

# The UPDATE Report



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## EASA Takes Another Step Toward Formal Recognition of Accreditation

Europe has taken the next step towards formal recognition of the distributor accreditation program.

On December 10th, the European Aviation Safety Agency (EASA) issued its Comment Response Document (CRD) for "Control of suppliers of components and materials used in maintenance". This CRD contains the comments received on the Notice of Proposed Amendment (NPA) for the Supplier Control rule.

These changes would require EASA 145 organizations to have a method for assuring the satisfactory condition of the aircraft parts that they receive, and would recommend receiving inspection and supplier control as methods to achieve that end. Related guidance explains that reliance on accredited distributors (explicitly including ASA-100 accredited distributors) would be a satisfactory way to meet the supplier control element. A complete discussion of the proposal can be found in an ASA blog post on the NPA.

This is not yet law in Europe. The next step will be for the European Commission to issue an amendment that features the regulatory changes, and then EASA would issue a Decision that adopts the changes to the advisory/guidance materials. 

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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.

The **UPDATE Report** is just one of the many benefits that ASA offers members. To learn more about our valuable educational programs, please contact ASA.

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Dear Colleagues,

ASA's Quality Committee met and worked on recent issues associated with customer audit requirements. They worked on why these items are being audited, the issues associated with the audit and how a distributor can better meet the customer requirements. The Committee also reviewed ASA-100 audit findings and how to handle new purchasing practices. The Committee is working on a best practice for ESD. That document will be released at the annual conference and Nin George and Roy Resto will hold a workshop reviewing ESD best practices and other quality issues associated with ESD at a distributors facility.

We welcome Adam Chiamulon of Global Airtech to the ASA Board of Directors, as well as the re-elected Board Members, Greg McGowan (Boeing Commercial Airplanes), Sheri Murray (Air Parts & Supply Co (APSCO)) and Jimmy Wu (Infinity Air, Inc.). The Board of Directors met and reviewed the Association leadership. The Board is elected by the membership and the Directors can also appoint additional persons to the Board. The Board of Directors will be expanding through appointments with the goal of better representation of the membership and distribution community at large. These appointments will be announced throughout the year. The next meeting will be held April 7, 2014. The Directors are also working on government affairs initiatives, expanding membership benefits offered and strategic direction for the Association.

Over the next few weeks there will be announcements regarding the annual conference June 15-17, 2014. Registration is currently open. The speakers and schedule will be released shortly. The conference will be held in Washington DC and in conjunction with the AFRA annual meeting.

ASA will be exhibiting at MRO US.

Best regards,  
Michele Dickstein

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## IAQG Study Shows More Suppliers On-Time

The International Aerospace Quality Group (IAQG) has released a study (“Aerospace Suppliers’ Performances Trends”) that compares 2012 supplier metrics to 2010 supplier metrics.

The study found that late deliveries were down – this statistic was helped by an increased incidence of zero late deliveries among respondents.

The study also measured “Item Escape Rates.” This term is defined as the ratio of the number of non-conforming items divided by the number of items delivered. The data showed that Item Escape Rates remained fairly constant from 2010 to 2012. The study concludes that this stability for Item Escape Rates poses a challenge for the aerospace manufacturing community because of the community’s objective of continuous improvement.

The study was focused on suppliers to aerospace manufacturers among IAQG’s membership.

The IAQG study is available online at:  
<http://www.sae.org/servlets/work/s/committeeResources.do?resourceID=345896>



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- AC Delta Ltd.**  
*Mitishi, Russia*
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FOR THEIR REACCREDITATION TO THE ASA-100 STANDARD

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## 8130-3 Tag: “For Domestic Shipments Only”

An ASA member recently contacted us about an 8130-3 tag that states “for domestic shipments only”. What does this language mean?

The language on this 8130-3 tag, “Airworthiness Approval – for domestic shipments only,” was language recommended for a short time many years ago in the Order 8130.21 guidance. At the time that it was placed in the guidance, we met with the FAA and pointed out that this language has no regulatory basis and did not make sense. They removed it from subsequent revisions of the guidance.

A ‘domestic’ 8130-3 tag documents a finding of regulatory compliance under United States (FAA) regulations. Thus, the seemingly-limiting language that says “for domestic shipments only” really has no legal effect, because it does not change the fact that a finding of regulatory compliance under FAA regulations has been made, and neither the FAA nor any FAA designee has the power to prevent a part from being exported by virtue of language on an 8130-3 tag.

