

# News from the Hill

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## 8130-3: New Guidance Helps Repair Stations Complete their Paperwork

The FAA Form 8130-3 Authorized Release Certificate is gradually becoming one of the most widely used return-to-service documents in the industry. It is already the most popular return-to-service document in the commercial air carrier market, and it is becoming increasingly popular in the general aviation maintenance arena.

Users of the 8130-3 tag find that there are plenty of questions about how best to use the form. AEA frequently answers questions about how to complete the form, what blocks are optional for repair stations, and how to complete a dual release (FAA-JAA). This article captures a few of the most popular questions and provides some answers.

### Is the 8130-3 Required?

Although use of the form for approval for return-to-service is not required by any regulation, the FAA encourages its use in many circumstances, largely in the interests of promoting greater uniformity of documentation throughout the industry. More important than the FAA's preferences, however—at least in this context—are the preferences of one's customers. More and more purchasers of parts and repair services are coming to insist on an 8130-3 as the only return-to-service document they will accept

from a repair station. The use of an 8130-3 is thus often a de facto requirement in order to meet customer demands.

### Why Does the 8130-3 Guidance Seem So Confusing?

Despite the increasingly widespread use of the form, the 8130-3 still causes some confusion for many repair stations. Part of the reason for this is the fact that the 8130-3 was not designed to be solely a return-to-service document for use in complying with 14 CFR 43.9. Its other uses include export airworthiness approvals of Class II and Class III products; conformity determinations; identifying the airworthiness approval status of products (engines and propellers) in domestic transactions; airworthiness approval of parts and appliances under 14 CFR 21.305; and splitting bulk shipments of previously shipped parts. In addition to repair stations, a variety of persons are authorized to use the form, such as Part 121 air carriers, Part 135 air operators, Part 21 production approval holders (PAHs); designated airworthiness representatives (DARs); designated manufacturing inspection representatives (DMIRs); and designated alteration stations (DASs).

The consequence of this wide range of users and uses is that the guidance materials explaining how the 8130-3

should be completed contain a good deal of information that does not apply to repair stations returning a product or part to service following maintenance, preventive maintenance, rebuilding or alteration.

The primary guidance document is FAA Order 8130.21C, Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag. Although Order 8130.21C, like any FAA Order, is not legally binding on members of the public, it nevertheless sets forth standards that some customers regard as the best way to avoid possible interpretation problems down the road when dealing with the FAA. Thus, a repair station's customers may specify that the repair station complete the 8130-3 exactly as shown in 8130.21C—another example of commercial requirements acting like de facto regulations.

### How Do I Complete a Dual Release (FAA-JAA)?

Repair stations that hold both a Part 145 certificate from the FAA and JAA approval under JAR 145 are sometimes faced with the question of how to record which regulations served as the basis for approval for return to service (e.g. both the U.S. FARs and the JAA's Joint Aviation Regulations). Approval for return to service under

two different countries' regulatory authorities is known as "dual release."

Local FAA inspectors have provided conflicting guidance about which boxes should be checked-off and which information should go in block 13 for a dual release.

In an effort to resolve some of the ongoing confusion, David Cann, manager of the FAA's Aircraft Maintenance Division (AFS-300), recently disseminated a policy email to FAA officials with instructions to disseminate it widely. Cann's email is reproduced here:

*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 and 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 field offices.*

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

*Dave Cann  
Manager, Aircraft Maintenance Division, AFS-300*

We're very excited about this new policy, not just because it clears up a potential problem for repair stations, but also because it signals a new effort at FAA headquarters to be responsive to industry issues. 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.

### **Do I Have To Complete Block 9 (Eligibility)?**

Another area of confusion involves Block 9: eligibility. This block is intended to indicate those models of aircraft on which the article in question is eligible for installation. One problem arises when Block 9 indicates that an article is eligible for installation in one model of aircraft, but there are other possible installations that are perfectly legal, perfectly safe, but simply not listed (e.g. where an older model aircraft is listed but the later model that uses the same part is not listed). There are FAA inspectors who have told repair stations they may not install an otherwise appropriate and airworthy part because the particular installation in question was not listed in Block 9 of the 8130-3 paperwork

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that accompanied the part.

Some repair stations have been asked by customers or others to be sure to enter some model in this block. A close reading of paragraph 14(i)(1) in Order 8130.21C, however, reveals that this block is not intended for use by repair stations – it is to be completed only by Production Approval Holders (PAHs), PAH-approved suppliers, and PAH associate facilities.

The FAA guidance recommends that when the 8130-3 is used for approval for return to service, the repair station is only to enter “N/A.” Although the guidance does not carry the force of law with respect to the industry, it does represent sound policy.

FAA Manager Frank Paskiewicz is largely responsible for the guidance in FAA Order 8130.21C. He has recently announced to industry that he wants to tackle block nine discussions again in order to alleviate other problems with this block.

### **What Do I Put in Block 12 (Status/Work)?**

Order 8130.21C sets forth eight specific terms the FAA prefers 8130-3 issuers to employ when describing the status of a product or the work performed on it. The preferred terms are “NEW,” “OVERHAULED,” “INSPECTED,” “REPAIRED,” “REBUILT,” “ALTERED,” “MODIFIED” and “PROTOTYPE.” The Order also calls attention to two terms in particular that should not be used, because they are not specific terms referenced in the CFR: “NEW SURPLUS” and “OHV.” Confusion and misunderstandings sometimes occur when repair station personnel exercise their imaginations and use different terms in Block 12.

Although the use of these eight terms is no more binding on repair sta-

tions than anything else in an FAA Order, there are good reasons why repair stations should limit their entries in Block 12 to these specific terms and avoid “new surplus,” “OHV,” or other terms. Uniformity in the use of terms can be important to help maintain clarity in communicating the status of a component. An installer should not have to wonder what a particular term in Block 12 means. The best way to eliminate confusion all around is to stick to specific, well-understood terms that are defined or otherwise explained in the regulations themselves. For that reason, many customers insist as well on the use of the eight “FAA preferred” terms in Block 12.

This doesn’t mean that one cannot use other terms in commercial use. For example, the term serviceable is not one of the eight terms. It has no regulatory definition and therefore probably is best left out of an 8130-3 tag. Nonetheless, there is a significant commercial use of the term “serviceable” that is well understood by the industry, and therefore there may be no problem in using such terms outside of the context of an 8130-3 tag.

The FAA recognizes that the 8130-3 remains the object of many questions. As the Cann email indicates, further guidance can be expected in 2003. In the meantime, AEA will help answer any questions that may arise among its members. Contact me at (202) 628-6776 or [jason@aea.net](mailto:jason@aea.net) if you have a particular issue you wish to discuss. q