Parts Manufacturer Approval (PMA) for Propeller Critical Parts and Category 1 Propeller Parts

Comments on the Draft Policy Statement ANE-35.1-01-R1
published online for public comment at http://www.faa.gov/aircraft/draft_docs/policy/

Submitted to Jay Turnberg via email to jay.turnberg@faa.gov

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Submitted to Jay Turnberg via email to jay.turnberg@faa.gov

August 31, 2017

Mr. Jay Turnberg
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Dear Mr. Turnberg:

Please accept these comments in response to Draft Policy Statement ANE-35.1-01-R1, Parts Manufacturer Approval (PMA) for Propeller Critical Parts and Category 1 Propeller Parts, which was published for public comment at http://www.faa.gov/aircraft/draft_docs/policy/.

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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 the aviation industry with safe aircraft components. MARPA members design, manufacture, and sell aircraft PMA parts that provide equal or better levels of reliability when compared to their original equipment manufacturer competitors. A number of MARPA members manufacturer propeller PMA parts and would be directly affected by this policy statement. Several MARPA members also operate certificated repair stations and are thus users of propeller PMAs.

MARPA supports efforts to produce guidance that increases the aviation industry's already excellent safety record.

Comments

ANE-2001-35.1-R0 Should be Cancelled; Draft PS-ANE-35.1-01-R1 Should be Withdrawn

Issue

The original 2001 policy has been rendered obsolete and should thus be cancelled. No new version of the policy is warranted under the current state of the regulations and guidance.

Discussion

Draft PS-ANE-35.1-01-R1 arises from the premise that "a number of revisions have been made to regulations and orders that supersede the critical parts definition in the original policy [ANE-2001-35.1-R0]" and thus the new "policy revises the identification of applicable parts to include propeller critical parts and category 1 propeller parts defined in current regulations and orders." MARPA agrees that the original 2001 policy statement does not reflect current applicable regulations, Orders and other guidance

materials. ANE-2001-35.1-R0 should be cancelled because it does not accurately reflect the current state of the Federal Aviation Regulations and other FAA guidance.

No replacement for ANE-2001-35.1-R0 is warranted. Since ANE-2001-35.1-R0 was written, the FAA has more thoroughly defined "propeller critical part" through formal rulemaking at 14 C.F.R. § 35.15(c) and § 35.16, therefore rendering ANE-2001-35.1-R0 both obsolete and unnecessary. To the extent that the proposed policy statement agrees with the regulations it is unnecessarily redundant, and to the extent it conflicts with the regulations it would constitute a new rule promulgated in violation of the Administrative Procedures Act ("APA") (notwithstanding the statement that "[t]he general policy stated in this document does not constitute a new regulation.").

Sufficient guidance materials on the subject of PMA exist to support the application for, and evaluation of, propeller PMAs.[1] Additional propeller-specific PMA guidance is not necessary and is a drain on the FAA's scarce resources.

If the FAA believes that propeller-specific PMA guidance is necessary, MARPA proposes withdrawing the current draft PS-ANE-35.1-01-R1 and establishing a committee consisting of FAA representatives, MARPA technical committee representatives, and other industry representatives including MROs that perform maintenance on propellers and owner/operators of propellers. This panel would be tasked with identifying and defining the specific safety issue the FAA seeks to address, and crafting a policy solution that is narrowly tailored to address any identified issues in a way that is workable for industry and is as minimally burdensome as possible.

In MARPA's experience working with the FAA on numerous policy and guidance issues in the past, we have found that the best and most effective solutions have been the result of cooperation between the FAA and industry prior to the issuance of the draft guidance, such as ICA policy PS-AIR-21.50-01. Such an approach has been used to great benefit in the past and would be appropriate here.

Recommendation

MARPA recommends the cancellation of ANE-2001-35.1-R0 and the withdrawal of draft policy statement PS-ANE-35.1-01-R1.

The Policy Statement Improperly Redefines "Propeller Critical Part"

Issue

The Federal Aviation Regulations define "Propeller Critical Part" in Part 35; the draft policy statement appears to create a new and significantly broader definition without adhering to the appropriate rule making process.

[1] See, e.g., FAA Order 8110.42D; FAA Advisory Circular 21.303-4

Discussion

History of "Propeller Critical Parts"

In 2008, the FAA revised 14 C.F.R. § 35.15 to require applicants to conduct a safety analysis of the propeller.[2] This rule distinguished hazardous propeller effects from major propeller effects. It also explained that failure of single elements that could result in a hazardous propeller effect "may be shown by reliance on the prescribed integrity requirements of this part." Prescribed integrity requirements could be found in Part 35 at 14 C.F.R. § 35.43. "Hazardous propeller effects" are relevant to the definition of "propeller critical parts."

