



**Certification Project Notification (CPN) Submittal for Parts Manufacturer Approvals (PMAs) of
Engine Parts with a Failure Mode that could Result in the Total Loss of Power or Thrust**

Comments on the Draft Policy Statement PS-ANE-33.3-05
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

March 21, 2014

Mr. Jay Turnberg
Federal Aviation Administration
Engine and Propeller Directorate
Standards Staff, ANE-111
12 New England Executive Park
Burlington, MA 01803

Dear Mr. Turnberg:

Please accept these comments in response to Draft Policy Statement PS-ANE-33.3-05, Certification Project Notification (CPN) Submittal for Parts Manufacturer Approvals (PMAs) of Engine Parts with a Failure Mode that could Result in the Total Loss of Power or Thrust, 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 manufacture and sell aircraft components that provide equal or better levels of reliability when compared to their original equipment manufacturer competitors.

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

Comments

The Policy May Result in Reduced Efficiency in Turning Projects

Issue

The guidance asserts that the CPN process should not add burden to the PMA applicant. This does not consider, however, whether the process may add additional lag time in processing the PMA applications.

Discussion

The Draft Policy Statement aims to address the concern that the certification project notification process is not uniformly followed with respect to engine PMA projects. The Policy Statement seeks to establish a uniform policy whereby an ACO that receives a PMA application for an engine part the failure of which could result in total loss of thrust or power is required to coordinate the project with the Certificate Management Aircraft Certification Office and the Engine and Propeller Directorate.

The Policy Statement explains that the CMACO and EPD may have relevant information of which the ACO should be aware for the purposes of project planning and execution. It is not clear, however, by what standard the relevance of any particular information is measured. The additional involvement by

multiple layers of authority creates the possibility that delays out of the control of the PMA applicant may occur, thereby increasing time to market for the applicant. Rather than being subject to the resource-allocation burdens of a single FAA office, the applicant would be required to wait for project review by as many as three separate offices, each with its own resource allocation challenges and priorities. Such delay would constitute an increased burden to the PMA applicant.

If the certificate management office and the Directorate request additional time to study a particular project and add their comments, then this could slow down the turn-around-time for reviewing packages. It is important that each office reviewing an applicant's PMA package operate under the same time requirements.

Recommendation

The Policy Statement should be revised to affirmatively state that “[t]he use of the CPN process *must* not add burden to the PMA applicant.” Such a policy can be supported by requiring the CMACO and EPD to provide any relevant feedback to the Project ACO within a narrowly specified time frame. Such a requirement will allow the Project ACO to efficiently review and approve PMA applications, and avoid unnecessary time burdens to the PMA applicant.

The Policy Statement May Result in the Use of Individual PMA Applications to Settle Internal Policy Debates to the Detriment of the Applicant

Issue

The Policy Statement is intended to provide for feedback on certain PMA projects from the CMACO and EPD. These multiple sources of feedback create the possibility that internal policy disputes will arise to the detriment of the PMA applicant whose project is affected.

Discussion

MARPA agrees that certificate management offices and directorates can be valuable sources of information with respect to certain PMA projects. However, separate offices do not always agree on what information is relevant to a given project, nor do offices always agree with respect to particular elements of a given project. For the purposes of developing consistent policy it will often be necessary for separate offices to take time to resolve their differences; but individual PMA applications should not be the vehicle by which they do so.

There have been past instances in which local offices disagreed with a directorate about a technical matter, and the PMA applicant was the real victim, as the two FAA offices brought the application to a stand-still while they resolved their differences. In these cases, the FAA should make it a priority to review the PMA application in a timely manner with no undue delay as a result of internal policy disputes.

The FAA should avoid arguing internal policy disagreements using specific in-process applications. Although a particular application may be useful for the purposes of illustrating policy positions, such illustrations should be done outside of the application process, as these disputes can easily contribute to costly project delays, which are absorbed by the applicant. The FAA should make a concerted effort to

resolve internal policy disputes without referring to specific applications or subjecting applications to an internal policy tug-of-war.

Recommendation

The Policy Statement should be revised to state that individual applications will not be delayed due to inter-office policy disagreements. Deference should be given to the Project ACO until such time as the policy dispute is resolved.

The Policy Statement Includes Language that Does Not Contribute to the Objective of the Statement

Issue

The Policy Statement includes the following sentence: “Failure of some of these engine PMA parts has resulted in unsafe conditions and the issuance of airworthiness directives.” This sentence does not support the general objective of the Policy Statement and is therefore unnecessary.

Discussion

The Draft Policy Statement explains that Order 8110.115 gives the accountable product directorate the authority to determine which projects must be entered in the CPN database. Order 8110.115 identifies those projects that are to be included in the database, including new type certificates, major type design changes, life-limited or critical PMA applications, and certain other PMA applications as determined by the accountable directorate.

As stated previously, the purpose of the Policy Statement is to address the issue of the CPN process being inconsistently applied to engine PMA projects. The Policy Statement serves to further support the requirements identified by Order 8110.115. The sentence in question does not contribute to this objective in any way. Rather than addressing the policy and procedural reasons that an ACO should notify the CMACO and EPD via the CPN for a given project, the sentence takes the opportunity to isolate and criticize engine PMA parts. Such criticism in no way advances or clarifies the purpose for, or requirements of, the Policy Statement—which is to enter certain PMA projects into the national certification project notification database.

