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The UPDATE Report

EASA Proposal Would Recognize ASA-100 Accredited Suppliers



EASA has published a new draft rule for public comment. This new rule would form the basis of European recognition of distributor accreditation.

Formal European recognition of distributor accreditation is something that ASA has been working on for many years; most recently as a member of the EASA Working Group that helped to craft the rule. A number of members also supported our efforts on the EASA Working Group through the ASA QA Committee. The Committee reviewed early drafts of the proposed EASA language and provided advice that went into the EASA proposed rule and guidance.

The draft rule is known as NPA 2012-03. The title of the draft is *'Control of suppliers of components and material used in maintenance.'* It is available on the EASA website, and there is a link to it in the ASA Blog.

Under the proposed rule, maintenance organizations, like repair stations, would be provided with guidance about acceptable practices for managing sources of supply. The policy change is accomplished by a minor change to the EASA rules that apply to maintenance organizations, and a more significant change to the EASA guidance material.

The new rule language would require European (Part 145) maintenance organizations to "establish procedures for the acceptance of components and

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MESSAGE FROM ASA'S PRESIDENT

THE UPDATE REPORT

is the newsletter of the Aviation Suppliers Association.

OUR COMMITMENT

ASA is committed to providing timely information to help members and other aviation professionals stay abreast of the changes within the aviation supplier industry.

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Impartiality

Dear Colleagues,

The newsletter and ASA weblog contains information about the new EASA proposal. ASA will be filing comments on the proposal, obviously not opposing the rule in general but fine tuning the details. One item to note is for distributors assessed to AS 9100, the EASA rule does not list 9100 only 9120. During the drafting meetings Jason brought this to the groups attention but the group chose to not include 9100, even though ASA disagreed with this. ASA will comment on this issue and we suggest that any AS 9100 certified distributor also submit a comment.

Hats off to South Florida FSDO for recognizing that there was confusion in the industry, FAA and DAR community; and taking the lead by holding an open meeting to review issues surrounding 8130-3s. ASA's Jason Dickstein attended on behalf of several members and the Association. By all accounts the meeting was productive and insightful. The FAA also met with the local DARs in an effort to make sure that all parties are clear on rules.

ASA regulatory workshops are underway with two already held. The remaining workshops are schedule for late 3rd and 4th quarter. Registration for the annual conference is open. Exhibiting space is limited. There is a Boeing Everett production tour scheduled for Wednesday, June 27th. Registration for the tour will open this week.

ASA regularly exhibits at trade show but our first Member Pavilion will be at the AP&M Expo in London May 2-3, 2012. The AP&M is one of the larger expos in Europe with a clear focus on airline purchasing. The exhibit hall showcases distributors and maintenance organizations. If you are attending the expo please stop by the pavilion. If you are interested in participating in the pavilion, while registration is closed for this year, email Stephanie about information for 2013.

Take care, Michele Dickstein

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material.” The proposal also includes substantial guidance material to explain what this means, from a practical standpoint. To begin with, the guidance material makes it clear that maintenance organizations can inspect parts to ensure airworthiness, but that reliance on credibility of sources to support the finding of airworthiness is also a piece of the analysis. To this end, it provides guidance highlighting the importance of a supplier with a quality assurance system.

AMC 145.A.42 (a) Acceptance of components

The procedures for acceptance of components should have the objective of ensuring that the supplied components and material are in satisfactory condition and meet the organisation’s requirements.

These procedures may be based upon:

- 1) *incoming inspections which include:*
 - *physical inspection of components and/or material;*
 - *review of accompanying documentation and data, which should be acceptable in accordance with 145.A.42(e).*
- 2) *supplier evaluation and control.*

The proposed guidance goes on to explain that an organization may choose to directly evaluate sources (suppliers) or it may rely on a third party to do so. The guidance material recommends the following standards as typical elements for a supplier’s quality system. These same elements should be evaluated by the oversight organizations upon whom the maintenance organization relies (EASA has already confirmed that ASA-100 meets these elements).