There is some marginal informational value to such language, in that it means that the designee who issued the tag clearly has not investigated the special import conditions of any particular nation associated with the part. But this value is of only marginal value for several reasons:

- First, this is implicit in any domestic tag. Such tags are not ‘domestic’ in the sense that they inhibit export (a power that the FAA does not have). Rather, they are ‘domestic’ in the sense that they only reflect a finding of compliance with domestic (US) regulatory standards. There is no requirement nor recommendation in current FAA guidance that this additional language be added to ‘domestic’ 8130-3 tags;
- Second, an export 8130-3 tag is supposed to include export language in the remarks block (block 12, as of the changes in the “H” revision of FAA Order 8130.21);
- Third, many foreign nations do not impose additional “special import conditions” on parts (usually the special import requirements are imposed on aircraft) and thus there may be no practical difference between a domestic and “export” 8130-3; determining whether to accept the “domestic” tag as sufficient is a question to be answered by the importing country.

Where do we find these special import requirements? Usually, you need to look in two places – the formal special import conditions are listed in AC 21-2L, but you also need to check any additional “agreed-upon” requirements found in a bilateral agreement. For example, the EASA special import conditions apply conditions to new and used (complete) aircraft but not to aircraft parts. Special requirements associated with aircraft parts are found in the bilateral technical implementation procedures. You can find the applicable special import requirements of Europe and FAA-EASA Technical Implementation Procedures online.

Where you have a validated design that is identical in both the US and Europe, the certification requirements of 5.1.8 of the FAA-EASA BASA Technical Implementation Procedures might be met by a domestic airworthiness approval document, although such a document may not meet the “export language” requirements of FAA Order 8130.21H.



## Does Your Intellectual Property Get No Respect?

Are you concerned about how a foreign nation is treating your intellectual property? Are your trade secrets being stolen? Patents being infringed? Copyrights violated? Trademarks being used in a confusing or deceitful manner? If you feel that a foreign government has failed to enforce their intellectual property protection laws, or if you think that their laws are inadequate, then now is the time to stand up and let the US government know your concerns.

The United States Trade Representative (USTR) is responsible for identifying countries that fail to adequately protect intellectual property rights. This annual list of nations is known as the Special 301 Report. The 2013 Special 301 Report details which countries are considered to be intellectual property problems; it identified a wide range of concerns, such as:

- Deterioration in intellectual property protection, enforcement, and market access in the Ukraine
- Misappropriation of trade secrets in China
- Copyright piracy over the Internet in countries such as Brazil, Italy, and Russia

Countries that are identified in the Special 301 Report are the focus of increased U.S. attention concerning the problem areas, with the aim of helping the foreign trading partner to improve their laws, or the enforcement of their laws.

*(Continued on Page 6)*

### ASA Annual Conference



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Written submissions from the public are an important source of information for the Special 301 review process, so the USTR has asked for public comments about intellectual property rights issues arising in other countries.

To facilitate the review, written comments should be as detailed as possible and provide all necessary information for identifying and assessing the effect of the foreign acts, policies, and practices. It helps if you are specific about what foreign laws or policies apply, how they affect you, what the dollar value of that effect is, and how you calculated the dollar value.

The deadline for submitting written comments is February 7, 2014. All written comments, must be submitted electronically to <http://www.regulations.gov>, docket number USTR–2013–0040. Please specify “2014 Special 301 Review” in the “Type Comment” field on <http://www.regulations.gov>.

If you need help with this process, please feel free to call us! 

## Unapproved Parts Notice: GE engine controls (FADEC) Part Number 4120T00P12DT

On January 8, the FAA released an Unapproved Parts Notice (UPN) concerning two FADEC units that were allegedly not produced under production approval.

The two units are experimental aircraft engine controls, and the UPN claims they are manufactured by the General Electric Company (the non-experimental version of the FADEC is manufactured by a vendor to GE). They are identified by part number 4120T00P12DT, and by serial numbers LMDL0123 and LMDL0145. According to the UPN, the two units were produced without Federal Aviation Administration (FAA) production approval. The UPN does not explain how the units were released. The 4120T00P12 (without the DT) can be used on certain CF34-8 engines.

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The FAA has recommended that if these FADEC units are found in existing inventory, then the FAA would like them to be quarantined to prevent installation until a determination can be made regarding the origin and eligibility for installation. The FAA has asked for anyone discovering these units to report them to the FAA:

Federal Aviation Administration  
Vandalia Manufacturing Inspection District Office (MIDO)  
303 Corporate Center Drive, Suite 312, Vandalia, OH 45377  
Phone number: 937-898-3991 FAX number: 937-898-8717

The UPN is available online at [http://www.faa.gov/aircraft/safety/programs/sups/upn/media/2014/UPN\\_2014-20130611002.pdf](http://www.faa.gov/aircraft/safety/programs/sups/upn/media/2014/UPN_2014-20130611002.pdf). 

