



# The Update Report

The Airline Suppliers Association

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## DOCUMENTATION

### DARs Issue 8130-3 Forms for Domestic Shipments of New Parts, Including Class III Parts

From where does one acquire an FAA form 8130-3 for existing inventory?

The 8130-3 is a FAA-developed form that manufacturers and maintainers may use to indicate an approval of the airworthiness of a part, product or service. Although use of the 8130-3 is not mandatory, air carrier demands for 8130-3 forms are on the rise. Northwest Airlines has issued a new policy that will require most distributors and suppliers to acquire and provide 8130-3 forms to accompany parts shipped to the air carrier. Several other air carriers have expressed preferences for parts accompanied by the 8130-3.

By investigating the rules and policies concerning issuance of the FAA form 8130-3, a distributor may discover how to acquire valid airworthiness approval forms for parts to meet customers' needs for airworthiness assurance. There are several key issues that every distributor ought to consider in acquiring an 8130-3 form for items in inventory: who is authorized to sign the form, where is that person authorized to sign the form (each of the two signature blocks has its own rules), and what is the scope of the approval indicated by the signature. This article addresses each of these is-

ues, and concludes with a discussion of the new policies permitting DARs to issue 8130-3 airworthiness approvals for domestic shipments of class II and III parts.

#### *Who Can Sign the Form?*

Suppliers are still prohibited from signing the 8130-3 form. At this point in time, the only parties that may sign an 8130-3 form are (1) certain persons that perform maintenance, who may sign the form in block 20, and (2) the FAA and its designees, who may sign in block 15 of the form. This distinction divides the world of 8130-3 sources into the block 20 signatories, who sign for approval for return to service, and the block 15 signatories, who sign on behalf of the FAA to indicate conformity to an approved design.

#### *8130-3 Signed for Return to Service*

The block 20 signature, commonly known as a "right side" signature, represents an approval for return to service following maintenance. An individual may only sign in this block as an approval following the performance of maintenance. An overhaul is one example of maintenance that may be per-

*(Continued on page 78)*

#### *Inside this Issue:*

New Rules on Sexual Harassment ...	75
ASA Co-Sponsors IAMC .....	77
TCAS II TSO .....	77
New Euromoney Leasing Text .....	77
Acquiring 8130-3s .....	78
NTSB Haz-Mat Advice .....	82
Georgian Airline Seeks Partner .....	83
ASA Elects Board Members! .....	83
DoT Restricts Temp Shut Downs ....	83

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## A Message from ASA's President

Earlier this month, the Continuous Airworthiness Maintenance Division, AFS-300, announced that Al Michaels had been named the *National Resource Specialist for Rotorcraft and Parts*. He now serves as the FAA's technical advisor on all rotorcraft airworthiness, maintenance, and aircraft replacement parts issues. His area of responsibility also extends to military surplus parts and unapproved parts issues.

Al has been with the FAA since 1986. He has been involved with aviation for 35 years as an A&P mechanic with inspection authorization and also as a helicopter pilot. He founded an FAA part 145 repair station that serviced Bell Helicopters and was one of the three founders of the Indianapolis Downtown Heliport. Before joining the FAA, Al was both a helicopter pilot and Director of Maintenance for part 135 operations including several helicopter air ambulance programs. He is also a combat veteran, having flown medical evacuation missions as a "dust-off pilot" in Vietnam.

Members of ASA know Al because of his willingness to work with distributors. Al has always treated members kindly and with respect. Al has attended every ASA Annual Conference. Keeping with tradition, Al, along with Ava Mims, Manager, Continuous Airworthiness Division; Frank Paskiewicz, Manager, Aircraft Certification Division; Ken Reilly, Manager, SUPs Program Office; and Bruce Kaplan, Manager of the PMA Parts Program will be the keynote panelists at the ASA Annual Conference in October.

Al will be discussing the status of the Advisory Circular on Military Parts, and PAAT Phase III. Additionally, on Monday afternoon, he and Ken Reilly

will be the instructors in the Receiving Inspection Workshop.