GM 145.A.42 (a) Supplier evaluation and control

- 1) *The following elements may be checked for the evaluation and control of a supplier’s quality system, as appropriate, to ensure that the component and/or material is supplied in satisfactory condition:*
 - a. *Availability of appropriate up to date regulations, specifications such as component manufacturer’s data and standards;*
 - b. *Standards and procedures for training of personnel and competency assessment;*
 - c. *Procedures for shelf-life control;*
 - d. *Procedures for handling of electrostatic sensitive devices;*
 - e. *Procedure for identifying the source from which components and material were received;*
 - f. *Purchasing procedures identifying documentation to accompany components and material for subsequent use by approved Part-145 maintenance organisations;*
 - g. *Procedures for incoming inspection of components and materials;*
 - h. *Procedures for control of measuring equipment that provide for appropriate storage, usage, and for calibration when such equipment is required;*

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**FOR THEIR REACCREDITATION
TO THE ASA-100 STANDARD**



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- i. Procedures to ensure appropriate storage conditions for components and materials that are adequate to protect the components and materials from damage and/or deterioration. Such procedures should comply with manufacturers' recommendations and relevant standards;
- j. Procedures for adequate packing and shipping of components and materials to protect them from damage and deterioration, including procedures for proper shipping of dangerous goods. (e.g. ICAO and ATA specifications);
- k. Procedure for detecting and reporting of suspected unapproved components;
- l. Procedure for handling unsalvageable components in accordance with applicable regulations and standards;
- m. Procedures for batch splitting or redistribution of lots and handling of the related documents;
- n. Procedure notifying purchasers of any components that have been shipped and have later been identified as not conforming to the applicable technical data or standard;
- o. Procedure for recall control to ensure that components and materials shipped can be traced and recalled if necessary;
- p. Procedure for monitoring the effectiveness of the quality system.

Finally, the new guidance explains that certain standards are known to be acceptable:

- 2) Suppliers certified to officially recognised standards that have a quality system that includes the elements specified in 1) may be acceptable; such standards include:
 - a. EN/AS9120 and listed in the OASIS database;
 - b. ASA-100;
 - c. EASO 2012;
 - d. FAA AC 00-56.

The use of such suppliers does not exempt the organisation from its obligations under 145.A.42 to ensure that supplied components and material are in satisfactory condition and meet the applicable criteria of 145.A.42(e).

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ASA Distribution 360° SEATTLE

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The appendices to the proposal show correspondence tables that demonstrate the acceptability of each of the above standards.

The last element of the above guidance, explaining that use of accredited suppliers “does not exempt the organisation from its obligations under 145.A.42 to ensure that supplied components and material are in satisfactory condition and meet the applicable criteria of 145.A.42(e),” means that the other regulatory requirements, like documentation requirements, continue to apply regardless of source.

For Americans, it is important to remember that all maintenance in the European system is performed by Part 145 organizations. Even air carriers must have 145 certificates in order to maintain their own aircraft. So a European rule that affects maintenance providers will affect all European purchasers of parts. It will also affect many U.S. repair stations, because a significant number of U.S. repair stations are EASA 145-accepted, which means that they conform to both U.S. regulations and European regulations.

ASA is pleased that this allows the U.S. and Europe to rely on harmonized standards of distributor accreditation that recognize popular accreditation standards like ASA-100 and the other standards accepted under FAA AC 00-56.

Comments on the draft rule are due July 12, 2012. They may be submitted by posting them on the Comment-Response Tool (CRT) available at <http://hub.easa.europa.eu/crt/>, or by mail to:

Process Support
Rulemaking Directorate
EASA
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Why Won't My DAR Issue An 8130-3 For My Part?

The FAA held a meeting in South Florida on March 20. Attendees were enticed to attend with the promise of an answer to the question "Why won't my DAR issue an 8130-3 for my part?"

Not long ago, we published a reminder to the aviation community that the FAA does not require parts traceability in its regulations. It was an article describing the current state of the FAA regulations with respect to back-to-birth traceability (there is no such regulation).

We were prompted to publish this reminder by stories from South Florida members who had heard from their DARs that "the local office is making me ask for back-to-birth traceability" as a condition of issuing an 8130-3 tag.

It seems that the traceability article attracted some attention in South Florida. It was referenced in the beginning of the FAA's slide set.

FAA inspector Jay Rodriguez opened the meeting by announcing that there would be no new policies and no new regulations announced at the meeting. He held true to his promise.

