



## AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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### BY ELECTRONIC MAIL

Docket Management Facility  
U.S. Department of Transportation  
400 Seventh Street, SW, Room PL-401  
Washington, D.C. 20590-0001  
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### **RE: Docket No. FAA-2006-25877; Notice of Proposed Rulemaking; Production and Airworthiness Approvals, Part Marking, and Miscellaneous Proposals**

The Aircraft Owners and Pilots Association (AOPA), representing 410,000 members, opposes the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) in its current form because it will substantially increase the cost of general aviation aircraft parts and will unnecessarily stifle the development and availability of safety and/or operational enhancement modifications. AOPA requests that the FAA revise this proposal to ensure that replacement and modification parts remain affordable and available to general aviation aircraft owners.

#### ***Replacement or Modification Parts Proposal Could be Detrimental to Safety***

The proposed 21.9(a), with few exceptions, would prohibit a person from producing a replacement or modification part if that person knows, or should know that the replacement or modification part is reasonably likely to be installed on a type-certificated product. This would basically require any person who manufactures a part, like a light bulb, smoke detector, entertainment system, or other non-critical part that has not been identified as a "standard or commercial part" to obtain a production approval from the FAA if the part is to be installed in a type-certificated product.

AOPA believes that this proposal, aside from being unreasonable and possibly exceeding the FAA's statutory authority, will severely reduce the development of potential safety enhancing products. Many of these products such as moving map displays, start life in the experimental aircraft market, where they enhance situational awareness and safety and then progress to type certificated products following FAA policy and procedures. Also, this proposed requirement will further strain the agency's already limited resources by forcing an unknown number of manufactures to apply for certification. The FAA more than likely would not be able to process and certify the potentially large number of applicants in a timely manner. But more importantly, this proposed requirement could be detrimental to safety if non-certified parts manufacturers are forced out of business and owners are then unable to maintain and/or upgrade their airplanes, especially the older airplanes no longer supported by the manufacturer.

Paragraph 21.9(b) would prohibit a person who produces a replacement or modification part for sale from representing that part as suitable for installation on a type-certificated product. In the preamble to this paragraph the FAA cites examples of language that would be construed by the agency to be a violation of the rule. AOPA notes that language such as "aviation quality" has been used for years in both the certificated and experimental aircraft industry as denoting a higher level of quality of the product. Language such as "eligible for FAA approval" could be a valid term indicating that the article may obtain approval under a "field approval" which is an acceptable process for approving articles for installation on a type-certificated product. AOPA requests that the FAA remove these examples from the final rule. By keeping these examples within the preamble language the FAA may in fact cause more confusion and cause unwarranted investigative and enforcement costs to the agency and the general aviation industry.

There are many products that have been sold and installed either by field approval or minor alteration that have no adverse impact on the safe operation of the aircraft. An example is the panel dock that holds a portable global positioning system (GPS) in the aircraft. These panel docks could be installed in type-certificated airplanes as a minor alteration. Beyond the obvious benefit the portable GPS has to general aviation safety that comes from improved pilot situational awareness, there are also safety benefits from having the portable GPS securely mounted in the panel with no exposed cables to interfere with the pilot's operation of the aircraft.

Unfortunately, the FAA's proposal would no longer allow this panel dock or other safety enhancing modifications to be installed on type-certificated products unless the manufacturer were to apply for and obtain a Parts Manufacturer Approval (PMA). This new requirement will do little to nothing for improving safety while substantially increasing the cost of doing business for the manufacturer. Many manufacturers may simply elect not to pursue a PMA, thus denying many aircraft owners the opportunity to upgrade equipment. At the very least, the additional costs of becoming a PMA will be passed on to consumers. As a result, many potential safety or operational enhancing aircraft modifications may never come to the general aviation market and many other modifications will simply be too costly for the average general aviation aircraft owner. Therefore, AOPA requests that the FAA exempt from the proposed requirements of paragraphs 21.9(a) and 21.9(b) components or parts that do not interfere with the safe operation of the aircraft and that could be installed using a current process such as a minor alteration, field approval, or designated engineering representative data approval.

