT ISSUES SUBCOMMITTEE

CHAIR: *Gregory Weber, Aviosupport*

MISSION: *To review FAA and government issues.*

STATUS: *This group is newly formed and has not yet undertaken any formal tasks.*

The next scheduled QA Meeting was planned to coincide with the ASA annual conference in Dana Point; however the Committee felt that October was too long to wait before getting a status update. Consequently, the Committee agreed to meet in the Spring to hear status updates from subcommittees and to determine the next steps. Dates and locations will be published when announced.

ASA Workshops Are a Hit

ASA's Michele Schweitzer and Jason Dickstein began the ASA Continuing Education Series in Arizona on January 19. This was the first of eight full day presentations.

AC 00-56, the Voluntary Industry Distributor Accreditation program, requires accredited suppliers to train their personnel. In support of this obligation, ASA has developed its Continuing Education Series. The Continuing Education Series provides distributor personnel with education concerning many of the newest and most important developments in the industry.

The first installment in the Series is called "Taking Advantage of the Law in Your Aviation Parts Business." It includes an in-depth discussion of the legal basis for most of our customers' commercial concerns. Traceability and documentation issues were featured, with units on subjects like the new FAA guidance on 8130-3, drafting your purchase orders to protect your contract rights, and export and import documentation. The workshop spanned a wide variety of other issues affecting distributors, like accreditation, the Fastener Quality Act, and unfair competition.

If you've missed our earlier workshops, it is not too late! The final workshop of this series will be held in Dallas, TX on April 1. For more information on attending an ASA workshop, contact the Association at (202) 216-9140.

SAFETY IS OUR BUSINESS: Auditing Boeing

The Seattle Post-Intelligencer reported that the Boeing tail-section assembly audit prompted by the recent 737 Silkair crash led the inspectors to find that machinists had installed fasteners of the wrong length, used improperly certified or calibrated tools and failed to follow assembly instructions. The reporter said that none of the errors were serious enough to compromise flight safety. To examine the FAA's findings in the Boeing audit, see page 22 for details on accessing ASA's webpage.

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Other times, the FAA has worked out a deal where the repair station accepts a limitation on its certificate through a capabilities list. This has the advantage of general acceptance by the FAA, and the fact that the capabilities list is approved by the FAA means that a new inspector cannot simply ignore it. Capabilities lists are not required under the current rules, although industry rumor suggest that the next major revision to Part 145 will require all repair stations to have capabilities lists. While this prevents the repair station from performing work for which it does not have adequate facilities, it also can limit the repair station from doing work for which it is well-qualified simply by virtue of an omission on the capabilities list.

In order to have a solution that does not

inhibit future growth of the business while at the same time permitting certainty in the face of changing FAA inspection personnel, some repair stations seek an exemption from this regulatory requirement.

Exemptions issued under this provision tend to be for temporary conditions pending construction or acquisition of expanded facilities. An Alabama repair stations called Pemco Aeroplex received a temporary exemption from the requirements on the condition that it build permanent housing within the 11 month term of the exemption. On the other hand, petitions for permanent exemptions from 145.37(b) have generally been denied by the FAA.

What does this mean to distributors? Many distributors are seeking Part 145 repair station certificates to allow them

to perform inspections and repairs. Distributors seeking to acquire a repair station certificate should bear in mind the substantial hangar space associated with a Class IV airframe rating. Alternatives may include a limited airframe rating, a Class IV airframe rating with a capabilities list, or even a limited specialized service rating depending on the maintenance tasks that your company would like to accomplish.

Distributors that supply parts to repair stations that hold Class IV ratings do not need to worry about whether they are violating the law - there is no regulation forbidding sale to a repair station whose hangar is too small - but they should be concerned about their customers' continued viability as the FAA continues (albeit slowly) to crack down on facilities with Class IV ratings.