In 2013, the FAA revised section 35.15 to distinguish propeller critical parts, and added section 35.16,[3] which established new requirements for propeller critical parts. That formal notice and comment process and final rule established that "propeller critical parts" are those whose failure would lead to a hazardous propeller effect.

Altering the Regulatory Standard for a "Propeller Critical Part"

The current draft policy is preceded by a 2001 policy statement identified above as Policy Statement ANE-2001-35.1-R0, which was published under the subject-title "INFORMATION: Parts Manufacturer Approval (PMA) for Critical Propeller Parts."

The 2001 policy offered the following definition of the term "critical propeller part": "For purposes of this policy, the term 'critical propeller part' includes all life-limited parts on a propeller and all parts characterized as critical using the definition found in FAA Order 8110.42A."[4] The definition was explicitly limited to the policy document only, and was further not incorporated into the 14 C.F.R. § 35.15(c) use of the term "propeller critical part"[5] when it was implemented in 2013.

Although the terms looked similar (differing only in word order) the two terms had different definitions and they were used for different purposes.

The draft policy statement ANE-35.1-01-R1 would connect the term as defined in the policy document and would impose regulatory obligations on all parts that met the definition found in the policy document (rather than the actual regulations). This is because the draft policy statement changes the term "critical propeller part" found in ANE-2001-35.1-R0 and limited solely to that policy statement to "propeller

[2] *Airworthiness Standards, Propellers*, 73 Fed. Reg. 63339, 63340 (October 24, 2008).
[3] *Critical Parts for Airplane Propellers*, 78 Fed. Reg. 4038 (January 18, 2013).
[4] *INFORMATION: Parts Manufacturer Approval (PMA) for Critical Propeller Parts*, (Dec. 17, 2001) available at http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgPolicy.nsf/0/f2cfc8bb3ea1bf1f86256c8c006d6148/$FILE/2001-35.1-R0.pdf.
[5] 14 C.F.R. § 35.15(c) states that single propeller elements whose failure is likely to result in hazardous propeller effects must be identified as propeller critical parts. 14 C.F.R. § 35.15(g)(1) then defines hazardous propeller effects as: (i) the development of excessive drag; (ii) a significant thrust in the opposite direction to that commanded by the pilot; (iii) the release of the propeller or any major portion of the propeller; and (iv) a failure that results in excessive unbalance.

critical part," which is a defined term under 14 C.F.R. §35.15. It then provides a list of parts that is significantly broader than what may be covered under the regulations.

This has the same effect as if the language of 14 C.F.R. § 35.15(c) was changed. In this case, it would be the equivalent of changing the regulation that explains that "propeller critical parts" are those whose failure would lead to a hazardous propeller effect, and expanding the regulatory definition to include other parts including (but not limited to) all parts considered to be category 1 parts regardless of potential hazardous propeller effects and any other parts selected by the FAA and listed in the policy statement (and subsequent revisions). This is inconsistent with the actual requirement of the regulation that a safety analysis be performed in order to identify propeller critical parts.

A regulatory change like this – one that alters the plain language of a regulation – must be promulgated through a change mechanism that is consistent with the APA (such as notice and comment rulemaking). Such a change cannot be made by fiat via policy statement or other guidance.

Recommendation

Because the draft policy statement would revise the regulatory definition of "propeller critical part" found in 14 C.F.R. part 35 it must be withdrawn. If the definition of "propeller critical part" is to be changed it must be done so in accordance with the APA.

Life Management Program is Undefined and Appears Arbitrary and Contrary to the Regulations

Issue

The Policy Statement appears to establish a Life Management Program requirement. A Life Management Program or "lifing" requirement is not supported by part 35 of the Federal Aviation Regulations.

Discussion

Life Management Program is Unsupported by the Regulations

The draft policy statement states that "part life is maintained through a life management program." Life Management Program is not defined in 14 C.F.R. part 35 or any associated FAA guidance materials. Instead of applying to propellers and part 35, the concept of life management arises in a part 33 engine context. This policy thus appears arbitrary and without regulatory justification, and may lead to confusion that may have a detrimental effect on aviation safety.