The answer to the advertised question was a review of the FAA's regulations and policy and a look at what standards the DAR must confirm in order to issue an export 8130-3 tag. The DAR must be assured that the part conforms to an FAA-approved design and is in a condition for safe operation.

However, there was a more important unspoken question. Rodriguez knew that the elephant in the closet was the issue of back-to-birth traceability as a condition for 8130-3 tags, and he wasted little time in stating the FAA's position:

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The FAA does not require back-to-birth traceability as a condition of issuing an export airworthiness approval.

The main thrust of the meeting, was that traceability is an important commercial tool. It aids the FAA in its investigations. But when it comes time for a DAR to look at a part and decide whether to issue an 8130-3 tag, the DAR can rely on any information that sufficiently demonstrates that the part meets the standards for airworthiness.

A few practices that were discussed included the importance of looking at the parts. Rodriguez echoed a long-standing ASA concern, that the FAA finds it unacceptable to issue an 8130-3 tag for a part that the DAR has never seen. Issuing an 8130-3 tag based solely on the paperwork runs the dual risks that the part may not match the paperwork, and also that some supervening event could have rendered the part unairworthy.

Another concern raised was the importance of distinguishing owner-operator produced parts because they are generally not eligible for an 8130-3 tag (they were not produced under an FAA production approval).

FAA Inspector Carlos Grillo was an important participant throughout the FAA training session. He kept reminding the attendees of important points, and gave a lot of useful answers to audience questions. His most important contribution came in the end of the session, when he summarized the day's meeting with text from an FAA chief counsel's opinion letter that states:

"Before a part may be approved or accepted for use on a type certificated aircraft, the airworthiness of that part must be established. One method of accomplishing this is to establish positive traceability to the production approval holder and then determining that the airworthiness of the part has not been compromised. New production parts are approved for use on type certificated aircraft if they are produced pursuant to a parts manufacturer approval or otherwise meet the production requirements of 14 CFR § 21 303(b). A modification or replacement part produced under a PMA must contain detailed marking information that identifies the part as PMA produced, identifies the producer, and identifies the part number as well as the product on which it is eligible for installation. See 14 CFR § 45.15.

New production parts sometimes may be accompanied by identifying documentation from the manufacturer such as a shipping document, a manufacturer's certificate of conformance or material certification, or an FAA Airworthiness Approval Tag, Form 8130-3 evidencing that the part conforms to its design data and is airworthy. In the absence of identifying documentation, the markings required by § 45.15 may suffice to identify the origin of the part. If both the markings and other identifying documentation are absent the airworthiness of the part must otherwise be established. If positive traceability to the production approval holder cannot be made, the part may be submitted for inspection and testing to determine conformity. Once inspection and testing results confirm that the part conforms to its type design and is in a condition for safe operation, the part may be considered acceptable for use on a type certificated aircraft."

I am a firm believer that a primary culprit behind many of the industry's problems is inadequate or incorrect information. Nearly everyone in the aviation industry wants to comply with the regulations and wants to be safe. The few bad actors are easily squeezed out by the good actors. But when the standards are not well understood, then there is tremendous room for unintentional non-compliance.

Furthermore, when we know what to look for, we as an industry are able to root out the fraudulent actors and put them out of business.

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Thus, two important solutions to the industry's issues are education and dialogue. The South Florida FSDO did all of the right things today by sticking to the regulations and educating the South Florida community about the standards that apply to documentation of aircraft parts with export 8130-3 tags.

The FAA held a training session like this for the South Florida DAR community on April 3. That training session was to focus on the same issues as the public session. Most importantly, the FAA pledged to reinforce to the DARs that back-to-birth traceability is not required, and that part markings or other documentation can provide adequate evidence that the part was produced under a production approval. We expect to have a follow-up report from that training session. 

Is Your MIDO DAR Having Issues With Issuing 8130s?

A number of ASA members have contacted us recently to tell us that their FAA Designated Airworthiness Representatives who hold MIDO-based privileges (DAR-Fs) have been restricted from issuing 8130-3 tags for parts held by distributors.

The issue concerns a recent change to FAA Order 8100.8 (the "D" revision). It appears that there was a clerical error in the revision that is having an effect on safety in air commerce, by restricting the ability of DARs to issue 8130-3 tags where they are needed. We have asked the FAA to examine this issue and to work with us to correct it.