## Repair Station Rule is Finally Here

The long-awaited Repair Station Security rule was published in the Federal Register on Monday, January 13.

The rules are authorized under the repair station security statute (49 U.S.C. 44924). That statute barred the FAA from certifying any new foreign repair station until TSA security audits are completed for existing stations. Now that the rules are out, once TSA has audited all existing repair stations, the FAA may be able to once again start issuing foreign repair station certificates.

The final rule contains the following requirements:

- To Whom Does this Apply?:** The regulations apply to repair stations certificated by the FAA under Part 145, except repair stations located on a U.S. or foreign government military base. All repair stations are subject to inspection as provided in the rule and to Security Directives should there be a security need. However, the rule text requires only certain repair stations, discussed below, to carry out security measures on a regular basis.
- TSA Inspection Authority.** Repair stations must allow TSA and other authorized DHS officials to enter, conduct inspections, and view and copy records as needed to carry out TSA's security-related statutory and regulatory responsibilities. For repair stations not required to carry out security measures on a regular basis (i.e., those repair stations not located on or adjacent to an airport), TSA does not intend to inspect such facilities, except (1) for compliance with security directives issued by TSA and with airport security programs required by TSA (for those repair stations that are included in an airport security program), and (2) to respond to security information provided to TSA by U.S. or foreign government entities.
- Implementation of Security Measures:** The security measures in this rule cover repair stations that are on or adjacent to certain airports. TSA will consider a repair station to be "on airport" if it is on an air operations area (AOA) or security identification display area (SIDA) of an airport covered by an airport security program under 49 C.F.R. part 1542 in the United States, or on the security restricted area of any commensurate airport outside the United States regulated by a government entity. TSA will consider a repair station to be adjacent to an airport if there is an access point between the repair station and the airport of sufficient size to allow the movement of large aircraft between the repair station and the area described as "on airport."
- What are "Security Measures?":** Repair stations required to implement "security measures" will be required to (1) designate a point(s) of contact to carry out specified responsibilities; (2) prevent the unauthorized operation of large aircraft capable of flight that are left unattended; (3) verify background information of those individuals who are designated as the TSA point(s) of contact; and (4) verify background information of those individuals who have access to any keys or other means used to prevent the unauthorized operation of large aircraft capable of flight that are left unattended.
- Security Directives:** Repair stations are required to comply with Security Directives (SDs) issued by TSA. ASA had objected to Security Directives to the extent that they could represent rulemaking activities promulgated in the absence of notice and comment rulemaking procedures. TSA has added language to the final rule to clarify that repair stations may comment on SDs issued by TSA, but TSA has imposed on itself no obligation to respond to such comments. Thus, we remain concerned that Security Directives could be used to promulgate new rules in circumvention of the notice-and-comment requirements of the Administrative Procedures Act.

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## REGULATORY UPDATE

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- **Notification of Deficiencies; Suspension of Certificate and Review Process:** The regulations describe the process whereby TSA will notify the repair station and the FAA of a security deficiency identified by TSA and provide an opportunity for the repair station to obtain review of a determination by TSA to suspend its operating certification. Such a suspension would be an immediately-effective suspension that would not be stayed through petition for review (note that 49 U.S.C. 44924(c) already requires the FAA to suspend or revoke a certificate upon the advice of TSA). This could give TSA tremendous power to impose interpretations of their standards that may be beyond the published scope of the rule, and the repair station may be largely powerless to seek review of those standards, because the only practical way to seek review is to accept suspension during the entire period of the review process (TSA is allowed to grant itself an extension so the time limits on TSA action may be meaningless). TSA would perform an internal review of the petition and would create the record but then the matter would be subject to review by a Court of Appeals.
- **Immediate Risk to Security; Revocation of Certificate and Review Process:** The regulations specify that when TSA determines a repair station poses an immediate risk to security, TSA will notify the repair station and the FAA that the certificate must be revoked. The regulations also provide the process for the repair station to obtain review of such a determination. Many of the same concerns regarding suspension apply to the revocation process as well.

The new rule can be found online at <http://origin.library.constantcontact.com/download/get/file/1102873717486-941/TSA+Security+Rule+Published.pdf>. 

ASA-100 ACCREDITED



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**CONTACT US!**

ASA Staff is always interested in your feedback. Please contact us with any comments or suggestions.

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*and the*
- **ASA Web Log** by Jason Dickstein