Furthermore, the sister Policy Statement to PS-ANE-33.3-05—PS-ANE-35.15-02, addressing propeller parts—does not include any such criticism of propeller PMA parts. Given that the two Policy Statements are virtually identical in every other respect, this is further evidence that the sentence in question is unnecessary and does not contribute to the objective of the policy statements. It is important to avoid inserting superfluous or erroneous statements into policy documents.

Recommendation

Because the sentence does not contribute to the objective of the Policy Statement, MARPA recommends that the sentence be removed from the final Policy Statement.

The Policy Statement Needlessly Portrays PMA Parts as Unsafe and Undermines the Integrity of FAA Approvals

Issue

The Policy Statement includes the following sentence: “Failure of some of these engine PMA parts has resulted in unsafe conditions and the issuance of airworthiness directives.” This sentence unnecessarily and incorrectly portrays PMA parts as unsafe and undermines the integrity of FAA approvals.

Discussion

The sentence in question dangerously and incorrectly implies the engine PMA parts are abnormally unsafe. The assertion that “[f]ailure of some . . . engine PMA parts ha[ve] resulted in unsafe conditions and the issuance of [ADs]” implies a false corollary that engine parts produced by the original Type Certificate and Production Certificate holder have not experience such failures. This is inaccurate; many ADs have arisen from type-certificated engines, yet FAA policy documents do not make it a point to emphasize or reiterate this fact.

PMA parts are by definition approved by the FAA. They are required by statute and regulation to meet equivalent levels of safety as those parts produced by any other TC/PC holder. The number of ADs related to engine PMA parts developed using test and computation is vanishingly small relative to the number of ADs related to TC/PC holder parts.¹ The sentence in question, however, may be read to imply that engine PMA parts are less safe than the equivalent TC/PC holder part, or that engine PMA parts are unsafe in general. Such a reading needlessly and falsely casts a negative light over the abilities of the PMA community.

False implication about PMA reliability also inappropriately cast doubts over the abilities of the ACOs that approve engine PMA parts. By questioning the reliability and integrity of PMA parts, the Policy Statement necessarily impugns the efficacy of the ACO that approved those designs. Further, such implications serve to undermine the integrity of FAA-PMA approvals, and FAA approvals in general. Such negative assertions are both factually inaccurate and out of place in a Policy Statement.

The implication that engine PMA parts are in any way less safe than non-PMA parts in an FAA Policy Statement could be broadly read by the aviation industry as a negative critique or censure of FAA-approved PMA parts, which could be highly damaging to the PMA industry. Such an inadvertent suggestion should not be included in a Policy Statement.

Recommendation

Because the sentence needlessly portrays PMA parts as unsafe and undermines the integrity of FAA approvals, MARPA recommends that the sentence be removed from the final Policy Statement.

¹ Independently developed PMA parts relying on test and computation methods must be distinguished from PMA parts approved based on identity via a licensing agreement, as such PMA parts produced under a licensing agreement from the TC/PC holder may duplicate the TC/PC holder’s design flaw that resulted in an AD.

The Policy Statement May Increase the Potential for Release of Sensitive Business Data

Issue

General inquiries about a part for which an application has been filed may put the PMA applicant at a competitive disadvantage by notifying the TC holder of prospective competition and allowing the TC holder to take protective actions.

Discussion

PMA applications are often considered to reflect sensitive company data, because they reveal the company's business plan. Such business plans often include substantial investment in research and development, and manufacturing infrastructure, with the intention of recouping that investment by offering a PMA part as a competitive solution in the market place. It is therefore important for PMA applicants to closely guard their business strategy and information about the particular parts for which they will be submitting PMA application packages in order to avoid giving their competitors a head start, or an opportunity to take protectionist measures.

If a certificate management office begins making inquiries about a particular part for the purposes of reviewing a PMA application, even without revealing which company has filed the PMA application, it could still alert a TC holder to the potential for competition with respect to that part. Such notification, even though unintentional, would allow the TC holder to take action to protect their market in that part before the PMA part is approved. The TC holder would be at an unfair competitive advantage with advanced notice of competition that would permit it to take protectionist measures, such as monopolizing the market through various agreements or attempting to monopolistically price their products to eliminate competition from the marketplace.

Although PMA parts manufacturers encourage, and indeed thrive, on competition in the marketplace, such competition must be on equal footing. Advanced notice to TC holders of PMA companies' business strategies creates an unfair marketplace in which to compete. Information conveyed to the CMACO and EPD via the CPN database must therefore be kept confidential in order to ensure fair competition.

Recommendation

The Policy Statement should include language emphasizing that information obtained through the CPN process is not public record and must be kept confidential by the CMACO and EPD. MARPA recommends the following language:

“PMA projects entered in the CPN database are for FAA review purposes only; information about such projects must not be disclosed publicly.”

Conclusion

MARPA looks forward to working with the FAA to better improve aviation safety. 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,

A handwritten signature in black ink that reads "Jason Dickstein". The signature is written in a cursive style with a large, looped initial "J".

Jason Dickstein
President

Modification and Replacement Parts Association