DRAFT Order 8110.SPMA

Comments on the Draft Streamlined Parts Manufacturer Approval Order
published online for public comment

Submitted to the FAA via email at john.milewski@faa.gov

Submitted by the
Modification and Replacement Parts Association
2233 Wisconsin Ave, NW, Suite 503
Washington, DC 20007

For more information, please contact:
Jason Dickstein
MARPA President
(202) 628-6777

MODIFICATION AND REPLACEMENT PARTS ASSOCIATION
2233 Wisconsin Avenue, NW, Suite 503
Washington, DC 20007

Tel: (202) 628-6777
Fax: (202) 628-8948
http://www.pmamarpa.com

DRAFT Order 8110.SPMA

Comments on the Draft Streamlined Parts Manufacturer Approval Order published online for public comment

Submitted to the FAA via email at john.milewski@faa.gov

March 20, 2012

John Milewski
AIR-100
FAA National Headquarters
950 L'Enfant Plaza North, S.W.
5th Floor
Washington, DC 20024

Dear Mr. Milewski:

Please accept these comments in response to the Draft Streamlined Parts Manufacturer Approval Order 8110.SPMA, which was published for public comment on the FAA's website.

We hope that these comments are helpful in supporting the FAA's efforts to develop reasonable PMA guidance for non safety-significant parts.

Contents

Who is MARPA?

The Modification and Replacement Parts Association was founded to support PMA manufacturers and their customers. Aircraft parts are a vital sector of the aviation industry, and MARPA acts to represent the interests of the manufacturers of this vital resource before the FAA and other government agencies.

MARPA is a Washington, D.C.-based, non-profit association that supports its members' business efforts by promoting excellence in production standards for PMA parts. The Association represents its members before aviation policy makers, giving them a voice in Washington D.C. to prevent unnecessary or unfair regulatory burden while at the same time working with aviation authorities to help improve the aviation industry's already-impressive safety record.

MARPA represents a diverse group of manufacturing interests – from the smallest companies to the largest - all dedicated to excellence in producing aircraft parts.

MARPA members are committed to supporting airlines with safe aircraft components. MARPA members manufacture and sell aircraft components that provide equal or better levels of reliability when compared to their original equipment manufacturer competitors.

Background to the Program

The FAA is facing an ever-increasing parts approval burden. The FAA must balance its position as a the gate-keeper to commercial opportunity against its vital safety role.

The FAA plans to issue Order 8110.SPMA to establish the criteria and methods for a streamlined process for approving certain parts. The streamlined process will allow for the expedited approval of non-safety-significant articles by PMA holders with proven track records of experience and safety compliance under PMA.

The streamlined process applies to those parts that have the least effect on safety. The parts—designated non-safety-significant parts—are those whose failure would not have an effect on the continued safe flight or landing of an aircraft. By providing a streamlined process of approval for these parts, the FAA is able to allocate its limited resources to other more safety-significant approvals, and the PMA community is able to more rapidly bring products to market.

MARPA is fully supportive of the FAA's goal: to better utilize the FAA's scant resources by permitting non-safety significant parts to be approved using a streamlined process that minimizes the FAA resources devoted to that process. Recognizing that there is no safety justification for inhibiting the approval of non-safety-significant parts, the FAA plan to streamline and expedite the approval process strikes a good balance between the FAA's safety obligations and the industry's need to be able to develop and produce such parts expeditiously.

MARPA's comments are designed to help promote the goal of limiting FAA involvement where FAA resources could be better used elsewhere, while at the same time ensuring that the streamlined process is not misused as a process to circumvent FAA review where a part has true safety significance.

Terminology: Non-Safety-Significant Articles

Draft Order 8110.SPMA uses the term “Non-Critical” to describe an article whose failure would have no impact on safety. MARPA 1100 uses the term “Non-Safety-

Significant” in place of the term “Non-Critical.” The purpose of this change is to create a standard definition unique to the streamline process.