We have always found Al to be easily approachable and highly competent. Al understands how the business works and that we can accomplish much more by pooling our talents. Industry has always known Al's importance to the FAA. It is even more evident today from the importance of the projects that Al currently oversees, like PAAT Phase III, Military Parts and Receiving Inspection.

It has always been a privilege to work with someone as professional as Al. We offer him our congratulations on his promotion to National Resource Specialist as we look forward to continuing our relationship.

Best Regards,

Michele Schweitzer

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The Update Report is a monthly newsletter of the Airline Suppliers Association. Questions/comments should be addressed to Jason Dickstein, Vice President, Airline Suppliers Association, 636 Eye Street, NW, Suite 301, Washington, DC 20001. Voice: 202-216-9140; Fax: 202-216-9227; email: Jason@airlinesuppliers.com.

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

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## New Rules on Company Liability For Sexual Harassment

Is your business free of sexual harassment? On June 26, the United States Supreme Court made two important rulings concerning sexual harassment in the workplace. The first of the rulings confirmed that a company may be held vicariously liable for sexual harassment by its employees. The second ruling makes it easier to bring certain sexual harassment lawsuits against employers. The two new Supreme Court cases are *Faragher v. Boca Raton* (opinion written by Justice David Souter), and *Burlington Industries, Inc. v. Ellerth* (opinion written by Justice Anthony Kennedy).

Among other things, Title VII of the Civil Rights Act makes it illegal to discriminate in the workplace because of an individual's sex. Courts have held that sexual harassment in the workplace represents a form of discrimination that violates this law. In order to be actionable, the sexually objectionable environment must be both objectively offensive (a reasonable person would find it offensive) and subjectively offensive (the employee in question found it offensive). This standard assures that simple teasing, offhand comments and minor isolated incidents do not represent illegal sexual harassment. It also assures that sexual harassment that unreasonably interferes with an employee's work performance will be considered illegal.

Some judges believed that a company could not be held vicariously liable for employee harassment by a supervisor unless there was a significant alteration in the relationship between the employee and company, such as a termination or demotion of the employee. They felt that only a "company act" of this sort could give rise to company vicarious liability. In *Ellerth*, Justice Kennedy refuted this opinion. He ex-

plained that an employee who can show that he or she was sexually harassed by a supervisor is permitted to sue the company. The employee does not need to show that he or she suffered adverse job consequences in order to win the sexual harassment suit against the company - it is sufficient if the employee can show that there was a hostile work environment that violated Title VII.

### *Vicarious Liability for Companies*

The rationale advanced in both cases was that an employer is vicariously liable for the actions of its supervisory employees. This means that the company is responsible for harms occasioned by an action that the supervisor takes within the supervisor's scope of employment. If the employee's supervisor creates a hostile work environment (e.g. through unwelcomed and threatening sexual advances), then the employee may sue the company.

How does a company protect itself in court? The company may raise an "affirmative defense" to the charge of vicarious liability by showing that it acted with reasonable care to prevent and promptly correct any sexually harassing behavior. Additionally, the company also must show that the employee failed to take advantage of the prevention and correction program, and that the employee's failure to take advantage of the available corrective action was unreasonable.

These cases represent the culmination of years of sexual harassment jurisprudence. They impose a heavy burden on a company to assure that no sexual harassment occurs. In the *Faragher* case, Justice Souter asserts that it is reasonable for a company to assume that sexual harassment may occur on its premises. Because sexual harassment

represents foreseeable social behavior, the Court holds that it is fair to make the company bear the burden of that behavior. Therefore, failure to prevent harassment means the company will suffer the consequences; so it is not enough that the company has a program to address sexual harassment; the company must assure that the program actually works!!

### *No Affirmative Defense After Employment Action*

There is another important issue answered in this case. It concerns the company's liability when the employee proves that there was an adverse employment action, such as discharge, demotion, or undesirable reassignment. The *Ellerth* case makes it clear that in the event that the harassment leads to a tangible employment action, the employer will be permitted no affirmative defense - this means that the company's reasonable (but ineffective) care may not protect it from liability in these cases. This ruling provides a big bonus to tort lawyers by removing a company's affirmative defense in the event of tangible employment action.

