



The Update Report

The Aviation Suppliers Association

Volume 10, Issue 12

December 2002

UNIFORM COMMERCIAL CORNER

Reclaiming Parts from an Insolvent Buyer

You just sent an AOG part to your customer yesterday and today you find out that he's unable to pay you because he does not have any money. What do you do?

The Uniform Commercial Code section 2-702(2) states that "Where the seller discovers that the buyer has received goods on credit while insolvent he may reclaim the goods upon demand made within ten days after the receipt."

Discovering your customer's insolvency can present tricky legal issues. First, you cannot have known about the insolvency before the shipment. Second, you must discover the buyer's insolvency within ten days after the shipment. Discovery can mean awareness that the buyer is not paying its debts, or becoming aware of other facts suggesting insolvency,

Ten days is a short time period, especially in an industry where 90-day credit terms are common. There is a way to lengthen the period to three months. UCC 2-702(2) holds that "if misrepresentation of solvency has been made to the particular seller in writing within three months before delivery the ten day limitation does not apply." If your buyer has made a written assertion of solvency within the three months prior to delivery and that turns out to be a false representation then you can demand return of

the goods even if more than ten days has passed.

Your right to return of the goods is "subject to the rights of a buyer in ordinary course" which means that if the seller sells the goods to a third party then you may be out of luck. If, your customer sells the parts AFTER receiving the written reclamation notice then you may still have a valid claim against the customer, which might be considered a priority claim in a bankruptcy proceeding.

What if the buyer is on the verge of bankruptcy?

In some cases, a timely assertion of the right of reclamation can save the parts in question from the clutches of the bankruptcy court. This is because the reclamation demand reverts the goods to the ownership of the seller, removing them from the estate of the buyer and from the authority of the bankruptcy court. Specifics on this issue can be quite tricky, as seemingly minor factual differences can create varying results.

Vindication of your rights can sometimes require hiring a lawyer. Even when the transaction is not sufficiently valuable to justify legal expenses, though, it is always good to know when the law is on your side, as this can be a powerful tool in negotiations.

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Congratulations to the newly accredited and re-accredited companies

Newly Accredited:

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Opa Locka, FL

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Elk Grove Village, IL

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Brewster, NY

Global Aviation Support, Inc.
Miami, FL

Hubair, Inc.
Sunrise, FL

JDS Aviation, LLC.
Islandia, NY

Turbine Parts Services, Inc.
Miami, FL

Styles Logistics, Inc.
Lagrangeville, NY



A Message from ASA's President

Dear Members,

ASA is looking forward to 2003, as it looks like it will be an exciting year.

2003 marks the 100-year anniversary of flight. Celebrations are planned through out the year. Being a part of the aviation industry and continuing the growth of flight will be special this year.

ASA will also be celebrating its 10-year anniversary. ASA was incorporated in February 1993. We will be holding a 10-year party at the annual conference at the Ritz Carlton in Naples, FL on June 22-24, 2003. A flyer was mailed regarding the hotel information and the registration packet will follow in late February. ASA prides itself on the depth of information provided to the attendees at the conference, the networking opportunities and also the quality of the venue. This year's hotel selection tops past hotels and attendees will enjoy the hotel amenities and the beach.

The FAA will also be making 2003 interesting. The FAA should be changing to the new 145 rules, which will mean lots of changes for the repair station community and the distributors who purchase and supply parts to the repair stations (and rely on them to overhaul inventory). Jason has provided an update on 145 and the proposed implementation date in an article later in the newsletter.

Other new developments at

government agencies like the Homeland Security Agency and the Transportation Security Administration will probably not directly impact distributors businesses but will impact our business partners and the way we travel.

The European Union (EU) will also be making 2003 interesting with the proposed implementation of EASA (European Aviation Safety Agency) which will oversee the EU nations' aviation agencies.

With some major aviation companies reorganizing, 2003 is also likely to be a challenging year for many ASA members, but the reorganizations are also beacons of hope that our industry is getting ready for an upswing.

From all of us at ASA, best wishes for a happy and healthy new year!