Background

It is very common for distributors to obtain aircraft parts that bear indicia of airworthiness, but that do not bear an 8130-3 tag.

One of the ways that distributors support the FAA's desire to promote the common use of the 8130-3 tag is by actively obtaining 8130-3 tags for parts that do not bear such tags. These tags are issued to parts by FAA DARs following inspection and document review. The inspection and document review confirms that the part meets the appropriate FAA airworthiness standards and is eligible for an 8130-3 tag.



**ASA is
blogging!**

**Check out the two blogs
on the ASA website:**

- **Cavu Café: Royboy's Prose & Cons** and the
- **ASA Web Log** by Jason Dickstein

The availability of the 8130-3 tag has become very important to the industry for a number of reasons. One reason is because many Part 129 air carriers have provisions written-into their FAA-approved and/or FAA-accepted manuals that require the 8130-3 tag as a condition of their receiving inspection. Such air carriers often cannot accept a part without an 8130-3 tag (even if it bears other indicia of airworthiness) without violating the requirements of their own manuals.

Over the past decade, the FAA has

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established policies that permit Manufacturing DARs (DAR-Fs) and Maintenance DARs (DAR-Ts) to examine a part and its documentation, and where a finding of airworthiness can be made based on this examination, to issue an 8130-3 tag to document that finding.

Originally, these DAR functions were performed under function code 8 for DAR-Fs and function code 23 for DAR-Ts. See, e.g., Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag, FAA Notice 8130.70 (June 15, 2001) (permitting the issuance of 8130-3 tags for airworthy parts located at independent distributor facilities). Although DAR-F functions are normally limited to PAH facilities, the FAA made a special exception that permitted DAR-Fs to issue 8130-3 tags for aircraft parts at independent distributor facilities (NOT at the PAH facility). When this privilege was first issued, the FAA highlighted the fact that this was an exception to the normal rule (under which DAR-Fs usually work exclusively at PAH facilities). *Id.* at ¶ 5(b) NOTE (stating that "in order to ensure adequate DAR resources to support the activities authorized under this notice, these domestic airworthiness approvals may be issued by either manufacturing or maintenance DARs").

Later, the FAA recognized that the function of issuing domestic 8130-3 tags and the function of issuing export 8130-3 tags required the same skills and the FAA merged the authority for DARs to issue both domestic and export 8130-3 tags under one function code for each type of DAR. This led to both forms of 8130-3 tags being issued under function code 20 for DAR-Fs and function code 32 for DAR-Ts (these function codes had previously been limited only to export tag privileges).

This change happened as the FAA was issuing new regulations that eliminated an earlier restriction on non-manufacturers obtaining "class III" export 8130-3 tags. While the restriction existed, distributors obtained "class III" export 8130-3 tags under an exemption from the regulations, which is why earlier versions of Order 8100.8 made reference to an exemption. E.g. Designee Management Handbook, 8100.8C Chg 1 ¶ 1407(a)(10) (Feb. 15, 2008).

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While the exemption still technically exists, it was made moot by the 2009 recodification of Part 21, which eliminated the bar against non-manufacturers obtaining "class III" export 8130-3 tags (and also eliminated the class distinctions, as well). This change permitted distributors to apply directly to the FAA (through DARs) for export 8130-3 tags. Now, distributors are permitted to apply for both domestic and export 8130-3 tags and they no longer need an exemption.

What they do need, however, is a function code that authorizes DARs to be able to review parts held by distributors, make a finding of airworthiness where appropriate, and document this finding by issuing an 8130-3 tag.

The Details of the Change

Recent changes to FAA Order 8100.8D are being interpreted to preclude Manufacturing DARs (DAR-Fs) from issuing 8130-3 tags for demonstrably airworthy parts that are located at the facilities of distributors. The reason for the change appears to be based on the reorganization of the functions codes. We are not aware of any policy change that motivates this change in the language ... it appears that the change is a clerical error.

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All attendees receive a Certificate of Training stating 49 CFR 172 Subpart H training requirements have been met (upon successful completion of all attendance and testing requirements).