How does this aspect of the ruling work? Imagine a male supervisor sexually harasses a female employee in violation of Title VII. She refuses to succumb to his advances. He makes good on his threats and has her fired. Even if she never complained and the company top management never was aware of the situation, the company may be vicariously liable for the supervisor's illegal actions.

### *Protecting the Company*

Protecting employees from sexual ha-

(Continued on page 76)

## New Sexual Harassment Standards Require Greater Care

(Continued from page 75)

harassment and other illegal behavior has long been an important goal for companies. Now, unfortunately, the focus may have to shift toward protecting the company from lawsuits. Nonetheless, the two goals are not mutually exclusive and there is a way to protect the company from adverse legal action without jeopardizing the welfare of employees.

The new standard all but requires a company to have a formal policy in place to manage human relations issues. The policy should provide a reasonable procedure for reporting sexual harassment and other illegal behavior. If possible, it should provide an alternative reporting avenue in the event that the standard procedure for reporting problems would require the employee to report illegal behavior to the person engaged in the illegal behavior. It is often a good idea to provide a copy of this policy to the incoming employee and obtain a signed verification of receipt, which would be kept in the employee's permanent file.

Every significant employment action, including demotions, promotions, trans-

fers, terminations and other separations, should be accompanied by a human resources interview. While large companies may have specialists for this function, in smaller companies this should be done by the person with ultimate authority over personnel issues, like the President or General Manager. The interview should establish all of the reasons for the action, and should provide the employee with an opportunity to address any pressing issues associated with the employment action, as well as any other concerns the employee may have. A record of the interview and its results should be placed in the employee's permanent file.

If sexual harassment or other illegal behavior is detected, then the company should undertake immediate action to ascertain the facts, draw conclusions concerning the behavior, and take steps to prevent recurrence in the event illegal activity is detected. It is often wise to consult with an attorney concerning the company's options during the course of such an investigation.

The law of sexual harassment has changed radically in our lifetimes.

Some companies may find that some of their employees do not understand modern attitudes and legal standards associated with sexual harassment. This is why education is an important part of every company's program to prevent illegal harassment. Employee training should include units on harassment law that explain the sort of behavior that is not acceptable. This will help prevent unfortunate situations among employees who violate the law because they just do not know what are the appropriate standards.

The new Supreme Court cases set high standards for corporate responsibility. It is up to us as corporate leaders to be sure that our companies meet these standards. With the new emphasis on vicarious liability for sexual harassment, it is important for every company to make a special effort to eliminate sexual harassment from the workplace.

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## ASA Co-Sponsors International Aviation Maintenance Conference

The Airline Suppliers Association co-sponsored this year's International Aviation Maintenance Conference (IAMC) in Washington, D.C. The conference featured presentations by the governments of Australia, Canada, China, Japan, Russia and the United Kingdom; and it is clear that many of the most important questions facing the domestic aviation system are plaguing our international brethren as well.



**Christine Leonard**  
ISAMP President  
IAMC Industry Chair

The 1998 IAMC reflected the cooperative partnership between the government and the private sector. The event even had two chairpersons - one from the FAA and one from industry. The FAA Chair was Lee Norvell, Manager of the National Airworthiness Aviation Safety Program, and the Industry Chair was Christine Leonard, President of the International Society for Aviation Professionals.

The conference addressed many of the hot-button issues that face the entire industry, like major-minor distinctions, the parts approval process, and documentation. Key notions raised during the conference included strategies for attracting young people to aviation maintenance as a career, professionalism among aviation maintenance technicians, and the effect that congressional bills like H.R. 145 may have on the development of the global industry.

As part of ASA's participation, the As-



*(from the left)* **Lee Norvell,**  
IAMC FAA Chair and NAASP  
Manager, with ASA President  
**Michele Schweitzer**

sociation moderated a panel of experts discussing documentation issues. This panel was the best-attended breakout session at the conference. Many excellent questions were raised during the IAMC, and ASA plans to use this experience to make this year's ASA Annual Conference the best and most informative ever!