Michele

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The Update Report

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The Update Report

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

The Update Report

is just one of the many benefits that the Aviation Suppliers Association offers members. For information on ASA-100, the ASA Accreditation Program, Conferences, Workshops, FAA guidance like Advisory Circulars, Industry Memos, or services and benefits, contact the Association.

The Update Report

For information on special package rates for advertising, contact the Association at (202) 347-6899.

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FAA Clarifies Dual-Release 8130-3 Issues

The following policy email was sent to various FAA officials with instructions to disseminate.

As many of you know, FAA headquarters employees had asked a number of trade associations to informally disseminate some of this information earlier this year in order to relieve confusion.

While more formal policy would be nice, the FAA is to be commended for issuing a policy document that makes sense and is narrowly tailored to fix problems without creating new ones. David Cann and his staff have achieved in this simple document a goal of clarity that relatively few government documents meet.

This memo has been circulated to some DARs but we do not know if it has yet been circulated to all DARs, so please make sure your DAR has a copy. This policy memo explains some of the details that have remained consistent areas of misinterpretation and confusion with respect to issuance of 8103-3 tags.

From: Dave Cann
To: <FAA Recipient List>
Subject: FAA Form 8130-3 Dual Maintenance Release Document Policy
Date: 10/30/2002

The following information is provided regarding the completion of FAA form 8130.3 "Authorized Release Certificate" as a dual maintenance release document.

We understand that there is confusion with the FAA Form 8130-3 dual release procedure. We are currently developing guidance/policy regarding the dual release issue. The order will be revised in FY 03 to cover a multitude of misunderstandings regarding the FAA 8130-3 form.

Because of the confusion created by FAA Order 8130.21C, pages 17,18, and 19, concerning the proper completion of the form when being used as a dual maintenance release, the following statement can be regarded as FAA policy until such time as the order can be revised or other guidance is published to clarify the situation.

When a JAA accepted domestic FAA CFR part 145 repair station applies the appropriate JAA statement to Block 13 of FAA form 8130-3 then Both blocks in Block 19 MUST be checked.

International agreements (BASA/MIP) requires the above.

When the CFR part 145 repair station is in compliance with CFR part 43/145 they would check the block stating "14 CFR 43.9 Return to Service". If the repair station is also accepted by the JAA and includes the appropriate JAA statement in Block 13 with their JAA acceptance number then they are ALSO in compliance with "Other regulations as specified in block 13"

It is also acceptable when Foreign Data is used such as a Foreign Airworthiness Directive (AD), or repair data supplied by the owner/operator of the equipment that is approved by the NAA of a JAA member country and the equipment is to be installed on an aircraft registered in a JAA member country. The data must be identified in Block 13 of the 8130.3 form. JAR Ops 1 requires the operator to supply the maintenance organization with the data to maintain their equipment. The FAA has accommodated this process by providing a specific statement in the CFR part 145 repair station operation specifications when the repair station is also a JAA accepted U.S. based domestic repair station.

Recently we have experienced some other countries that are not members of the JAA and are also requesting the FAA/JAA dual maintenance release on the 8130-3 form. The FAA position on this subject is that it is the country of registration's requirement and not the FAA's. Therefore, the FAA has no objection to a repair station issuing an 8130-3 dual maintenance release to a non-JAA member country's equipment. This position is in compliance with ICAO requirements and not under FAA purview.

Note:

The repair station's JAA acceptance is based on compliance with CFR parts 43 &145 and the JAA special conditions. This qualifies the repair station to provide a dual release when applicable.

Please disseminate this information to your 230/250 branches and filed offices.

Any questions regarding this policy should be directed to Bill Henry, AFS-340.

Dave Cann
Manager, Aircraft Maintenance Division, AFS-300

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Repair Station Rule Revision on Track

On August 6, 2001, the FAA released its long-awaited amendment to 14 C.F.R. Part 145, the regulations governing aeronautical repair stations. The new rule represented the culmination of literally decades of work. In view of the far-ranging effects the new rules would have on thousands of businesses throughout the United States and abroad, the effective date of the rule was set 20 months from the date the final rule was published, in other words, April 6, 2003. Delays in the promised publication of guidance material, however, have led ASA and several other trade associations to request a delay in the final implementation date of the rule.