This is done by avoiding the potential confusion caused by use of the word “critical.” This word has been used in various ways in FAA's guidance and thus has a variety of meanings. We feel that it is important to avoid casting one more denotation on an already balkanized word. By using a novel term, the FAA can ensure that the SPMA process is limited only to those parts that the FAA feels are appropriate, while at the same time maintaining the freedom to add or subtract categories of parts from this SPMA process without adversely affecting other unrelated portions of the FAA regulations and policies.

MARPA 1100 defines “Non-safety-significant” as: “an article whose failure would have no appreciable effect on the continued safe flight and landing of the aircraft. This definition is meant to be analogous to the class of parts that are considered to NOT need FAA-approved data when fabricated in a maintenance environment (known as Category III parts in the FAA's AC 43-18 guidance).”

The term critical is used in the regulations to denote aircraft parts "for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness." 14 C.F.R. § 45.15(c). The parts must be "permanently and legibly mark[ed] ... with a serial number (or equivalent) unique to that part." Id. It is clear that some parts that are non-critical under the regulatory connotation of section 45.15 will nonetheless be safety-significant parts that the FAA may consider to be ineligible for treatment under 8110.SPMA.

The word “critical” is also defined in AC 43-18 as “A term of significance applied to a part or to a function performed by a part. A critical part performs a function of such significance (critical function) to the aircraft on which it is installed that, if it failed, the airworthiness of the aircraft would be degraded to an extent that would preclude continued safe flight or landing.” This connotation of the term is similar to, and consistent with, other FAA guidance. This advisory definition of the term clearly differs from the regulatory usage; this sort of discrepancy creates the potential for confusion among applicants and within the FAA as individuals attempt to ascertain what precisely is meant by “non-critical.”

By applying the term “non-safety-significant” the confusion of differing usage of the terms “critical” and “non-critical” is eliminated. The term “non-safety-significant” carries a particular definition applicable only to the streamline PMA program.

Please also note that the use of the word "Critical" in Paragraph 5(b) is factually incorrect, as it mis-states the title of the Standard.

We therefore recommend that Draft Order 8110.SPMA adopt the use of the MARPA 1100 term “Non-Safety-Significant” in place of the term “Non-Critical.” The marked-up draft found as an appendix to these comments shows where these changes should be made.

Findings of Compliance by Designees

Even where a part is non-safety significant, there will still be findings of compliance to make under the regulations. For example, the failure of a curtain ring will not affect safe flight or landing so a curtain ring is non-safety significant; nonetheless, a curtain ring must meet all of the regulatory requirements for interior parts (like flammability testing) so a showing of compliance must still be made (even if the showing is subject to less scrutiny).

The applicant remains responsible for having a complete set of data to demonstrate compliance to the applicable regulations. Failure to develop such a data set to support the application can result in enforcement action if the applicant's statement of compliance is false or misleading.

One source of information to help in assessing compliance is designee approvals of data. DERs, ODA ARs and other FAA designees may be empowered to assess compliance with the regulations.

Draft Order 8110.SPMA states that the process does not allow the use of DERs to make findings of compliance. While we can understand the FAA"s desire to reserve DER resources to safety-significant projects, projects do not always fit neatly into specific regulatory pigeon holes and there are many situations where DER data may be appropriate to these less-safety-significant projects.

As a project moves forward, additional testing and inspection may change the characterization of the project. Thus, testing of a part that was thought to be safety significant may yield unexpected results that cause the applicant to recharacterize the part as non-safety significant. In such a case, the applicant may have already utilized the services of a DER with respect to the part (in fact it may be the DER's analysis that resulted n the recharacterization of the part as non-safety significant). In other cases, previously-approved data may be used to support a subsequent application for PMA for a non-safety significant part. The fact that a DER has approved data for the project should not be a bar to processing the application under the streamlined process.

In some cases a DER may be helpful in providing data to expedite the review process, or make determinations as to whether the failure of a non-safety-significant article in combination with other factors may have an appreciable effect on flight or landing.

In addition, it is common in the industry for companies to go beyond the requirements of the regulations. Where a company desires to obtain data approval to supplements its data set, or to confirm its assumptions, the FAA should not be impeding companies from doing more to improve safety.