### REGULATORY UPDATE

## TCAS II TSO Available for Comment

The FAA has finally completed work on a new Technical Standard Order (TSO) for traffic alert and collision avoidance systems (TCAS). The new TSO describes updates airborne equipment known as TCAS II. It prescribes minimum performance standards - an equipment design which meets these minimum standards is eligible to be approved by the issuance of a TSO authorization (TSOA).

The new TSO is numbered TSO-C119b and is available in draft form for comment. The draft would require the TSOA holder to furnish operating in-

structions, equipment limitations, installation procedures, equipment specifications and designations, maintenance instructions, and environmental qualification forms.

Copies of the draft TSO may be obtained from the internet (see instructions on page 84) from Ms. Bobbie J. Smith, AIR-120, FAA, 800 Independence Avenue, SW., Washington, DC 20591, fax (202) 267-5340. Comments received by the FAA on or before August 17, 1998 will be considered and dispositioned before the final draft of the TSO is released.

## ASA Discount on Leasing Book

Euromoney Books has published a third edition of its book, *Aircraft Finance*. The text addresses aircraft leasing in the international market. Featuring detailed chapters on insurance, political risk, regulation and legal issues, the book addresses all the finer nuances, including export credits, operating leasing and securitization.

Euromoney is offering ASA members a 10% discount off the \$215 cover price (reference BK 554 ASA in your order for the discount). For information or to order, call +44 171 779 8005, or fax +44 171 779 8541.

## An 8130-3 can be Issued as an Approval for Return to Service...

(Continued from page 73)

formed. An inspection is another species of maintenance that may be performed.

A distributor that obtains a part with an 8130-3 form signed on the right side should examine the form to make sure that there are no defects that could jeopardize a future sale of the associated part. This document check should be a part of the receiving inspection.

### *Scope of Work Performed*

An 8130-3 form is signed as an approval for return to service only with respect to the work performed, so distributors and installers should carefully examine the scope of the work performed before drawing any conclusions about the part's airworthiness.

A part that has been overhauled, or through inspection shown to meet the tolerances and limits associated with a new or newly overhauled part, may be considered airworthy. A part that has been inspected to other standards that are not acceptable to the FAA may not be airworthy; and a part that has been maintained but not overhauled might not be airworthy. This is because the right hand signature does not stand for the principle of airworthiness of the part; rather it indicates that the work performed was done in an airworthy manner. This limitation on the scope of the certification statement is based on the limitations of the rules, which require the mechanic to use parts that would return the product to a condition at least equal to type certificated status. It is also based on the fact that no mechanic can reasonably assure the airworthiness of parts of a component that the mechanic has not handled.

If the scope of work involved the installation of a piston in a servo, but did not

involve any inspection or other maintenance on the rest of the servo, then the signature on the approval for return to service indicates only that the piston replacement was correctly performed. It does not mean that entire servo is airworthy. This is a separate determination.

Because of this concern, an 8130-3 form might not address the fundamental airworthiness question hanging over the

### **Export Classes of Parts from 14 C.F.R. § 21.321(b)**

Class I - a complete aircraft, aircraft engine, or propeller

Class II - a major component, the failure of which would jeopardize the safety of a class I product; or any appliance manufactured under a "C" series TSO.

Class III - all other parts

part on which it is attached. Since the right-hand signature only testifies to the work performed, a distributor should be careful to examine the scope of the work performed before drawing conclusions about the condition of the parts (and it is absolutely vital for the installer to keep this in mind).

### *Watch Out for A&P Signatures*

Order 8130.21B makes it clear that the 8130-3 form may only be signed in this position by a part 121 air carrier, part 135 air operator, or part 145 repair station. The FAA does not intend that an A&P mechanic be permitted to sign an 8130-3 form using his or her own A&P certificate number. Despite the fact that the FAA does not favor this use, A&P mechanics have been known

to sign the form as an approval for return to service meeting the requirements of 14 C.F.R. § 43.9. No one has yet tested the issue before the courts, and there are some that argue that the FAA cannot issue a violation for an A&P signature because there is no explicit regulatory basis for preventing mechanics from using an 8130-3 in this capacity. Until this issue is resolved, though, distributors should be circumspect about 8130-3 forms identified with an A&P number on them rather than a 121, 135 or 145 certificate number because A&P signatures violate FAA guidance.