ASA has petitioned the FAA to postpone the implementation date of the new Part 145 until at least 180 days after the FAA publishes a final advisory circular describing how to comply with the new rules governing repair manuals and quality control manuals. ASA also urged the FAA to publish a transitional rule that would permit early compliance with the new rule. Joining ASA in its petition are the Aircraft Electronics Association (AEA), the Aerospace Industries Association (AIA), and the National Air Transport Association (NATA). The Aircraft Owners and Pilots Association (AOPA) submitted a separate letter supporting the petition.

Why the Delay?

The amended Part 145 introduced a number of changes to the way repair stations organize their affairs. One of the more significant changes involved a new approach toward the manuals that repair stations are required to maintain to document their procedures and policies. The new rules eliminated the traditional Inspection Procedures Manual, or IPM, and introduced in its place requirements to establish a Repair Station Manual and

a Quality Control Manual. These manuals have to be acceptable to the Administrator.

The FAA recognized from the start that repair stations would require extensive guidance in order to meet their obligations under the new rules. Part of the reason was that the amended rules themselves offered little in the way of specifics as to *how* repair stations were to comply. For this reason, the FAA took care to provide a 20-month lead time before the new rules would become effective. "This time period is needed to develop ACs and internal FAA guidance, and to train FAA personnel," the FAA explained in the Federal Register. "Additionally, repair stations will need adequate time to comply with the new requirements."

The FAA's explanation highlighted several important reasons why some considerable lead time was needed. First, the FAA itself needed to develop and publish one or more advisory circulars outlining acceptable means of complying with the new regulations. Drafting an AC can be a time-consuming process. Actually writing the document, often a lengthy task itself, is only the start. The proponent office also has to allow sufficient time to open the draft document for public comment, and to collect and analyze the comments received. The revised draft AC must then undergo review by both the Chief Counsel's office and FAA management before it can be issued in final form.

Another important consideration is the need to train the FAA personnel who would be responsible for enforcing the new rule – a rule as new to them as it is to the industry. Until the FAA can train its personnel in the

field on the final form of the new guidance, field offices will not know the standards by which they are to review the manuals submitted in accordance with the new rule. Uniformity of training goes a long way toward preventing decisions by inspectors that may appear arbitrary and capricious due to the lack of guidance. This helps assure a level playing field for repair stations located all over the country.

Of course, once the new guidance becomes available, FAA field offices are likely to face a deluge of manuals arriving within a relatively short period, a situation that promises a huge workload for the FAA and long waits for repair stations. Realizing this, some field offices have been tempted to try to get a head start on the process by requiring repair stations to submit manuals ahead of the effective date of the rule, using draft guidance as a basis for the manuals. ASA has learned of at least one FSDO, for example, that issued a local policy requiring repair stations to use draft guidance and submit their manuals by November 1, 2002. The problems with such an approach are obvious, in that there is no guarantee the final guidance will look anything like the drafts currently in circulation. This FSDO policy was later withdrawn following complaints to the FAA.

Given these important considerations, it has become increasingly clear that neither the industry nor the FAA is likely to be ready for full implementation of the new rule. With the effective date less than four months away, the FAA has yet to issue the final guidance that will make compliance possible.

Getting the Guidance Right

The FAA has made some progress on

(Continued on page 142)

Petition to postpone implementation of Part 145:
<http://dms.dot.gov/search/document.cfm?documentid=198081&docketid=13679>

Petition to extend the comment date on AC 145-MAN:
http://www.opspecs.com/awcirculars/_discDraftAWs/00000126.htm

Implementation Plan for New Part 145 Rules Still Being Refined

(Continued from page 141)

developing the necessary guidance. On November 7, 2002, the FAA published a notice in the Federal Register announcing the availability for comment of draft AC 145-MAN, *Guide for Developing and Evaluating Repair Station and Quality Control Manuals*. The draft AC, developed by the General Aviation & Commercial Branch of the Flight Standards Service (AFS-340), was made available on the Opspecs.com web site at <http://www.opspecs.com/awcirculars/default.htm>. The Opspecs.com site makes it easy for interested parties to post comments on proposed ACs, and to review comments submitted by others.