INTERNATIONAL AFFAIRS

International Business Opportunities

Many business opportunities for ASA members lie in the aftermarket created by major international aviation transactions. Following are business opportunities with governments and entities outside the United States that may be interested in doing business with aviation suppliers. These reports are excerpted from information published by the International Trade Administration. Expanded and up-to-date information is available from the Office of Aerospace, Market Development Division at (202) 482-2835.

Air Algeria seeks to purchase or lease two cargo aircraft, one passenger jet aircraft, and several smaller aircraft to support an oil/gas project in Southern Algeria. Full details are available by contacting the company at: 1 Place Maurice Audin, Algiers, Algeria. Voice: 011 (213-2) 71-04-00; Fax: 011 (213-3) 74-44-25.

Miat, the state-owned airline of Mongolia, needs to replace its three leased Boeing 727s this year to comply with European noise standards. There is also talk of upgrading the domestic fleet of ten Antonov-24s, three Antonov 26s, four U-12s and three MI-8 helicopters. Contact the air carrier at: Mongolian Airlines (Miat), Buyant-Ukhaa, Ulaanbaatar-34, Mongolia. Voice: 011 (976) 1-326-549; Fax: 011 (976) 1-379-877.

African Island Airways (AIA) has announced plans to lease either a B-767 or a DC-10 in a cargo configuration. AIA also plans to purchase or lease two 120 seat passenger aircraft. More information is available by contacting Nimesh Mehta, Project Manager, AIA, c/o T-Printers Ltd, Beau-Bassin, Mauritius. Voice: 011 (230) 464-9798; Fax: 011 (230) 454-3420.

ASA IN ACTION

Changes to ASA-100

On January 23, 1998, the Quality Assurance Committee approved three proposals for submission to the ASA Board of Directors. On that same day, the Board met to review the Committee's proposals, and all three were approved.

Adding these three new amendments to the two that were passed in October brings the total number of amendments to ASA-100 to five. Members may expect ASA to publish the amended version of ASA-100 incorporating these five changes in March.



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Find Source Documents on the Internet

Interested in one of the subjects addressed in this issue? Want to find out more? The source documents underlying many of the articles in this issue are available on the internet. Just set your browser for <http://www.airlinesuppliers.com/6tur.html#2>. This address features an index to the articles which will bring you to the original documents on the world wide web just by clicking on the description.

UPCOMING EVENTS

- | | |
|-------------------|--|
| Mar. 5 | AVTEAM, Inc. SUP's Training Seminar , Miami, FL. Contact Paula Sparks at (954) 431-2359. |
| Mar. 24-25 | Speednews' 12th Annual Aviation Industry Suppliers Conference , LA, CA. Fax (310) 203-9352 for details. |
| Mar. 29-31 | CQCA Convention , Inter-Continental Hotel, Dallas, TX. For information call (972) 386-6000. |
| Apr. 1 | The last ASA Workshop in the current series ("Taking Advantage of the Law in Your Aviation Parts Business") will be held in Dallas, TX. Call ASA at (202) 216-9140 for details and an application form! |
| Apr. 1-3 | PAMA '98 27th Annual Aviation Maintenance Symposium & Trade Show , Kansas City Convention Center, Contact PAMA for more details, (202) 216-9220. |
| Apr. 6 | ASA Board of Directors Meeting , Information will be sent to each Board Member |
| Apr. 5-10 | Aircraft Electronics Association Annual Convention and Trade Show , Orlando, FL. Call (806) 373-6565. |
| Apr. 24-26 | ARSA Repair Station Symposium , Crystal City, VA. For details, call ARSA at (703) 299-0784. |
| May 3-5 | ATA EMMC , Belleview, WA. Call Kristin Chavez at (202) 626-4000 for details. |
| May 18-20 | RAA Annual Convention , Minneapolis, MN. For information call (202) 857-1170. |
| Aug. 15-18 | Air Carrier Purchasing Conference (ACPC) , Orlando, FL. Fax queries to (305) 885-2828. |
| Oct. 9-13 | Airline Suppliers Association Annual Conference , Laguna Cliffs Marriott Resort, Dana Point, CA. For more |