### *The Left-Side Signature*

Block 15, known as the "left side signature," may be signed by the FAA, or anyone designated to act for the FAA in this capacity. The FAA routinely designates qualified private persons to act as designees and perform functions otherwise performed only by the government.

FAA employees commonly do not sign 8130-3 forms to indicate airworthiness approval for a class III part. They usually reserve this task to designees of the FAA. There are two different types of designees - organizational and individual.

Organizational delegations have traditionally been associated with certain classes of certificate holders. Examples include those manufacturers to whom the FAA has granted a Delegation Option Authorization (DOA) or who the FAA has appointed as a Designated Manufacturing Inspection Representatives (DMIRs).

In order to find an organizational delegee with the privilege of signing an 8130-3, it is usually necessary to approach a manufacturer's organization.

(Continued on page 79)

## ...or as an Airworthiness Approval from an FAA Designee

(Continued from page 78)

Although a supplier can ask a manufacturer to issue an airworthiness approval under its delegated authority, some manufacturers are unwilling or unable to do this for a supplier. Even those that are willing require that the part(s) be sent to the manufacturer's facility, imposing needless additional time and shipping burdens on the transaction. As a consequence, many distributors would prefer to use individual delegees as sources of airworthiness approval.

Individual designees include Designated Engineering Representatives (DERs) and Designated Airworthiness Representatives (DARs).

The individual delegees with responsi-

bility for making airworthiness determinations and issuing airworthiness certificates are DARs. DARs have traditionally been thought of as falling into two distinct categories: manufacturing DARs and maintenance DARs. Each category enjoys distinct privileges. In the past, only manufacturing DARs have enjoyed the privilege of issuing 8130-3 forms for class III parts.

### *DARs May Now Issue 8130-3 for Class III Parts*

DARs are generally permitted to issue standard airworthiness certificates for United States registered aircraft (form

8130-2); however in the past they have not enjoyed the privilege of issuing 8130-3 forms for class III parts unless working directly for the production approval holder. This has changed. All qualified DARs are now eligible to be granted authority to issue 8130-3 forms, even for class III parts. Like every other good thing in life, though, there is, of course, a catch.

The FAA Order that guides field offices in delegating privileges is Order 8130.28. It was released on May 1, 1997. That Order permits only limited privileges with respect to class III parts. Under the old Order, manufacturing DARs could issue export airworthiness

(Continued on page 81)

1. United States		2. <b>FAA FORM 8130-3</b> Airworthiness Approval Tag U.S. Department of Transportation Federal Aviation Administration				3. System Tracking Ref. No.	
4. Organization						5. Work Order, Contract or Invoice Number	
6. Item	7. Description	8. Part Number	9. Eligibility	10. Quantity	11. Serial/Batch Number	12. Status/Work	
13. Remarks							
<i>Limited life parts must be accompanied by maintenance history including total time/total cycles/time since new.</i>							
14. New <input type="checkbox"/> Newly Overhauled <input type="checkbox"/> Certifies that the new or newly overhauled part(s) identified above, except as otherwise specified in block 13 was (were) manufactured in accordance with FAA approved design data and airworthiness. <b>NOTE:</b> In case of parts to be exported, the special requirements of the				19. Return to Service in Accordance with FAR 43.9 Certifies that the work specified in block 13 (or attached) above was carried out in accordance with FAA airworthiness regulations and in respect to the work performed the part(s) is (are) approved for return to service.			
15. Signature		16. FAA Authorization Number		20. Authorized Signature		21. Certificate Number	
17. Name (Typed or Printed)		18. Date		22. Name (Typed or printed)		23. Date	

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## 8130-3s and DARs

(Continued from page 79)

certificates, but not domestic certificates, for class III parts. The certificate could only be issued if the manufacturing DAR worked for the production approval holder, though. Under this Order, maintenance DARs were permitted no privileges with respect to class III parts.

