



Commercial Parts

Comments on the Draft Advisory Circular
Submitted to the FAA by email via 9-AWA-AVS-AIR-110-HJL@faa.gov

Submitted by the Aviation Suppliers Association

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 Federal Aviation Administration
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Dear Mr. LIM:

Please accept these comments on the draft advisory circular, Commercial Parts, which was published for public comment.

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Who is ASA?

Founded in 1993, ASA represents the aviation parts distribution industry, and has become known as an organization that fights for safety in the aviation marketplace.

ASA and ASA’s members are committed to safety, and seek to give input to the FAA regarding FAA policies so that the aviation industry and the government can work collaboratively to create the best possible guidance for the industry and the flying public.

ASA members have a special interest in commercial parts. Many ASA members sell parts that have historically been described as commercial parts. These parts are sold in both the commercial aviation market and the general aviation market. Operators rely on the availability of these parts to keep their aircraft flying.

Summary of the Comments

ASA applauds the FAA’s efforts to establish better regulations governing commercial parts; nonetheless, ASA advises caution with respect to any effort that would inhibit commerce without providing any real safety benefit. With these cautions in mind, ASA has a series of recommendations that we believe will help to improve this draft guidance.

Background on Commercial Parts

Past Interpretation of “Commercial Parts”

Under current regulations (set to expire April 16, 2011), the FAA regulates the manufacture of some, but not all, aviation parts. The FAA has limited its oversight jurisdiction for a variety of reasons, including the proposition that (1) effective oversight in certain areas would be unrealistic given the FAA’s resources, (2) there are other regulatory schemes that ensure the safety of such parts, such as the maintenance regulations that require the installer to confirm that the part meets the performance standards of the regulations, and (3) the excluded areas represent issues of low safety sensitivity, and FAA resources are better spent on issues of greater safety sensitivity.

One category of parts whose manufacture is not regulated by the FAA under the current rules is parts that were not specifically intended by the manufacturer to be installed on an aircraft. This is because 14 C.F.R. § 21.303 applies only to manufacturers that specifically intend for their fabricated parts to be installed on type certificated products and it is not the end use that matters.¹ In fact, the manufacturer must have a substantial certainty at the time of production that the parts in question would be offered for sale for installation on a type certificated product.² It is common for people in the industry to refer to parts as “commercial parts” if the manufacturer did not intend, at the time of fabrication, for the parts to be installed on a type certificated product. This term is a colloquial phrase denoting the parts that are identified as falling outside the scope of 14 C.F.R. § 21.303.

Past Interaction Between Maintenance and Commercial Parts

Under past practice, maintenance personnel have installed commercial parts in aircraft based on a variety of indicia of installation eligibility. In some cases, the manufacturer’s manual makes it clear that the commercial part should be installed in this installation. In other cases the manuals may be unclear or may be drafted in insufficient detail but common practice or a familiarity with the new product suggest that a commercial part is appropriate for installation. In either of these cases, it is clear that the commercial part is the “right part” to be installed under the circumstances because it is the part used by the manufacturer.³

¹ In re Pacific Sky Supply, Federal Aviation Decisions CP-498 (August 4, 1995).

² In re Pacific Sky Supply, Federal Aviation Decisions CP-87 (June 10, 1993).

³ It is important to review the instructions for continued airworthiness (ICAs) for the product carefully. The ICAs are required to include all maintenance instructions essential to the continuous airworthiness of the type certificated product, including necessary precautions to be taken when replacing parts. If there are special requirements by which a commercial part was qualified for installation on the type certificated product, these special requirements should be described in the ICAs.

In other cases, the manufacturer may be out of business, or may no longer fully support the product. In such cases, a commercial part may be an appropriate substitute when the “original” part is not reasonably available. This is especially true with older models of aircraft of simple design where the part is intended for a non-safety critical installation. In such cases, the correctness of the part may have to be verified through engineering disciplines, although the engineering data usually does not have to be FAA-approved unless the installation represents a major change to type design, major repair, or major alteration.

In all cases, maintenance personnel who install commercial parts are responsible for determining that the part returns the product to a condition at least equal to the FAA-approved configuration with respect to airworthiness conditions, and for complying with the other regulatory standards that help assure safety in aviation.