In an effort to move the process along, the FAA set a 15-day deadline for the submission of comments. This posed a number of problems, the most obvious being the sorely inadequate notice for all those repair station owners who do not read the Federal Register or check Opspecs.com on a daily basis. Many people in the industry get their regulatory news through monthly newsletters published by trade associations, a vehicle not well suited to reporting on actions with a 15-day suspense date.

A bigger issue is the importance of the AC itself. AC 145-MAN represents the first formal guidance to be issued on the new Part 145, and deals with a particularly important aspect of the new rules. Together with its appendices, the AC runs to nearly 80 pages. Busy businesspeople need and deserve more time to be able to provide thoughtful and detailed comments on a substantial document that is going to have a tremendous effect on their businesses.

These considerations led to the filing of a petition requesting that the FAA extend the comment period on AC

145-MAN to 90 days. The petition was filed by the Aircraft Electronics Association Washington Counsel (Jason Dickstein, who is also ASA's Washington Counsel). The FAA agreed with the petition, and the new deadline for the submission of comments is now February 5, 2003. This should give any interested ASA members sufficient time to provide their comments to the FAA even after the holiday rush is over. The result is likely to be a better final AC that will benefit everyone affected.

Improving Implementation

In its petition to postpone the implementation of Part 145, ASA and its allies made several other suggestions designed to make the implementation smoother when it does occur, both for the FAA and for industry.

One suggestion was to provide for a transition period for repair stations to switch over to the new rules. As they are currently written, the new rules would require repair stations to comply with the old rules on April 5, 2003, and comply with the new rules on April 6, 2003. Few repair stations would find it easy to make the transition this neatly. Instead, ASA proposed allowing early compliance by repair stations that are able to meet the necessary requirements (assuming, of course, the timely availability of the necessary guidance materials as discussed above). This would give repair stations the option of selecting an implementation schedule suited to their individual needs, and hold out the possibility of avoiding the administrative bottlenecks that are likely to occur once the effective date rolls around. Current rumors suggest that the FAA may delay the deadline for submitting manuals, achieving the same effective result.

Another ASA proposal that would ease the crunch once the rule becomes effective would be phased implementation. The FAA adopted a phased approach toward the submission of training manuals under the new Part 145, specifically pointing out in the Federal Register that "[t]he FAA adopted this staggered compliance schedule . . . to ensure that all training programs are not submitted to the agency at one time." Faced with a similar avalanche of repair station and quality control manuals from some 5000 certificated repair stations, the FAA would clearly benefit from spreading its workload out over a longer period, such as one year.

Wait and See

The FAA has yet to announce a decision on the petition submitted by ASA and its allies. There is a possibility that the agency will opt to postpone the manual submission but not the actual rule implementation (which make compliance rather difficult). The petition called on the agency to publish a notice of the postponement in the Federal Register when it does make a decision to let the public know. While it is impossible to predict with certainty whether the agency will agree to the postponement, the proposals offered in the petition make sense and would benefit both the FAA and the industry. FAA management has been quite reasonable in its approach to implementation of part 145, and ASA is confident that this reasonable attitude is likely to continue under the current FAA management.

The industry has waited a long time for the revised Part 145, and it is likely to be willing to wait a while longer to ensure that the final result works for everyone. ASA will continue to follow the situation closely.

FAA Announces Wider Acceptance of Liens on Aircraft

The FAA has recently announced a policy change that will make it easier for repair stations in Louisiana, Massachusetts, and Rhode Island to get paid for their work. Parties from those states will for the first time be able to record liens on aircraft and certain aircraft engines, propellers, and parts inventories at the FAA Registry. The new policy is the result of a determination by FAA legal counsel that requirements for liens under those three states' lien laws are compatible with the requirements under federal regulations.

Liens represent one of the more effective ways repair stations or others who expend labor or materials working on an aircraft, aircraft engine, or propeller can protect their right to get paid for their services. A lien establishes a legally recognized interest in the item that restricts the owner's ability to sell or, in some cases, even take possession of the item until the debt upon which the lien is based is paid off.