The FAA published new, supplemental guidance on November 7, 1997 in Order 8130.21B. This Order described several new uses of the FAA form 8130-3. One of the new uses for the form was issuance for domestic airworthiness approval of new parts and appliances. The list of parties to whom this privilege could be delegated included DARs. Eligibility for the new privilege was limited only to manufacturing classes for certain types of delegation holders, but DARs did not bear that limit in the order. Therefore, all individual DARs are potentially eligible for this privilege.

The authority to issue an 8130-3 form for a class III part does not confer automatically to every DAR. Like other privileges, it must be specifically granted to the DAR by the FAA. It will only be granted if the FAA office with oversight responsibilities feels confident that the DAR-applicant is qualified to exercise delegated privileges. This determination is made entirely at the discretion of the FAA.

Because it is a new privilege, some FAA offices may be hesitant to grant a DAR the authority to issue the 8130-3 for domestic shipments of class III parts. Where hesitancy is due to lack of confidence or insufficient resources to perform oversight, there is little that can be done to change the FAA official's mind without changing the facts of the situation. Where the FAA office is unwilling to grant the Class III domestic

airworthiness privilege because it feels that this is not a delegable privilege, a little education can go a long way towards generating a favorable response.

Maintenance DARs wishing to request the privilege should note that it falls under function code 23. DAR function codes are found in Advisory Circular 183-35G. Function code 23 was used to permit issuance of domestic airworthiness approvals for United States registered aircraft. In change

*New FAA guidance permits manufacturing and maintenance DARs to acquire the privilege of issuing an 8130-3 form for domestic airworthiness approval of new class III parts.*

one, issued on March 2, 1998, the privilege associated with this code was expanded to include engines, propellers, parts and appliances. For manufacturing DARs seeking the same privilege (ability to issue an 8130-3 form for a domestic shipment of a class III part), the comparable manufacturing DAR privilege is found in function code number eight.

Distributors should advise their DAR business partners to seek this new privilege from the appropriate managing office. A record of the grant of the privilege should be made by the FAA. The FAA will either issue a new form 8430-9 or send the DAR a letter/memorandum concerning the additional privilege (a copy of which is kept in the FAA's file). A distributor that is not sure whether its DAR has the appropriate privileges may ask to examine the DAR's 8430-9 and any supplemental correspondence to determine the scope

of the DAR's authority.

A final word of caution is needed here. Even though function code 23 has been published and represents the official policy of the FAA, there are well-respected FAA employees who feel that this was a mistake, and should be rescinded. It is therefore important for the industry to do all we can to show the FAA that this delegation is both necessary and wise. It is also a good idea for maintenance DARs to acquire the full range of function 23 privileges before anyone rescinds the function code!

### *DAR-Issued Export Airworthiness Approvals*

The FAA may authorize any DAR to issue an export airworthiness approval for a class I or class II part. A manufacturing DAR may be permitted to issue export airworthiness approval for a class III part, but only while on behalf of the production approval holder. The FAA does not commonly authorize maintenance DARs to issue export airworthiness approvals for class III parts. There are some maintenance DARs that claim to have been granted the authority to issue such export certificates for class II parts; however FAA headquarters has not yet sanctioned this practice.

A distributor who needs to acquire an 8130-3 form for a foreign customer generally has three choices, when it service by a repair station, air carrier or air operator, (2) seek an 8130-3 from the production approval holder's DAR, or (3) obtain an 8130-3 issued for domestic purposes, if this is acceptable to the foreign customer (and it often is).

### *Conclusion*

There are many ways to document a part's airworthiness; however some cus-

(Continued on page 82)

## Acquiring 8130-3s

(Continued from page 81)

tomers are increasingly requesting 8130-3 forms.

It is important to remember that an 8130-3 is not a guarantee of airworthiness; subsequent shipping damage may leave the part in a condition requiring further work to assure the airworthiness of the part even though there is an 8130-3 form. An 8130-3 form used as an approval for return to service attests only to the airworthiness of the work performed. If the work scope was limited, then the airworthiness assurance associated with the form is similarly limited.

As long as the receiver recognizes its limitation, though, the 8130-3 is a useful document. It is especially beneficial when signed on the left side in block 15 to indicate airworthiness approval of the whole part or assembly.