ASA has argued in the past that it is unrealistic for the FAA or any other party to anticipate all circumstances in which an installer will attempt to install a commercial part. ASA has opined that it is therefore unreasonable for the FAA to attempt to construct a regulatory scheme that involves production oversight of such parts, since it would involve oversight of too many manufacturers who are only potentially covered within the scope of the FAA’s safety mandate, and in many cases the manufacturers might not be aware that they are potentially subject to FAA oversight until after the parts are produced.

In the past, the FAA has balanced the equities involved – “the FAA’s duty to promote aviation safety by controlling the spread of unapproved parts, and the producer’s right to produce parts without FAA approval when it is insufficiently probable that the parts will find their way into type-certificated aircraft”⁴ - and found that the scope of the FAA’s exercise of regulatory authority is appropriate and there was no reason to believe that should change. Instead the FAA has regulated these parts upon installation through the existing maintenance performance standards found in Part 43 of the aviation regulations, and other parts of the regulations that affect maintenance activities.

Installing a commercial part so that it fails to return a product to a condition at least equal to original or properly altered condition (which can lead to a safety issue), or using unacceptable methods, techniques or practices for that installation, continues to be a violation of the existing regulations that govern parts installation.

There has been a concern that some parties may have produced parts that are subject to the FAA approval regulations without obtaining the requisite FAA approvals. Such parties in some cases have alleged that the parts in question were commercial parts – but this claim was not always valid. Where a manufacturer claimed that a replacement or modification part was a commercial

⁴ In re Pacific Sky Supply, Federal Aviation Decisions CP-87 at CP-90 (June 10, 1993).

part, but that manufacturer nonetheless intended, at the time of fabrication, to offer the part for sale for installation on a type certificated product, the fabrication of that part usually fell into the scope of activity regulated under 14 C.F.R. § 21.303.

The New Regulations Change the Scope of the FAA's Regulatory Oversight Over Manufacturing

The new regulations that go into effect on April 16, 2011 are changing the scope of the FAA's regulatory oversight of manufacturing. Under the "old" language of 21.303, a manufacturer of a part only needed to obtain a PMA when that manufacturer intended that the part be offered for sale for installation in a type certificated product. Thus, the FAA was only regulating manufacturers that intended to produce articles for aircraft.

Under the "new" language that goes into effect on April 16, 2011, a manufacturer will be responsible for obtaining a manufacturing approval from the FAA (or fitting into an explicit exception) if the manufacturer knows, or should know, that the article is reasonably likely to be installed on a type-certificated product. 14 C.F.R. § 21.9(a) (2011).

This language appears to change the standards, so that FAA manufacturing oversight now extends to manufacturers who do not intend their products to be installed on aircraft, but that become aware that those articles are being installed on aircraft.

The FAA continues to recognize that it is unreasonable to oversee all fabrication, so the FAA has established an important exception to the manufacturing approval requirements. This is embodied in the new definition of the term "commercial parts." Someone who produces a commercial part as defined in §21.1 does not need to obtain manufacturing approval from the FAA. 14 C.F.R. § 21.9(a)(4) (2011).

Be Wary of Granting Monopolies that Could Adversely Affect Commerce With No Safety Value

Under the new definition, a part is "commercial" only if a design approval holder is so designated by a design approval holder on a commercial parts list – common industry parts that are not on such lists would be considered ineligible for installation on aircraft unless they had been produced under a production approval.

This could provide to certain design approval holders the power to grant monopolies for the fabrication of certain "commercial" parts by granting

“commercial part status” to one manufacturer’s parts to the disadvantage of another. The FAA is permitted to delegate to private persons the power to issue certificates, and make findings to support the issuance of certificates. Granting to a private person the exclusive power to make application to specify which parts are considered commercial parts and which ones are ineligible for installation on a type certificated product is not within the scope of powers that the FAA is permitted to delegate.

Granting to only type certificate holders the power to create monopolies would represent a competitive disadvantage to the consumer (installer), because it would create the sort of monopolies that the Sherman Act attempts to avoid. Therefore, it is important that the notion of design approval holders eligible to designate commercial parts be thought of broadly.

Design Approval Holders Have Said They Do Not Intend to Create Commercial Parts Lists, and This Could Create a Problem

There is another reason for permitting a broad interpretation of the design approval holders eligible to seek out a commercial parts list. ASA has contacted many of the major design approval holders in the United States. Uniformly they have told ASA that they do not see any benefit to developing and publishing commercial parts lists.