We therefore recommend amending Draft Order 8110.SPMA paragraph 8.b. to read as follows (additions are underlined, subtractions are struck-through):

> b. This process for~~of~~ non-safety significant~~critical~~ articles does not ~~allow~~ require the use of Designated Engineering Representatives (DER) to make findings of compliance, and FAA approval of data using a DER is not necessary for a non-safety significant part, so the FAA advises against the use of DERs for non-safety significant parts. However, seeking DER data approval is permitted at the applicant's discretion where such approval does not violate specific FAA policies.

Relationship to ODA

The Order should more clearly state that the reason that ODA is not useful to the process is because there is no need to approve data. Further, the Order should more clearly explain that an ODA-holder may elect to process these Non-Safety Significant Articles through the ODA at the holder's option (foregoing the benefit of this Order). Finally, in order to avoid confusion, this paragraph should make it clear that the compliance with the standard (in addition to the showing of compliance) is necessary to be eligible for streamlined approval under this process. We recommend that paragraph 4(c) be revised as follows to meet these recommendations.

> **c.** While the use of an ODA reduces some demand on ACO resources; under this streamlined process an ODA holder does not use their ODA unit. These are low-risk articles that the FAA, making maximum use of discretionary authority, can issue the additional approvals based solely on the applicant's showing of compliance and conformity to the industry standard for applications (no specific data approval is required). If an ODA holder wants to ~~continue~~ process these applications using their ODA unit, the holder may do so under the normal ODA processes.

Distinguishing the Non-Recurring Features of Process Implementation from the Recurring Features of Process Use

Paragraph six of the draft Order describes the streamlined process. As currently drafted, it fails to distinguish the non-recurring features of process implementation from the recurring features of process use. In order to improve the draft Order, we recommend splitting this paragraph into two paragraphs (or leaving it as two separate sections within the same paragraph). The first half should describe non-recurring features, such as assessing the applicant's eligibility for participation in the program and developing the MOU. The second half should describe the recurring features that will occur for every PMA application eligible for participation in this program.

This will make it clear that the MOU process does not have to be repeated for each separate PMA Aricle.

We have added suggested text to the proposal that would permit changes to the MOU.

We have added suggested text to the proposal that would permit the ACO to suspend the MOU or permit it to continue in the event of a potentially disqualifying event. The deciding factor in such an event would be the ACO's assessment of whether the event undermines trust in the applicant.

We recommend the following suggestion, which re-orders the elements that are part of the process and implements the above-mentioned changes. Note that the FAA may wish to split "Implementing the Process" and "Using the Process" into two completely separate paragraphs.

6. Steps to Implementing the Streamlined PMA Process.

6a. Implementing the Process

a. Review the applicant’s statement of qualifications for the streamlined process. The applicant must hold PMA with four years minimum experience making similar articles and having:

No alert service bulletins,

No airworthiness directives against the applicant's parts, and

No reports of noncompliance in Principle Inspector (PI) evaluations, ACSEP audits and Letters of Investigation (LOI) **within the last four years**. The ACO may search the Aircraft Certification Systems Evaluation Program (ACSEP) reports in Certificate

Management Information System (CMIS) database. Contact the responsible manufacturing inspection district office (MIDO) to search CMIS for non-compliances.

In cases where an otherwise qualified applicant has an occurrence described in this sub-paragraph within the last four years before the application, you may shorten the eligibility compliance period only if the event does not undermine the FAA's trust in the applicant's ability to make findings of compliance for their own articles.

b. Establish a MoU with the applicant that prescribes the content of the compliance data described in the MARPA Guide 1100. Use the guide's article specific certification plan (PartSCP) as necessary.

c. Upon application for revision by the applicant, you may revise the MOU.

d. After approval of the MOU, if the applicant has an occurrence described in sub-paragraph 'a' of this paragraph, then the ACO must assess whether the event undermines trust in the applicant's processes. If the ACO decides that the event undermines trust in the applicant's processes such that the applicant should no longer be permitted to operate under an MOU, then the ACO shall suspend the MOU (in writing) pending satisfaction that the applicant can participate in the MOU to the FAA's satisfaction. If the ACO decides that the event does not undermine trust in the applicant's processes, then the ACO shall acknowledge the event and the applicant's corrective actions in a writing that permits the MOU to continue unabated.

