

October 7, 2015

Delivered by email; read receipt requested: _____

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Re: Maintenance Annex Guide, Change 5
Requirement for FAA Form 8130-3 from PAHs

Dear Mr. Duncan, Ms. Baker, Mr. Génova Galván and Mr. Woods:

The undersigned are writing to request assistance from the authorities regarding compliance with the September 9, 2015 change to the Maintenance Annex Guidance (MAG CHG 5). Specifically our request pertains to the change that requires new parts received by a U.S. repair station be accompanied by an FAA Form 8130-3 issued from a U.S. production approval holder (PAH). As stated in section A, paragraph 2.3 of the MAG, the change is scheduled for implementation 90 days after the effective date, or December 8, 2015.

The undersigned organizations represent various sectors of the aviation industry; all have a strong interest in protecting international commerce as well as the interests of businesses across the aviation supply chain.

Summary of actions requested

To provide for a smooth and orderly transition to the new requirement as clarified in MAG CHG 5 that would also be consistent with the effective date of the recently published FAA part 21, Amendment 21-98 final rule¹ (which establishes an FAA process

¹ See 80 FR 59021, October 1, 2015. Effective March 29, 2016, a new provision in the rule would allow U.S. PAHs to issue FAA Form 8130-3 in accordance with FAA-approved procedures in their quality manuals. In order to implement the new requirements which are necessary to meet the provisions of MAG CHG 5, PAH quality manuals will have to be updated and approved by the agency; current systems for

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for PAH issuance of Form 8130-3 equivalent to the EASA POA issuance of Form 1), we are requesting—

- (1) A delay in the implementation date of the specifically referenced MAG provision for six months after the effective date of the FAA's final rule published on October 1, 2015;
- (2) That U.S. PAHs be given the opportunity to implement the provisions of the new rule prior to March 29, 2016; and
- (3) That FAA and EASA issue a definitive statement that new, airworthy parts released by a U.S. PAH prior to the implementation date of MAG CHG 5 are not subject to the Form 8130-3 requirement.

Parts documentation for new components

In addressing parts-tagging for new components, MAG CHG 5 states in pertinent part:

- A release document issued by the OEM or Production Certificate (PC) holder **must** accompany new components that will be installed on articles subject to a dual release;
- For U.S. OEMs and PC holders, the release **must** be on FAA Form 8130-3 as a new part; and
- PMA parts may only be accepted in accordance with EASA Part-21 or Annex 1 of the Agreement.

Until this change, the MAG and its predecessor, Temporary Guidance Leaflet (TGL) no. 22, used the term “should” when describing the need for FAA Form 8130-3 for new parts and was therefore discretionary. In contrast, the words “must” and “shall” were used in connection with receiving or issuing FAA Form 8130-3 or EASA Form 1 with a dual release for all used parts subject to the MAG.

Regarding new parts, the U.S. manufacturing industry, U.S. repair stations and local FAA certification and manufacturing offices had not previously considered a component sent to a U.S. repair station as an export under 14 CFR part 21, subpart L and the FAA-EASA Technical Implementation Procedures (TIP). Thus, most U.S. PAHs do not routinely issue FAA Form 8130-3s for these “domestic” shipments. Indeed, a U.S. PAH cannot currently issue FAA Form 8130-3; it must be issued by the FAA or the agency's designee.

An FAA final rule published on October 1, 2015 would allow U.S. PAHs to issue Form 8130-3, moving 14 CFR closer to EASA part 21. However, PAHs will be unable to implement these new procedures for the issuance of Form 8130-3 until March 29, 2016.

issuance of these forms by designees will have to be adjusted and the agency will need the time to update guidance, both internal and public.

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Additionally, once the PAHs submit new procedures for FAA review and approval it will require at least six months for the MIDOs to evaluate them for compliance with new section 21.137(o). This will make it impossible for a repair station subject to the MAG to receive an FAA Form 8130-3 issued by the PAH with all new parts. Only a limited number of PAHs with delegation authority and capacity from FAA already in place will be able to accommodate the significant increase in the number of Form 8130-3s for domestic shipments required by the MAG CHG 5 provision.

Parts released by a U.S. PAH prior to the implementation date of MAG CHG 5

Since the release of MAG CHG 5, ARSA members have reported that Aviation Safety Inspectors are demanding that FAA-EASA repair stations obtain a *retroactive* Form 8130-3 from the PAH for new parts already received in inventory or, in the alternative, hire a DAR to issue them. Both options are contrary to the specific MAG provision (the form must be “issued by” the PAH²) and FAA regulations (the PAH cannot issue the form today.) It is also highly impractical, unduly burdensome and costly to retroactively generate paperwork for airworthy parts already released by the PAH.

We therefore request all Flight Standards inspectors with oversight responsibilities for U.S. repair stations subject to the MAG be advised not to require Form 8130-3 for new components released by the PAH prior to the implementation date of MAG CHG 5. This would adequately cover the airworthy parts already in a repair station’s inventory as well as those in the distribution pipeline.

The undersigned stand ready to work closely with the FAA and EASA to ensure a smooth and orderly transition to these new requirements. We believe that granting our requests would help ensure standardized and uniform compliance by U.S. PAHs and repair stations. It will also provide the FAA time to ensure compliance with the PAH’s ability to issue the FAA Form 8130-3 under the new rule.

Sincerely,

² MAG CHG 5 effectively prohibits parts distributors from having FAA designees issue FAA Form 8130-3 on behalf of the agency because those forms would not be “issued by” the PAH. Not recognizing this option for issuing FAA Form 8130-3 after a part’s release from the PAH’s quality system is also contrary to Annex 1 of the safety agreement.

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