If design approval holders do not publish commercial parts lists, then there will be entire categories of parts that will be deemed “unapproved parts.” Current FAA policy forbids the use of unapproved parts on aircraft. For example, in FAA Order 8900.1, the FAA requires its FAA inspectors to verify that an air carrier or air agency has receiving inspection procedures that ensure that only “approved parts” and materials are accepted into inventories. Flight Standards Information Management System (FSIMS), FAA Order 8900.1, Volume 6, Chapter 2, Section 27, para. 6-764(A) (revised October 3, 2008 by change 36). Throughout the FAA’s system, there is guidance designed to prevent certificate holders from accepting unapproved parts. E.g. Repair Station Internal Evaluation Programs, FAA (Advisory Circular) AC 145-5, para. 7 (September 27, 1995) (using an audit of the program designed to prevent unapproved parts from entering inventory as the example for how to construct an auditing program).

This means that on and after April 16, 2011, it may become impossible to keep aircraft flying while also meeting FAA parts policy concerning unapproved parts. This is because detail parts like passenger service unit light bulbs may have been treated as commercial parts in the past (because they were not made specifically for the aviation industry) but they will no longer have any sort of recognized status under the new regulations because no design approval holder will have put them on a commercial parts list.

This conflict could impose a chilling effect on the availability of certain types of parts (previously known as “commercial parts”) for the aviation industry.

Comments

Section 2(a): TSOA Limitations are inconsistent with the regulation and are unwarranted

In section 2(a) (and the note that follows it), the FAA indicates that TSOA holders are ineligible to apply to add parts to a commercial parts list. This is inconsistent with the regulation, which permits a design approval holder to apply for designation of commercial parts. 14 CFR § 21.1(b)(3). The definition of a “design approval” means a type certificate (including amended and supplemental type certificates) or the approved design under a PMA, TSO authorization, letter of TSO design approval, or other FAA-approved design. 14 CFR § 21.1(b)(4). Therefore, holders of any of these designs should be permitted (under the plain language of the regulations) to apply for a commercial parts list.

A prohibition against TSOA holders from seeking a commercial parts list appears to be inconsistent with the regulations and should therefore be removed.

RECOMMENDATION: eliminate the note to 2(a) and revise the list of design approval holders that can take advantage of this provision to be consistent with the regulatory definition of design approval found in 14 CFR § 21.1(b)(4).

Section 3(c): Correct the Inaccurate Description of “Loop-Closing.”

In section 3(c), the FAA indicates that the “gap in the rules” was closed by 14 C.F.R. § 21.9(a)(4). This is not accurate. The “gap in the rules” described by this paragraph is closed by 14 C.F.R. § 21.9(a), which eliminates certain 21.303 limits on the FAA’s scope of oversight (as more fully discussed in the background section of these comments).

The commercial parts definition becomes necessary because of the elimination of the “gap in the rules,” which means that parts that are not specifically intended to be used in aircraft but that get used in aircraft anyway (like light bulbs or curtain rings) are now subject to the manufacturing approval regulations unless subject to an explicit exception like “commercial parts.”

RECOMMENDATION: For accuracy, eliminate the first sentence of 3(c) and replace it with the following:

The new rule (14 C.F.R. § 21.9(a)) closes the gap in the prior rule, by expanding the FAA’s regulatory jurisdiction to include all manufacturers whose parts may reasonably end up on type-certificated aircraft. A commercial parts regulation and policy is necessary because we recognize that the FAA does not need to extend its jurisdiction to include certain non-safety-sensitive parts. The commercial parts provisions permit the FAA to exclude parts on commercial parts lists from the requirement for FAA production approval.

Section 5(c): Correct the Inaccurate Use of the Term “Airworthy”

In Section 5(c)(1), the FAA indicates that an “approved article” has an approved design under 14 CFR § 21.8, is produced under an FAA-approved production system, conforms to FAA-approved data, and “is in an airworthy condition.” The term “airworthy” carries with it a particular definition, as defined in FAA Order 8900.1, Volume 7, Chapter 7, Section 1, Paragraph 7-223. This definition of “airworthy” pertains only to aircraft, not articles for use in an aircraft. Since the definition of “airworthy” does not pertain to articles and parts used in aircraft, it should not be used to describe the requirements for an approved article.

RECOMMENDATION: For accuracy, eliminate the first sentence of Section 5(c)(1) and replace it with the following:

An *Approved* article has an approved design under 14 CFR § 21.8, is produced under an FAA-approved production system (for example, PC/production certificate or PMA), conforms to FAA-approved data, and is in a condition for safe operation.