There are a variety of ways to satisfy customer demands for 8130-3 forms. In addition to the familiar method of acquiring an 8130-3 as a return to service document, recent FAA policy changes now give the distributors the option of hiring DARs to certify airworthiness of class III parts bound for domestic destinations. This is an important addition - distributors ought to take advantage of the opportunity.

## Fire at 330: NTSB Haz-Mat Advice

It was a late summer and early morning - too early even for the sun to be creeping into the Boston University dormitory windows. A BU freshman student slept soundly, knowing that his folks had sent the wallet he'd forgotten via overnight mail. He might not have slept so soundly if he'd known what was happening on that Boston-bound flight.

The DC-10-10F was at 33,000 feet when the cockpit warning lights emblazoned their message: *smoke in the cargo compartment*. A cool veteran, the Captain declared an emergency and requested clearance to land at the nearest suitable airport. Airport fire and rescue units were alerted and standing by as the aircraft made its approach toward Stewart International Airport in Newburgh, New York.

After a successful landing on runway 27, the 3 flightcrew members and 2 jumpseat crew evacuated the aircraft. They used the forward emergency exits and cockpit emergency ropes - with no injury more serious than a rope burn.

Smoke soon followed the crew through the emergency exits. Not long after landing, the cargo compartment fire broke through the fuselage above the cabin, providing a dramatic Hollywood-quality to the escape.

This is no movie synopsis - this is the actual chain of events from a 1996 incident involving Federal Express flight 1406. The aircraft declared an emergency during its Memphis to Boston flight and landed at 05:55. Subsequent investigation showed that noting the DC-10 carried dangerous cargo as well as patently illegal cargo. There were aerosol cans containing acidic substances, a DNA synthesizer that still contained volatile chemicals (including acetonitrile and tetrahydrofuran), and even several packages of marijuana -

illustrating that the transportation of undeclared hazardous materials on airplanes remains a significant problem.

The National Transportation Safety Board (NTSB) issued findings at a public meeting on July 21, 1998. The Board felt that more air carriers need to take more aggressive measures to identify hazardous materials among the cargo. An important part of this was the feeling that Department of Transportation (DoT) hazardous materials regulations do not adequately address the need for hazardous materials information on file at a carrier to be quickly retrievable in a format useful to emergency responders. The specific information that the NTSB would like to see includes the identity (including proper shipping name), hazard class, quantity, number of packages, and location of all hazardous materials on the aircraft.

The NTSB also recommended that the DoT develop procedures and technologies to improve the detection of undeclared hazardous materials offered for transportation. Part of this process would include be implementation of rules requiring shippers to address the hazardous nature of the cargo in shipping papers - this would require shippers of non-hazardous materials to explicitly say that they are not hazardous in the shipping papers.

While neither of these recommendations carries the force of law, there is no reason that distributors in our industry can't begin to support the NTSB recommendations in an effort to promote safety voluntarily. Companies in our industry can train their shipping personnel to be aware of hazardous materials, and they can develop internal controls to be certain that hazardous materials are appropriately identified.

(Continued on page 83)

## Soviet Airline Seeks Partner

No, this isn't a personal advertisement; it is a chance to get in on the ground floor of a new airline in Georgia. This one isn't based in Atlanta, though. For the price of 2.5 million dollars, two 100 seat aircraft, and partnership in the services supporting the air carrier, an interested person can become a 49 percent partner in the Georgian Airlines located in Tbilisi, Georgia - a former part of the Soviet Union.

United States Commerce Department projections estimate the statutory capital of the airline company at about 2.3 million dollars in United States dollars (USD). The same Commerce reports blame lack of start up capital and old Soviet aircraft and equipment for the airline's current debt of 3 million dollars. The airline owns five TU-154s, five TU-134s, and eleven YAK-40 aircraft. It employs about 430 people and holds licenses for ten air transportation routes. It is based at Tbilisi airport,

where it has an aircraft technical service facility that does not appear to hold any Western repair station certificates.