Life management is defined in guidance for life-limited engine parts as "[a] series of interrelated engineering, manufacturing, and service support activities that ensure that life-limited engine parts are removed from service prior to the development of a hazardous condition."[6] This definition is published in support of 14 C.F.R. § 33.70, which requires a plan that contains the steps required to ensure each engine life-limited part is withdrawn from service at an approved life before hazardous engine effects can occur.

[6] *Guidance Material for Aircraft Engine Life-Limited Parts Requirements*, AC 33.70-1 ¶ 5(m) (July 31, 2009).

The comparable language in the propeller regulations has fewer requirements and makes no mention whatsoever of a life management plan. Instead, 14 C.F.R. § 35.16(a) requires only that the integrity of a propeller critical part be established by a "defined engineering process for ensuring the integrity of the propeller critical part throughout its service life." Contrast this requirement with that of 14 C.F.R. § 33.70(a), which requires an "engineering plan . . . to ensure each engine life-limited part is withdrawn from services at an approved life before hazardous engine effects can occur."

The regulations require the integrity of propeller critical parts to be maintained throughout service life, but do not establish life-limit removal requirements, in contrast with engine life-limited parts. It is thus unclear what the FAA means by "life management program" in this policy. Does the FAA intend that this program be coextensive with the requirements of § 35.16? Or does the FAA intend to impose part 33 requirements on part 35 manufacturers, more specifically, part 35 PMA manufacturers?

If the FAA intends to implement a policy that differs from or exceeds the scope of § 35.16 then the drafters should be mindful that the Critical Parts for Airplane Propellers NPRM and the Final Rule both explained that § 35.16 was intended to promulgate the comparable EASA requirements found at CS-P 160.[7] The final rule further explained that "compliance will consist of a procedures manual that describes the manufacturer's method(s) to control propeller critical parts."[8] It made no mention of a life management program or other lifing requirements.

Harmonization is an important objective for global civil aviation authorities, and we should exercise caution when issuing policy that could disrupt that harmonization. We should exercise further caution still when harmonization could be disrupted not through a formal amendment to the regulations, but via guidance or a policy statement.

Life Assessed Issue

The draft policy states that "the PMA applicant is responsible for determining if the part has been life assessed." We assume that the intent of this statement is to impose an obligation on the PMA applicant for determining whether the TC holder has assessed the part that would be replaced by the PMA part.

There is no regulatory basis in part 33 for imposing this obligation. Furthermore, it imposes a burden that does not add any safety value (the regulatory obligations under part 35 are triggered by other factors not found in part 35). The burden also may not be reasonably possible to meet; while a PMA applicant may be able to tell the FAA whether the TC part being replaced is listed as a critical part in the airworthiness limitation section of the ICAs, it cannot tell the FAA what internal analytical processes, if any, might have been used by the TC applicant, nor is an applicant required to under the regulations.

The draft policy states that "[m]ost propeller critical parts and category 1 propeller parts, such as blades and hubs, have been assessed for their life limit." This is not an obligation imposed by the regulations, and we are thus not certain that this is an accurate statement, as it implies a significant burden voluntarily

[7] *NPRM: Critical Parts for Airplane Propellers*, 76 Fed. Reg. 74749, 74751 (December 1, 2011); *Critical Parts for Airplane Propellers*, 78 Fed. Reg. at 4040.
[8] *Critical Parts for Airplane Propellers*, 78 Fed. Reg. at 4039.

assumed by TC holders that does not add safety value. As the draft policy correctly observes, the parts will have life limits or unlimited life. These are the two options for any part. However, as stated above, part 33 does not focus on life-limits of propeller critical parts, but instead focuses on maintaining integrity of the part throughout its service life, whatever that may be. The integrity of propeller critical parts is established by defined engineering, manufacturing, and service management processes, but do not require life assessments. Such a requirement is thus unsupported by the regulations and would constitute a new rule requiring compliance with the APA.

Part Specific Certification Plan

The draft policy states that "[a] part specific certification plan is required for life assessed critical PMA propeller part(s)." There is no regulatory basis for imposing this obligation.

Additionally, such an information collection is not part of the Paperwork Reduction Act ("PRA") compliance information for Part 35, and to the best of MARPA's knowledge the FAA has not obtained a valid OMB control number for such a requirement. Such an information collection requirement would thus be a violation of 44 U.S.C. § 3507, which establishes the steps an agency must undertake before it conducts or sponsors the collection of information from the public. Further, a person cannot be subject to any penalty for failing to comply with such an information collection if it does not display a valid control number or the agency fails to inform the person that they are not required to respond to the information collection unless it displays a valid control number.[9] Thus, any penalties, denials, or adverse actions by the FAA against a person who did not provide a Part Specific Certification Plan would constitute a violation of the PRA.