Section 5(d): Correct the Inaccurate Table

In section 5(d), the FAA has published a table that is not accurate. It misrepresents the approval process for standard parts. Also, the eligibility statement is far more limiting than the existing guidance found in AC 20-62D, and could generate confusion among the installing community in light of the inconsistency.

RECOMMENDATION: For accuracy, replace the table with one that looks similar to this one:

Criteria	Approved Articles	Acceptable Articles	
		Standard	Commercial
Design Standard	FAA approved design data or other approval recognized under FAA policy and regulations	Established government or industry-accepted specification	Manufacturer's design data
Design Approval	TC, ATC, STC, PMA, TSOA, or other FAA design approval or FAA-accepted foreign approval	The FAA does not approve the design of standard parts; although a standard part may be called out in a design approval, the FAA generally does not approve the standard part design	The part is usually approved in the context of higher assembly in the original design approval; the design will be validated in the application for listing in the commercial parts list
Production Approval	PC, PMA, TSOA, or other FAA production approval or FAA-accepted foreign approval	Not Required	Not Required
Part Eligibility for Installation on an Aircraft Defined By	<u>See</u> AC 20-62D	<u>See</u> AC 20-62D	<u>See</u> AC 20-62D

Section 9: Clarify the DAH's Responsibilities

In Section 9, the FAA explains a DAH needs to do to use the new Title 14 provisions for commercial parts. In several parts of Section 9, however, additional information is necessary to ensure that a DAH has sufficient FAA guidance to conform with the new commercial parts provisions.

Section 9(a) provides a DAH guidance on determining whether an article is eligible to be considered a commercial part and the steps a DAH must take if an article is eligible. Section 9(a) states that if an article uses electrical power, the DAH must provide a drawing or sketch of where the article is installed. However, this section does not provide any guidance on what steps should be taken if the article does not use electrical power. Does the DAH still need to provide a

drawing or sketch of where the article is installed? Is no drawing required? No guidance is provided for when an article does not use electrical power.

The last sentence of Section 9(a) also states that, “It would be helpful to the end user to identify the parts as commercial in the illustrated parts catalog (IPC) or its equivalent.” The entire point of the Commercial Parts Advisory Circular is to provide guidance on identifying and designating commercial parts. Thus, it seems that identifying parts as commercial parts in the illustrated parts catalog should be an important part of the process. Identifying commercial parts in the parts catalog would not merely “be helpful,” it is an integral part of the commercial parts designation process.

FIRST RECOMMENDATION: Clarify the DAH’s responsibilities for articles that do not use electrical power. State whether such parts require a drawing of where the article is installed, or not.

SECOND RECOMMENDATION: Require the DAH to identify parts as commercial parts in the illustrated parts catalog or its equivalent.

Section 9: Assuring Distribution of CPLs Without Requiring Distribution of Potentially Proprietary Data

Under the rules that go into effect on April 16, 2011, distributors will need to comply with the commercial parts list. The reason for this is because without access to all commercial parts lists, a distributor who has a commercial part in its inventory could mischaracterize the nature of the part.

Here are some examples of potential avenues of mischaracterization:

- A part may have been received as a commercial part, but then be subsequently removed from a CPL by an amendment to the CPL. Without access to the CPL and all of its amendments, a distributor could mischaracterize the part as being currently listed on the CPL.
- A part listed on a CPL may have been received and upon investigation, it appears that the part was not manufactured under a production approval. In such a case, the distributor could mischaracterize the part as an unapproved part if the distributor does not have access to the current CPL.
- When part numbers change, it is not unusual for a manufacturer/vendor to ship the updated part number even though the part was ordered under the predecessor part number. In such cases, when a part from a CPL was ordered, the distributor needs access to the CPL in order to identify whether the new part number is on the CPL.

In each of these cases, the distributor risks violating 14 C.F.R. Part 3 (by misidentifying the nature of the part) when the distributor sells the part, unless the distributor is able to review the current CPL in order to identify the proper and current status of the part.

Thus, distributors will need to comply with the terms of the CPL in order to be able to avoid violating the false and misleading statement regulations. They therefore fall within the category of parties entitled to the ICA, now that the ICAs include the CPLs.

It is not reasonable for the entire ICA to be made available to a distributor. First, the distributor does not need the remainder of the ICAs (they only need the CPLs). Second, ICAs are currently sold for a great deal of money, and that additional cost would be unwarranted.