While the Georgian tender offer requests cash to help balance the books, the investor's most important contributions to the transaction will be the two aircraft and certain services. Among those other services, Georgia's new partner will be expected to introduce Western training, maintenance, management, and marketing techniques. Applications for the tender offer are being accepted from July 1 through September 15. Information requests should be directed to:

Air Transport Department  
Mr. Jemal Margvelidze, Head  
12, Al Kazbegi Avenue  
Tbilisi, Georgia  
Tel: (995-32) 93-96-39  
Fax: (995-32) 98-96-39

## ASA Elects Board

ASA held elections this month for two seats on the ASA Board of Directors.

**Bill Cote** won re-election to a second term on the Board. Cote is the Vice President of Corporate Quality for **the AGES Group**.

When **Jeff Johnston** left **Douglas**, he resigned his position on the ASA Board, leaving an open seat that was hotly contested in the July election. **Paula Sparks** emerged victorious out of this crowded field. ASA's newest Director, Sparks, is the Vice President of Quality at **AVTEAM**.

Each of the seven ASA Directors serves a two-year term. The other five Board seats will be up for re-election next year. Sparks and Cote join some of the leading names in the aviation industry on ASA's Board. The complete list of current Board Members can be found on the inside front cover (page 74).

## QUALITY COUNTS

### Haz-Mats, Continued

*(Continued from page 82)*

Even companies that do not regularly handle hazardous materials can benefit from haz-mat awareness training, to help prevent haz mats from slipping through the quality systems. This is why ASA is including a haz mat awareness training as one of the break-out sessions at the annual conference in Dana Point. This October 12 break-out session will feature training by aviation haz mat expert Fred Workley. Don't miss it!

## REGULATORY UPDATE

### Keep Your Customers in Business!

In recent years, a number of air carriers have temporarily suspended operations while addressing certain safety allegations. When the issues had been addressed to the satisfaction of the FAA, the carrier would resume operations with the FAA's blessing. This process permits the carrier to address FAA concerns and then resume operations in an expedient fashion, without endangering passengers by operating while potential safety issues remain unaddressed.

The FAA may no longer be permitted to operate this way.

A recent Department of Transportation (DOT) interpretation states that an air

carrier that discontinues operations pursuant to an agreement with the FAA will be considered to engage in a "cessation of operations." Under DOT regulations, the carrier must reapply to DOT for economic authority before resuming operations. DOT regulations specify that the application must be submitted with at least 45 days lead-time. This means that a quick resumption after problems have been remedied is nearly impossible.

Distributors should remind their air carrier business partners that discontinuing operations as part of a cooperative approach to resolving FAA allegations may no longer be a wise move.

**Airline Suppliers Association**  
636 Eye Street, NW, Suite 301  
Washington, DC 20001  
Telephone: (202) 216-9140  
Facsimile: (202) 216-9227

## 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#7>. 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***

- |                    |   |
|--------------------|---|
| <b>Aug. 15-18</b>  | <b>Air Carrier Purchasing Conference (ACPC)</b> , Orlando, FL. Fax queries to (305) 885-2828.   |
| <b>Sept. 23-24</b> | <b>Airline Industry and Component Management Conference</b> , San Francisco, CA. Call Aircraft Industry Conferences in England for complete information: +44 171931 7072.   |
| <b>Oct. 11-13</b>  | <b>Airline Suppliers Association (ASA) Annual Conference</b> , Laguna Cliffs Marriott Resort, Dana Point, CA. Full information will be mailed to members soon. For more information, contact ASA by phone at (202) 216-9140 or send email to <a href="mailto:conference@airlinesuppliers.com">conference@airlinesuppliers.com</a> . |
| <b>Oct. 19-21</b>  | <b>NBAA Annual Meeting &amp; Convention</b> , Las Vegas, NV. Call NBAA at (202) 783-9000  |
| <b>Oct. 25-27</b>  | <b>Speednews Regional &amp; Corporate Suppliers Conference</b> , Rancho Mirage, CA. Fax: (310) 203-9352.  |
| <b>Nov. 5-6</b>    | <b>SPEC 2000 Forum</b> , Adams Mark Hotel, San Antonio, TX. Contact Teresa Friend at (202) 626-4039.  |