In order to be fully enforceable, however, aircraft liens must be recorded at the FAA Registry in Oklahoma City. Recording a lien at the FAA Registry constitutes nationwide notice of the lien and makes it enforceable against third parties. In order to record a lien with the FAA, the party asserting the lien must provide a signed copy of the document granting a security interest over the item in question, and pay a five-dollar fee. The Registry will record liens on U.S.-registered aircraft, specifically identified aircraft engines of 750 or more rated takeoff horsepower, specifically identified propellers able to absorb 750 or more rated takeoff shaft horsepower, and certain inventories of parts and appliances held by air carriers. Additional information can be found at <http://registry.faa.gov/docs/8050-93.pdf>.

The specific requirements for asserting a lien are determined by state law, and there is considerable variation from state to state concerning how liens are acquired, how they are enforced, and the extent to which they restrict the owner's rights. Parties who wish to assert a lien must comply with all state law requirements, which may include using forms specified by the state and/or recording the lien with local authorities independently of recording with the FAA.

Not all states' liens are created equal, however. Before the FAA will recognize a lien for the purposes of recording it at the Registry, the lien laws of the state where the lien arose must contain certain provisions. The FAA only recognizes liens from states that have statutes establishing the requirements for asserting and enforcing liens. The agency will not accept liens from states whose laws lack lien statutes and only provide for so-called "common-law liens." A common-law lien arises simply by virtue of the relationship between the parties involved (e.g., party "A" performs

maintenance on party "B's" aircraft), and often does not require any other formalities like the execution of a security agreement or recordation with local authorities. The FAA found many years ago that common-law liens were more prone to abuse than liens asserted under better-defined statutory schemes, and discontinued its earlier policy of accepting them for national recordation.

The FAA Registry currently accepts liens from 34 states and the U.S. Virgin Islands. The complete list of states as of December 2002 are: Alaska, Arizona, Arkansas, California (General Aviation only), Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virgin Islands, Virginia, Washington, Wyoming. Louisiana, Massachusetts, and Rhode Island were added to the list in November 2002.



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RSPA Harmonizes Hazmat Regulations

Persons who ship hazardous materials will soon need to familiarize themselves with some changes to the Hazardous Materials Regulations (HMR) that are being introduced in an effort to harmonize the U.S. regulations with international standards.

As the volume of trade going into and out of the United States increases, the amount of hazardous materials that are being transported in commerce also rises. Consistent international standards for the transport of such materials are essential to protect public safety and to facilitate the free flow of goods across national borders. The United States has recently proposed new amendments to the HMR to bring U.S. regulations more closely in line with UN standards. The Research and Special Programs Administration (RSPA) is soliciting comments from the public on the proposed changes through Feb. 3, 2003.

Background

Efforts to harmonize the HMR with international rules began over ten years ago. In 1990, RSPA published a final rule that comprehensively revised the HMR, based on the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations). Since publication of the 1990 final rule, RSPA has issued four additional harmonization amendments. These rules more fully aligned the HMR with the corresponding biennial updates of the UN Recommendations, including the International Civil Aviation Organization's Technical Instructions (ICAO Technical Instructions). The current proposed rule continues this process.

The UN Recommendations are not regulations, but rather are guidance issued by the UN Committee of Experts on the Transport of Dangerous

Goods. The UN Committee of Experts amends and updates the recommendations biennially. The recommendations serve as the basis for national, regional, and international modal regulations, most the ICAO Technical Instructions issued by the ICAO Dangerous Goods Panel.

The U.S. regulations recognize these international standards in many situations. In 49 C.F.R. 171.11, the HMR authorizes the offering, acceptance and transport of hazardous materials by aircraft, and by motor vehicle either before or after being transported by aircraft, provided the shipment complies with the ICAO Technical Instructions.

The Latest Developments

The latest notice of proposed rule-making (NPRM), published on De-

(Continued on page 145)

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RSPA Harmonizes Hazmat Regulations

(Continued from page 144)

December 3, 2002, proposes changes to the HMR based on the twelfth revised edition of the UN Recommendations, Amendment 31 to the International Maritime Dangerous Goods (IMDG) Code, and the 2003-2004 ICAO Technical Instructions, which become effective January 1, 2003. The NPRM also addresses recent petitions for rulemaking concerning harmonization with international standards, using them as the basis of certain proposed amendments. Other proposed amendments are based on feedback from the regulated industry, other DOT modal administrations and RSPA's own initiative. A number of editorial clarifications are also included.