#### ***New "Commercial Parts" Classification Misses the Majority of the General Aviation Fleet***

While the new classification of "commercial parts" as proposed in paragraph 21.1(b)(3) could be a significant step forward towards maintaining the general aviation fleet, the FAA's proposal would only allow the use of "commercial parts" if the design approval

holder specifically has the list of parts approved by the FAA and identifies them in the appropriate maintenance manual or instructions for continued airworthiness. Because of the significant numbers of older general aviation aircraft and aircraft where the design approval holder is not available, the benefit of the proposed rule is lost on the majority of aircraft owners. AOPA recommends that the FAA change the definition of “commercial part” to allow for the use and installation of commercial parts beyond those designated by the design approval holder. The FAA and the general aviation industry can then work together to develop a list of commonly used “commercial parts” that could be acceptable for installation on general aviation aircraft that are either out of production or where the design approval holder is not available.

#### ***Parts Marking Cost Exceeds Benefit***

The proposed 45.15(a) would require manufacturers of parts and appliances to permanently mark each part or appliance and each component of each part or appliance. The FAA believes that this requirement would provide for better part tracking, improve safety and reduce the incident of unapproved parts. AOPA believes that the workload effort and cost of implementing this rule far exceeds the proposed benefit. There are many components that make up a part or assembly that are not removable or serviceable in the field. Other components are welded together to make a single part. AOPA does not believe that there is any added value in marking such components. Also, the marking of each and every part or component will confuse everyone involved in the process from the supplier to manufacturer to mechanic. If the manufacturer delivers an Illustrated Parts Catalog it will be cluttered with numerous numbers that the mechanic or operator cannot order or utilize. AOPA suggests that the only parts that should require marking are those field-serviceable parts or assemblies that can be removed by unscrewing, unbolting or by some other reusable fastener.

AOPA also requests that the FAA change the proposed 45.15 (d) from “FAA” to “manufacturer.” Doing so would allow the manufacturer, and not the FAA, to determine which parts are too small or impractical to mark, thereby preserving valuable FAA resources to perform critical certification functions.

#### ***Grandfather Existing Parts Inventory***

The NPRM is not clear on whether distributors that have an existing inventory of parts would have to comply with the proposed part marking and airworthiness approval tag requirements. AOPA requests that the FAA provide a “grandfather clause” for existing parts to prevent a shortage of parts that could compromise the safety of the general aviation fleet.

#### ***Ability for Mechanics and Repair Stations to Fabricate Parts in Question***

The proposed Subpart K no longer provides language to support the authority under the existing 21.305(d) (Subpart K) for mechanics and repair stations to fabricate parts during

the course of performing maintenance and/or alterations. AOPA requests that the FAA clarify whether this authority will continue and also specify what section of the amended Part 21 regulation it will fall under.

***One-size Fits all Quality Management System is Inappropriate***

The FAA's proposal would require all PMA holders to develop and implement a burdensome quality management system regardless of the criticality of the part being produced. AOPA believes that PMA holders who produce non-critical parts should not be required to maintain the same level of quality management as PMA holders producing flight critical parts. The FAA's Advisory Circular (AC) 43-18, Fabrication of Aircraft Parts by Maintenance Personnel, assigns three different categories to parts based on the effect of a part's failure on the continued safe flight of the aircraft. According to this AC, failure of a Category 1 part would prevent the continued safe flight and landing of the aircraft while the failure of a non-critical Category 3 part would have no effect on the continued safe flight and landing. AOPA recommends that the FAA take a similar tiered approach to PMA quality management that is based on the criticality of the part being produced.

AOPA believes that making these suggested changes would enhance general aviation safety and keep parts affordable for aircraft owners. AOPA also requests that the FAA make conforming changes to all of the draft advisory circulars related to this proposed rulemaking. AOPA appreciates the opportunity to comment.

Sincerely,



Luis M. Gutierrez

Director

Regulatory and Certification Policy