We therefore recommend establishing as a matter of advisory policy that while design approval holders need to make the CPL available to any person who buys or sells such parts (e.g. a distributor), for parties who are distributors with no need for the remainder of the ICAs, the design approval must provide the CPL as a separate document, which shall be made available for no more than the cost of duplication and distribution. In such cases, the design approval holder shall have no obligation to make the remainder of the ICAs available to a party unless the party has a separate entitlement to the remainder of the ICAs.

RECOMMENDATION: Add the following text to Section 9:

c. Under 14 C.F.R. § 21.50 a design approval holder is required to furnish the Instructions for Continued Airworthiness (ICA) to parties who are required to comply with them. The CPL is part of the ICAs, so the ICAs must be provided to any party who is required to comply with the CPL. 14 C.F.R. Part 3 requires candor in the identification of parts. In order to meet the requirements of Part 3, aircraft parts distributors must know the nature of the part. Therefore aircraft parts distributors are now entitled to the ICAs. As a matter of policy, however, it does not make sense for aircraft parts distributors to be entitled to those aspects of the ICAs other than the CPL. Therefore, the following policies apply to the process by which design approval holders make the CPL available to aircraft parts distributors.

(1) Design approval holders must make their CPLs available to aircraft parts distributors.

(2) The design approval must provide the CPL as a separate document, apart from the remainder of the ICAs, which shall be

made available for no more than the cost of duplication and distribution.

(3) Design approval holder shall have no obligation to make the remainder of the ICAs available to an aircraft parts distributor unless the aircraft parts distributor has a separate entitlement to the remainder of the ICAs.

(4) The term “distributor” is defined in FAA Advisory Circular 00-56 (as amended). Aircraft parts distributors include all persons who are accredited in accordance with the Voluntary Industry Distributor Accreditation Program, FAA Advisory Circular 00-56 (as amended).

Section 11: General Acceptance Criteria, with International Applicability

Several of our trading partners from around the world have expressed concern about how commercial parts will be accepted by their own governments. For example, nations that require a FAA Form 8130-3 as a prerequisite to receipt (like the nations of the European Community that have adopted EASA 145.A.42) may find it difficult to continue receiving commercial parts, because commercial parts will be ineligible for the 8130-3 tag due to the fact that they are produced outside of the production quality system of a production approval holder. See, e.g., Section 11(b) of the draft Advisory Circular.

In order to facilitate global support of type certifiably expected products, it may be important for the FAA to explicitly recognize the niche into which commercial parts fit. Historically, parts that were not regulated by the FAA were considered to be consumable materials. Consumable material is considered to be acceptable in Europe under EASA 145.A.42(a)(5) so long as it has documentation identifying it. The FAA standards for commercial parts anticipate that the part will be marked according to the requirements of the part manufacturer. The manufacturer’s marking on the part or other documentation (such as identification in a tag or packaging) should be sufficient to document the identity of the part for airworthiness purposes.

Providing guidance in this area will also aid domestic vendors, as well as international vendors seeking to make these commercial parts fit within their airworthiness assurance expectations.

We have also recommended language referencing the documentation table of AC 00-56, in order to facilitate the chain of commerce through distributors, in light of the fact that this form of commercial parts was not addressed during the FAA’s last revision to AC 00-56.

FIRST RECOMMENDATION: Add the following text to Section 11:

f. Historically, commercial parts that are not directly regulated by the FAA are generally considered to be among the category of consumable materials. The FAA standards for commercial parts anticipate that the part will be marked according to the requirements of the part manufacturer. The manufacturer's marking on the part or other documentation (such as identification in a tag or packaging) should be sufficient to document the identity of the part, unless there are unusual circumstances suggesting that additional inquiry is necessary. Installers purchasing commercial parts from distributors should generally expect that commercial parts will be documented as "New parts, products, and appliances without regulatory airworthiness approval documents" in accordance with the appropriate guidance found in Voluntary Industry Distributor Accreditation Program, FAA Advisory Circular 00-56A, except that when purchases from commercial (non-aviation) sources, the markings required by 14 C.F.R. § 21.50(c)(2)(ii) may be considered to take the place of the certified statement of identity from the manufacturer.

SECOND RECOMMENDATION: The FAA should actively seek to amend its existing bilateral airworthiness safety agreements to reflect this new regulatory category of aircraft parts.