Proposed amendments to the HMR in this NPRM include, but are not limited to, the following:

- * Amendments to the Hazardous Materials Table (HMT) which would add, revise or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, passenger and cargo aircraft maximum quantity limitations and vessel stowage provisions.
- * Revisions and additions of special provisions. Included is the addition of a special provision for assignment to aerosol entries setting forth the criteria for classifying aerosols.
- * Addition of a requirement to enter the subsidiary hazard class or subsidiary division number on shipping papers.
- * Addition of a requirement to indicate types of packagings on shipping papers.
- * Addition of an alternative basic description sequence on shipping papers.
- * Revision of marking requirements for limited quantities.

- * Addition of an air eligibility marking requirement.
- * Revision of requirements in section 173.27 for packagings intended for transportation by aircraft, including revision of requirements for use of absorbent material for such packagings.
- * Revision of the non-liquefied and liquefied compressed gases descriptions, and the addition of high pressure and low pressure liquefied gases categories.
- * Revisions and additions to the Self-Reactive Materials Table.

The complete text of the proposed rule can be found in the December 3, 2002 issue of the Federal Register, available online at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr03de02-44. Interested parties who wish to submit comments have until February 3, 2003 to do so.

The Importance of Training

Periodic amendments of this nature illustrate the importance of recurrent training to keep up to date with the latest changes to the HMR. Both the FAA and the Department of Transportation's Office of the Inspector General actively enforce the HMR, and impose substantial civil penalties on violators. Businesses can protect themselves by ensuring that their employees are fully trained on a regular basis. One of the best sources of recurrent training is ASA itself. ASA will be offering a number of hazmat training seminars in the coming year at various locations throughout the country, and can arrange specially tailored programs for businesses on request. Check the calendar at the back of a future issue of the Update Report or check the ASA web site at www.aviationsuppliers.org for the date of a training course near you.



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38108 Braunschweig
G E R M A N Y

Ribeco

Effective Date: 08 August 2002

Affected:

Kind of aeronautical product: Air Cargo Pallet
Manufacturer: Ribeco Cargo Equipment GmbH, Germany
Type: Ribeco Frachtgeräte GmbH, Nußloch, Germany
Models affected: 7-2ALP-L-30-()
Serial numbers affected: All mentioned Ribeco air cargo pallets and air cargo nets produced and released after 26 March 2002 or produced by the Chinese manufacturer Deyang Ribeco Air Cargo Equipment Co. Ltd.
German Type Certificate No.: see under the a.m. models

Subject:

Cancellation of JTSA Authorisation LBA.O.11.400/171JTSA

Reason:

With the JTSA Authorisation of the affected air cargo pallet in Germany, conditions were imposed by the Lufffahrt-Bundesamt because of partly incomplete certification proofs. One of these requirements was a load test under maximum proof load. Due to insolvency proceedings, Ribeco GmbH has not been able to fulfil these requirements until today. In the meantime, the Ribeco company was removed from the German trade register and the Lufffahrt-Bundesamt has therefore decided to cancel the existing JTSA Authorisation for this air cargo pallet.

Action:

The following actions are required by this Airworthiness Directive in order to address this problem:

1. Cancellation of the JTSA Authorisation LBA.O.11.400/171JTSA for the Ribeco air cargo pallet 7-2ALP-L-30-(). Further letters in place of the open bracket „()“ indicate a different model or variant.
2. Inspection of the affected air cargo pallets for signs of damages i.e. cracks or fractures.
3. Reduction of the permitted load to 75% of the specified maximum load declared by the manufacturer.
4. Retirement from service of all affected air cargo pallets.

Compliance:

For the mentioned actions the following compliance times have been laid down:

Action 1: The JTSA Authorisation LBA.O.11.400/171JTSA for the Ribeco air cargo pallet 7-2ALP-L-30-() loses validity 31.12.2002.

Action 2: Before each loading of the pallet.

Action 3: With immediate effect.