Finally, in promulgating 14 C.F.R. § 35.16 and harmonizing with EASA CS-P 160, the FAA specifically and intentionally deviated from CS-P 160's use of the word "plan," instead preferring the word "process." The reason for doing so was that "[s]ince the CS-P 160 use of the term 'plan' might imply a requirement that a 'part-specific' document would be required, the term 'process' is used instead of 'plan'."[10] This reasoning demonstrates that not only was a part-specific plan not contemplated by the regulation, but that it was specifically not required by the new regulation. The FAA made it a point to re-word the regulation to remove any ambiguity that a part-specific plan would be required.

To newly require a part-specific plan in the policy statement at best reinserts the ambiguity the FAA sought to eliminate when it promulgated 14 C.F.R. § 35.16, and at worst intentionally imposes the requirement without regulatory support, and does so in violation of both the APA and the PRA.

A Life Management Program Requirement for PMA Manufacturers is and Equal Protection Violation

The fifth and fourteenth amendments to the U.S. Constitution prohibit the states or the Federal Government from denying any person equal protection under the law. There is no corollary requirement for a life management program imposed by the regulations on Type Certificate applicants. The life

[9] 44 U.S.C. § 3512(a).
[10] *Critical Parts for Airplane Propellers*, 78 Fed. Reg. at 4039.

management program requirements established by the draft policy statement are specifically targeted at PMA applicants, and done so without any regulatory justification.

This policy therefore seems to violate the Constitution's equal protection guarantees by imposing a program requirement (for life management) on PMA applicants that is not imposed for the complete type certificated product. If the FAA has determined that life management programs should be required under the part 33 propeller regulations, then the FAA should amend the regulations using a method that complies with the requirements of the APA, such as notice and comment rulemaking, to promulgate life management program regulations.

Recommendation

Because the draft policy statement would impose a new Life Management Program requirement not supported by 14 C.F.R. part 35 it must be withdrawn. If a Life Management Program is to be imposed it must be done so in accordance with the APA and PRA.

ANE-35.1-01-R1 Conflates "Critical" and "Category 1" Parts

Issue

The policy statement purports to apply to "propeller critical parts" but also extends to include "Category 1" parts.

Discussion

The draft policy statement seems to equate "propeller critical part" and "category 1 propeller part." This conflation is contradictory to the plain language of the regulations[11] and existing FAA guidance[12] and will only serve to confuse the propeller industry. There is no regulatory basis for including "category 1" parts as an addendum to the definition of "propeller critical parts."

Further, it is a departure from the 2001 guidance and would constitute a significant expansion of the scope of the policy statement. The 2001 guidance did not apply to or even mention "category 1 propeller parts." To add category 1 parts to the draft policy is to expand the scope of the policy far beyond what has been the policy for the last sixteen years. This contradiction and confusion will have a negative effect on safety and airworthiness.

Recommendation

The draft policy statement improperly expands the regulatory definition of "propeller critical parts" to include "category 1" parts and thus must be withdrawn. If the definition of "propeller critical parts" is to be expanded it must be done so in a manner consistent with the APA.

ANE-35.1-01-R1 Arbitrarily Classifies Certain Parts as Critical

Issue

The draft policy identifies eight categories of parts as critical without any explanation or support.

[11] *See* 14 C.F.R. §35.15(c).
[12] FAA Order 8120.23A at app'x A.

Discussion

The draft policy asserts, without explanation, that eight broad categories of parts, plus at least twenty-four types of propeller items, are automatically "propeller critical parts" and "category 1 parts" regardless of the application, installation method, potential failure modes, or potential failure effects. This appears to be a substantial broadening of the scope from the 2001 policy statement, as well as an abuse of discretion.

The draft policy states that "this revised policy does not expand the scope of applicable PMA parts from the previous version." However, it then goes on to say in *the very next sentence*, that "[t]his policy revises the identification of applicable parts to include propeller critical parts and category 1 propeller parts defined in current regulations and orders." This is quite clearly a revision and expansion of the 2001 policy.