6b. Using the Process

e. Accept subsequent data packages that abide by the MoU with their statements of compliance per 14 CFR § 21.303(a)(5).

f. Review the applicant's characterization of the article and the impact of its failure. The applicant's safety analysis must show the article is Non-Safety Significant and its failure has no effect on continued safe operation of the aircraft, engine or propeller. Use safety standards appropriate to your product. If you concur with the applicant's analysis, accept the article into the streamlined process. If the safety analysis is inadequate or the article's failure has an effect on continued safe operation of the aircraft, engine or propeller, direct the applicant to use the standard PMA process.

g. Check the data package for completeness and adherence to the MARPA guide. Perform spot checks of its data and declarations at your discretion.

h. If the PMA application satisfies our streamlined criteria, the ACO records our approval by signing a draft supplement. Ensure that the supplement data has enough detail to populate its six columns. Send this supplement electronically to the responsible MIDO in Portable

Document Format (PDF). The MIDO will use this document to create new or change the existing supplements of the PMA holder.

i. The MIDO shall rely on the applicant's first article inspection report to confirm the article conforms to its approved design.

j. The goal for approval by the FAA is 30 days from receipt of a data package that follows the content and format of the industry guide.

Avoid Using "Category 3"

At the FAA's prior recommendation, MARPA removed references to categories of parts (particularly category three). Therefore, the reference to category three in paragraph 7(b) should be changed to "Non-Safety Significant Articles."

Defining the Parts that Qualify for the Program

Paragraph eight of the draft Order describes the parts that are eligible for streamlining, It would be nice to have greater specificity in this section, in order to provide field offices with better guidance about what parts they ought to be willing to streamline, and what parts are clearly not eligible for streamlining. If we do not include greater specificity, then there is a danger of inconsistent implementation through the FAA field offices.

8. Non-Safety Significant Articles Eligible for Streamlining.

a. Streamlining applies to non-safety significant articles. These are the articles that pose the least risk to their respective products and whose failures would have no appreciable impact on continued safe flight or landing.

b. A Non-Safety Significant Article is defined as an article whose failure during flight would have no appreciable effect on the continued safe flight and landing of the aircraft. This Order only applies to Non-Safety Significant Articles.

c. The definition of Non-Safety Significant Articles is meant to be at least co-extensive with the class of parts that have already been found to NOT need FAA-approved data when fabricated in a maintenance environment. FAA Headquarters reserves the right to expand or contract this definition.

d. This process for Non-Safety Significant Articles does not require the use of Designated Engineering Representatives (DER) to make findings of compliance, and FAA approval of data using a DER is not necessary for a non-safety significant part, so the FAA advises against the use of DERs for non-safety significant parts. However, seeking DER data approval is permitted at the applicant's discretion where such approval does not violate specific FAA policies..

Title of the MARPA Standard

Draft Order 8110.SPMA paragraph 5.b. refers to the MARPA 1100 document as "Streamlined Program for PMA Applications of Non-Critical Articles Submitted by Experienced Applicants with a Qualifying Performance Record." The correct title is "Streamlined Program for PMA Applications of Non-*Safety-Significant* Articles Submitted by Experienced Applicants with a Qualifying Performance Record."

As discussed earlier, the MARPA program was purposefully named using an undefined term in order to avoid confusion with the existing conflicting definitions of the term "critical."

Please therefore update the title of the MARPA standard in this paragraph.

Location of the MARPA Standard

Draft Order 8110.SPMA paragraph 5.b. makes reference to the location of the MARPA standard as being at "www.pmamarpa.com." MARPA changed its primary website location about five years ago to "www.pmaparts.org." Although the older URL location remains active as a pointer to the new URL location, it will be phased out when the current domain registration for "marpapma.com" expires.

Please therefore update the location of the MARPA standard in this paragraph.

Conclusion

We are happy to sit down with you to work on ways to improve the guidance if you would like further input. Your consideration of these comments is greatly appreciated.

Respectfully Submitted,

Jason Dickstein
President
Modification and Replacement Parts Association