Action 4: Until 31 December 2002

Technical publication of the manufacturer:

none

Ribeco

Effective Date: 03 October 2002

Affected:

Kind of aeronautical product:
Manufacturer:
Type:
Models affected:

Air Cargo Pallets and Air Cargo Nets
Ribeco Cargo Equipment GmbH, Germany
Ribeco Air Cargo Pallets and Air Cargo Nets
Ribeco Air Cargo Nets with type certification:
11.401/51, 11.401/52, 11.401/53, 11.401/54
11.401/55, 11.401/56, 11.401/63, 11.401/64
Ribeco Air Cargo Nets with JTSO approval:
LBA.O.11.401/76JTSO, LBA.O.11.401/77JTSO
Ribeco Air Cargo Pallets with JTSO approval:
LBA.O.11.400/165JTSO, LBA.O.11.400/166JTSO
LBA.O.11.400/167JTSO, LBA.O.11.400/168JTSO

Serial numbers affected:

All mentioned Ribeco air cargo pallets and air cargo nets produced and released after 26 March 2002 or produced by the Chinese manufacturer Deyang Ribeco Air Cargo Equipment Co. Ltd.

German Type Certificate No.:

see under the a.m. models

Subject:

Production of air cargo pallets and air cargo nets without having the required authorisation.

Reason:

On 26 March 2002 the German manufacturer Ribeco Cargo Equipment GmbH lost the manufacturer approval JAR-21 subpart G for the production of air cargo pallets and air cargo nets. The Luftfahrt-Bundesamt has received information that the Chinese manufacturer Deyang Ribeco Air Cargo Equipment Co. Ltd. has taken over the production of the German Ribeco Cargo Equipment GmbH for air cargo pallets and air cargo nets without having the required authorisation.

Air cargo pallets and air cargo nets produced under the authorisation of the Chinese manufacturer Deyang Ribeco Air Cargo Equipment Co. Ltd. have no type certification or JTSO approval because of the dubious quality control and the missing Luftfahrt-Bundesamt manufacturer approval. The use of these unairworthy air cargo pallets and air cargo nets can lead to serious accidents with unsatisfactorily secured cargo.

Action:

The following actions are required by this airworthiness directive in order to prevent the mentioned risks:

1. Inspection of all Ribeco air cargo pallets and air cargo nets in service and on stock in order to detect all affected pieces. Since the Luftfahrt-Bundesamt has been informed that also Ribeco air cargo pallets and air cargo nets with faked identification plates have been delivered, a specified examination of the manufacturer's delivery notes must be made when carrying out this action.
2. Retirement and marking of all affected air cargo pallets and air cargo nets so that an erroneous re-use is impossible.

Compliance:

All necessary actions must be performed immediately after the effective date of this airworthiness directive.

Technical publication of the manufacturer:

none

Enquiries regarding this Airworthiness Directive should be referred to Mr. Martin Borsum, Airworthiness Directive Section at the above address, fax-no. 0049 531/2355-720. Please note, that in case of any difficulty, reference should be made to the German issue!

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UPCOMING EVENTS

** = Look for ASA personnel on the speaking program*

*ASA is currently working on the 2003 workshop and training schedule.
Keep checking our website for the latest updates.*

2003

- Mar. 24-26** Speednews Aviation Industry Suppliers Conference, Los Angeles, California. Call (310) 203-9603.
Apr. 6-8 CCMA, Costa Do Sauipe, Brazil, see <http://www.ccmassuppliers.com> for more information
Apr. 15-17 MRO, Fort Lauderdale, FL, see <http://www.aviationnow.com> for more information
Apr. 23-26 * Aircraft Electronics Association Convention, Orlando, FL. Call (816) 373-6565 for details.
May 13-15 GSE & AS3, Las Vegas, NV, see <http://www.gseexpo.com> for more information
June 22-24 * ASA 10th Anniversary Celebration and Annual Conference, Ritz-Carlton, Naples, FL. Call (202) 347-6899 for details.
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Nov. 2-4 Speednews Reg'l & Corp. Aviation Industry Suppliers Conf., Rancho Mirage, CA. (310) 203-9603.

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December 2002