Moreover, the 2001 policy wisely states that "most propeller parts have the *potential* to be critical; therefore, they should be *individually evaluated*."[13] This means that not all parts are going to be critical in every application or scenario, but rather must be evaluated on a case-by-case basis. This is consistent with the safety analysis required by 14 C.F.R. § 33.15. The draft policy would eliminate the evaluation process and instead announce by fiat that the policy applies to all identified parts, at all times, in all applications, regardless of the outcome of the safety analysis and without any technical or regulatory justification. Such a change by policy is contrary to the APA's requirements.

The regulations and numerous FAA guidance documents[14] detail a thorough process through which PMA applicants and the FAA must review all PMAs. In each case this process includes a failure modes and effects analysis and evaluations of the criticality of the part. Yet in this draft policy statement the FAA ignores these detailed processes and makes a blanket statement that at least twenty-four types of propeller parts are critical and/or category 1, without describing how – in *every* case and in *every* possible application – it will be true that the PMA will qualify as "critical" in accordance with 14 C.F.R. § 35.15.

Only one of the categories listed in the draft policy has basis in regulation: 5.a.i. "Critical propeller parts identified by § 35.15 Safety Analysis." Only two additional categories are based on existing FAA guidance.[15] The remaining five categories and the additional lists of twenty-four propeller items appear arbitrary and not based on a safety analysis.

14 C.F.R. § 35.15, FAA Order 8110.42D, and FAA Order 8110.23A already provide appropriate definitions of critical and category 1 parts. The draft policy significantly expands the scope of the 2001 policy statement despite its assertions to the contrary. The draft policy presumes to supersede the 14 C.F.R. § 35.15 safety analysis and replace it with a positive list of critical and category 1 parts to which the policy will always apply, without analysis or debate. Thus the draft policy statement appears unnecessary, confusing, and contrary to regulation.

[13] Policy Statement ANE-2001-35.1-R0 at 3.a. (emphasis added).
[14] *E.g.*, FAA Orders 8110.42D and 8120.23A, and Advisory Circulars 21.303-4 and 35.16-1
[15] FAA Order 8110.42D ("Parts identified as critical in FAA Order 8110.42D") and FAA Order 8120.23A ("Category 1 parts defined in FAA Order 8120.23A")

Recommendation

The draft policy statement improperly supersedes the 14 C.F.R. § 35.15 safety analysis and replaces it with a positive list. It thus must be withdrawn. If the § 35.15 safety analysis is to be replaced it must be done so in a manner consistent with the APA.

ANE-35.1-01-R1 Appears to Have Technical Shortcomings

Issue

A technical analysis of some of the statements in the draft policy statement appears to reveal some shortcomings.

Discussion

The list of twenty-four arbitrary types of propeller parts that FAA asserts are critical shows several examples of unsound technical logic.

The FAA lists counterweights as a propeller critical item; this exhibits incorrect technical logic on multiple levels. Counterweights themselves are typically not complex and are usually quite easy to reverse engineer and manufacture. Nevertheless, we agree that in many cases, if a counterweight were to separate, this could cause a major or hazardous propeller effect. However, a separation of a counterweight would likely not be caused by the counterweight itself. Rather, a separate part (such as a bolt or clamp), or an adhesive material must have failed in order for the counterweight to separate. These other parts or materials may be "critical," but not necessarily the counterweight. Furthermore, many counterweights are enclosed by other parts of the propeller (e.g. the propeller spinner). It may be possible that such other parts of the propeller system could contain a separation of a counterweight; in that case, none of the parts relevant to the counterweight, including bolts, clamps or adhesives, would be "critical" in accordance with the regulations.

Similarly, the FAA lists "blade erosion sheaths" as propeller critical items, citing the hypothetical example of a blade erosion sheath (of unspecified type and in an unspecified application) that may penetrated the fuselage after separation. First, the examples appear highly conjectural: the FAA has offered no examples of sheath separation or subsequent fuselage separation that prevented the continued safe flight and landing of a particular aircraft; therefore, there is no evidence that this potential failure mode rises to a "critical" (or "major" or "hazardous") level. Second, the FAA has provided no evidence that other blade erosion sheaths could penetrate all other aircraft fuselages in all other applications, or that such (potential) penetrations would prevent the continued safe flight and landing of the aircraft. Although we agree that we do not want to wait for such a hazard to arise, to assert that it is likely to occur, or that it is so certain to occur as to override the 14 C.F.R. § 35.15 safety analysis, does not appear to be supported by data.