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The recently-replaced FAA Order 8100.8 C read:

20 Issue original/recurrent export airworthiness approval under the provisions of

14 CFR Part 21, subpart L, for articles manufactured in accordance with 14 CFR part 21. Individual DARs must be employed by an applicant who is the PAH of the articles being exported, and/or when the applicant meets the provisions of Note 2 below.

NOTE 1: DARs may be full-time, part-time, or contract employees of a PAH.

NOTE 2: This authorization includes export airworthiness approvals for articles located at a non-PAH distributor operating under an exemption to § 21.323(b)(2).

Now however, the description of function code 20 in 8100.8D, Table 15-2 states:

20	Issue original/recurrent export airworthiness approvals for articles manufactured in accordance with 14 CFR part 21. Individual DARs must be employed by an applicant who is the PAH of the articles being exported.	DARs may be full-time, part-time, or contract employees of a PAH.
----	--	---

The language about function code 20 being the appropriate function code to use (when a manufacturing DAR examines an aircraft part at a distributor facility and issues the 8130- tag for that part) has been removed. In fact, the new language (with the note removed) seems to imply that a manufacturing DAR cannot issue an 8130-3 tag at a distributor facility.

This appears to be an error of omission. We are not aware of any policy decision by the FAA that would support this change, so it appears clear that this was a simple clerical error. In order to correct this clerical error, we recommend that additional language be added to the description of function code 20. In light of the fact that recent FAA policy has been to permit all distributors to apply for 8130-3 tags, not just AC 00-56 accredited distributors (making the exemption moot), it would be appropriate to broaden the language of the prior note (to remove the reference to the exemption). Such broader language would also be consistent with current industry practice (in which certain DAR-Fs support the distribution community and also with the current regulations (14 C.F.R. § 21.327 now permits any person to apply for an export approval).

Corrective Action Over the Horizon

ASA filed a petition with the FAA on March 5th, seeking to have this issue corrected. The petition explains the history and the policy requirements that exist to support the manufacturing DARs who were issuing 8130-3 tags.

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ASA Social Media

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We recommended that the FAA first issue a deviation memo and then subsequently issue an 8100.8D Change One document that incorporates all of the deviation memoranda intended to be incorporated (including also the February 28, 2012 deviation memo on the use of Form 8110-14). The FAA has responded that they are investigating the issue and we are confident that they will correct it. 

Could Hawker Beechcraft Be Headed for Bankruptcy?

Reuters reported that Hawker Beechcraft is preparing to file for bankruptcy protection in the next few weeks.

According to the report, Hawker is negotiating a prearranged bankruptcy with its largest lenders, which include Centerbridge Partners, Angelo Gordon and Capital Research & Management.

Bloomberg News had reported yesterday that Hawker had struck a deal with lenders that would have provided it with a \$120 million loan as it negotiated with creditors to avoid default.

Hawker had been purchased by Goldman Sachs Group Inc's private equity arm and Onex Corp. (another private equity firm) in 2007 for \$3.3 billion.

ASA members doing business with Hawker may want to consult with a bankruptcy attorney concerning strategies for protecting any extensions of credit, as well as for protecting recent payments from claims of preference. 

Hazmat Limited Quantity Marking

The US government has published a final rule concerning the shipment of limited quantities of hazardous materials. The final rule delays enforcement of the new limited quantity marking. This delay only applies to shipments prepared under 49 CFR and it does not apply to shipments prepared under the ICAO Technical Instructions or IATA Dangerous Goods Regulations.

In order to provide time for depletion of preprinted packing supplies using the square-on-point mark with UN identification number for limited quantity materials, the Department of Transportation has granted an extension of the transition period before the new markings must be used. Ground shipments of limited quantities of hazardous material may use the square-on-point and UN ID number until December 31, 2013, while air shipments may use the square-on-point marking until December 31, 2012. After those deadlines, the new limited quantity markings must be used.

Old limited quantity marking (authorized for ground transport through 2013, and for air transport through 2012):



New limited quantity marking (authorized for use now):



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Note that if you are following the IATA Technical instructions or the ICAO Dangerous Good Regulations, then this exception does not apply to your shipment and you must continue to ship your limited quantities under the appropriate guidance found in the appropriate text. For example, IATA DGR 7.1.5.3 specifies the limited quantity marking to be used for IATA-compliant limited quantities. 

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