Section 11(c): Definition of Major Alteration

Under the definitions found in 14 C.F.R. § 1.1, a major alteration is an alteration that is (a) not listed in the aircraft, aircraft engine, or propeller specifications and (b) that meets one of these two additional criteria: (1) the alteration might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or (2) the alteration is not done according to accepted practices or cannot be done by elementary operations.

The draft advisory circular defines all changes to commercial parts affecting the electrical system as major alterations. This is inconsistent with the regulatory definition of a major alteration.

For example, assume that a change is merely a change to the part-marking due to the use of a new vendor/supplier. The part, in this hypothetical, would remain otherwise identical. In such a case, it is clear that the mere change in marking could not appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness. Assuming that the alteration is performed according to accepted practices and elementary operations, there is no reason to connote it as a major

alteration, and in fact such connotation is contrary to the regulatory definitions of *major alteration* and *minor alteration*.

Because the guidance concerning electrical systems is inconsistent with the regulatory definitions, it should be removed. In addition, the last sentence advises private parties to follow the guidance found published in FAA Order 8900.1. FAA Order 8900.1 is an internal order that provides guidance to FAA employees and designees. It is inappropriate to require the public to follow internal FAA guidance. Also, there is a substantial body of advisory guidance on alterations and the applicant should rely on this guidance (e.g. [Airworthiness Compliance Checklists Used to Substantiate Major Alterations for Small Airplanes](#), FAA Advisory Circular 23-21, just to name one). Therefore, the reference to 8900.1 should also be removed.

RECOMMENDATION: Remove the last three sentences from Section 11(c) of the draft Advisory Circular.

Section 11(d): Move Section 11(d) to an Order

Section 11(d) provides guidance to designated engineering representatives (DER) concerning what procedures to follow and the necessary requirements for Form 8110-3 in making a replacement alternative finding. Such guidance, being provided to an FAA designee, should be provided through an Order. Therefore, the guidance supplied to DERs by Section 11(d), along with the example 8110-3 Form provided in Appendix C, should be removed from the draft Advisory Circular.

RECOMMENDATION: Remove Section 11(d) and Appendix C from the draft Advisory Circular and publish this material in an Order.

Permit Ad Hoc Design Approval

Many manufacturers have stated that they will not produce Commercial Parts Lists. For older types, the design approval holder may no longer actively support the type.

Some operators may find themselves with no recourse to obtain parts that they need, because no design approval holder has designated them as commercial parts.

14 C.F.R. § 21.8 states that if an article is required to be approved the FAA's regulations, then it may be approved in any manner approved by the FAA. This

gives the FAA tremendous discretion to issue approvals. The FAA should use this discretion to create a mechanism to permit third parties to designate commercial parts.

RECOMMENDATION: Create in the advisory circular a process that permits a person to apply for a design approval whose sole purpose would be to recognize that the parts subject to the approval fall within the scope of the requirements for commercial parts. This would permit operators, installers, and others in the chain of commerce to engage in “self-help” to work with the FAA and create commercial parts lists where the original design approval holder is unable or unwilling to create such a list.

Publish the Commercial Parts Lists

The regulations require the commercial parts lists to be made available through the Instructions for Continued Airworthiness (ICAs). There has been a history of parties like operators and installers having significant problems acquiring ICAs, because some design approval holders deem them to be proprietary. In addition, distributors are not entitled to ICAs and generally are unable to acquire ICAs. In order to be able to identify whether a part is an acceptable part, it is imperative that distributors have access to the commercial parts lists and be able to identify commercial parts.

RECOMMENDATION: Create in the advisory circular a process that requires copies of all commercial parts lists to be published in a single location that is acceptable to the public, such as the FAA Regulatory and Guidance Library (RGL). This would permit operators, installers, distributors and others in the chain of commerce to easily identify commercial parts.

Conclusion

ASA generally supports FAA efforts to standardize government practices; however, when those standardization efforts appear to inhibit commerce without adding any new safety benefit, then this is troubling.

During rulemaking, ASA opposed the commercial parts definition (in combination with the change to the language transferred from 21.303 to 21.9) on the grounds that it would impose unwarranted burdens on industry. It is not possible to use the Advisory Circular to 'undo' the regulatory change but it is possible to set policies that would mitigate some of the unwarranted burdens while at the same time strengthening the FAA's safety oversight.

We appreciate your consideration of these comments.

Respectfully Submitted,

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

Jason Dickstein
General Counsel
Aviation Suppliers Association