Furthermore, as in the counterweight discussion above, the blade erosion sheath, itself, would not be the (potentially) critical item in this logic path. Rather, the method of attachment – typically through application of an adhesive material in accordance with the OEM Instructions for Continued Airworthiness (ICA) - to the blade would be the (potentially) critical item. If the PMA does not change the ICA, installation method or adhesive material, there would likely be no regulatory basis for classifying the PMA sheath as "critical."

These examples demonstrate why the section 35.15 safety analysis is so valuable, and why it is inappropriate to simply list parts as "propeller critical parts" and assert that they will be determined to be "propeller critical parts" in every application in every type design. 14 C.F.R. §§ 35.15 and 35.16 should be allowed to work as intended.

Recommendation

The categories and lists of parts should be removed and the section 35.15 safety analysis allowed to work as intended.

ANE-35.1-01-R1 Has the Effect of Banning Most Propeller PMAs in Europe

Issue

Under the current BASA Technical Implementation Procedures, EASA is not required to accept "critical" PMAs. The draft policy statement would have the effect of prohibiting the export of most propeller PMAs to Europe.

Discussion

The FAA has frequently stated to us that they do not involve themselves in commercial matters, but are only concerned with safety and airspace efficiency. However, by arbitrarily designating a significant number of propeller items to be "critical" the FAA is placing itself squarely in the stream of commerce between U.S.-based PMA manufacturers (and distributors of U.S.-made PMAs) and customers throughout Europe and across the globe.

The designation of most propeller items as "critical" means that the FAA is effectively ruling that no such FAA-PMA – even though it is FAA-approved – can be used in Europe. The US -EU Bilateral Aviation Safety Agreement ("BASA") technical implementation procedures state that the E.U. does not accept FAA PMAs for critical parts. This is also the case in many other countries with which the FAA has bilateral agreements; PMAs are accepted, but only if they bear a tag stating that "this PMA is not a critical part."

Implementing this policy would have the effect of the FAA telling the rest of the world that they should not buy U.S.-made, FAA-approved PMA propeller parts. It is clear that no safety benefit is achieved by such a policy, and surely the elimination of the U.S. propeller PMA export market and direct harm to U.S. businesses cannot be the intent or goal of the FAA. But that would be the primary effect of the draft policy statement.

The propeller industry (and, indeed, nearly all of the aviation and aerospace industry) is a worldwide market in which United States is considered the gold standard for safety and airworthiness. For an FAA policy document to effectively ban U.S. aviation articles from a continent and beyond is imprudent and a substantial step backward both for the global reputation (not to mention business) of PMA parts, as well as for the reputation of the FAA as the global leader in safety. FAA policy should promote U.S. standards of safety and airworthiness, not impede or undermine them.

Recommendation

Because the draft policy statement would have the effect of banning most propeller PMAs from Europe and elsewhere around the world to the detriment of American business and the FAA's reputation, we strongly recommend withdrawing the policy statement.

Conclusion

Policy Statement ANE-2001-35.1-R0 should be cancelled because subsequent regulatory and policy developments have rendered it superfluous.

No replacement policy is needed as the updates to 14 C.F.R. § 35.15 and § 35.16 establish the processes and requirements to define and manage propeller critical parts. In addition, FAA Orders 8110.42D and 8120.23A, along with ACs 21.303-4 and 35.16-1 provide additional detailed guidance on these subjects. Additional policy will only serve to add confusion and reduce clarity, which will have a negative impact on safety.

Finally, and most importantly, for the reasons detailed above, the draft policy statement PS-ANE-35.1-01-R1 appears to be inconsistent with duly promulgated regulations, would constitute a rule making that did not comply with the APA, would constitute an information collection that does not comply with the PRA, significantly expands the policy established by ANE-2001-35.1-R0, supersedes process designed to identify propeller critical parts, and finally, would have a highly detrimental effect on U.S. businesses by effectively banning U.S.-made, FAA-approved PMA parts from Europe and other countries around the world.

We recommend that the draft policy statement PS-ANE-35.1-01-R1 be withdrawn as unnecessary. If the FAA believes there important safety issues that the policy statement is intended to address that are not already addressed by current regulations and guidance, MARPA would be happy to work with the FAA in crafting a policy solution that is narrowly tailored to address any identified issues in a way that is workable for industry and as minimally burdensome as possible.

MARPA looks forward to working with the FAA to better improve aviation safety and the PMA industry as a whole. We are happy to sit down with you to work on ways to clarify guidance and policy if you would like further input. Your consideration of these comments is greatly appreciated.

Respectfully Submitted,

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