

DOCUMENT REVIEW LOG

1. Document No.: Draft Order 8120.16A	2. Project Manager: AIR-112,	3. Reviewing Office: Combined Public Comments	4. Date of Review: Various	5. Date of AIR-100 Disposition: Various
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Instructions for Completing the Document Review Log

Blocks 1 & 2: To be completed by AIR-100 Project Manager (PM), prior to sending out to field offices. -
 Blocks 3 & 4: To be completed by Field Offices. Enter Office Symbol, name of reviewer, and reviewer phone number. –
 Block 5: To be completed by AIR-100 PM, after receiving comments from field offices. Enter date of disposition.

AIR-100 PMs disposition comments in the last column below. Enter the reasons for non-incorporated comments. Identify each disposition as one of the following:

- Adopted
- Partially Adopted
- Non-Concur
- Concur but Outside of Scope (Will be considered in next change/revision)
- Answer to Question or Statement.

1. Document: Draft Order 8120.16A		2. Project Manager: AIR-112	3. Reviewing Organization: GE Aviation	4. Date of Review: 29 July 2015	5. Date of AIR-100 Disposition: 7/31/1
Item No:	Page and Paragraph	Comment:	Reason:	Recommendation:	AIR-100 Disposition:
1.	Page 5 Paragraph 2-3e.(7)(a)ii.	<p>Paragraph 2-3e.(7)(a) provides four examples of reasons why a SUP Coordinator may close a SUP investigation without corrective action including sub-bullet ii. which states that “suspect parts have been quarantined or scrapped”.</p> <p>The reference to “suspect parts have been quarantined” as sufficient to warrant closure of a SUP investigation is not appropriate.</p>	<p>Placing parts in quarantine – especially in non-FAA controlled facilities – does not ensure that such parts will not be inadvertently reintroduced into the marketplace at some time in the future.</p> <p>Additional action such as physically scrapping the parts or documenting the suspect parts in an FAA Unapproved Parts Notification (UPN) is required to ensure quarantined parts do not inadvertently re-enter the marketplace.</p>	<p>Add a requirement that prior to closure of a SUP investigation involving quarantined parts, the SUP Coordinator must ensure:</p> <p>(a) Quarantined parts are rendered scrap or (b) Quarantined parts are documented in a Field Notification via an FAA Unapproved Parts Notification (UPN)</p>	<p>Non-Concur:</p> <ol style="list-style-type: none"> 1. It is logical to suspect that quarantined parts could potentially find their way back into the system. However, an FAA ASI has no authority to direct or “ensure” that quarantined part are physically scrapped. The ASI may strongly recommend or urge the company to do so, but cannot demand such action. ASIs are not law officers. 2. Field Notification: This action is always an option. Its applicability is the responsibility and the discretion of the action office and the concerned directorate (AIR) or regional division (AFS) as to the necessity and type of FN to use depending on the facts at hand. It would be inappropriate to infringe on that discretion with specific situations requiring such action. ASIs must exercise their best technical and professional judgment at all times.

2.	Page 5 Paragraph 2-3(e)(7)(a)(i)	The cited sub-paragraph states that the SUP coordinator may close a SUP investigation without further action if “parts meet the definition of approved parts pursuant to 14 CFR part 21.” There is no definition of approved parts in 14 CFR part 21.	This statement in the draft Order is not accurate, and should instead refer to the part (article) being manufactured/fabricated in accordance with 14 CFR part 21, or meeting the definition of approved part that is contained in the Order.	Revise the cited sub-paragraph to either state that: “The suspect part was properly manufactured/ fabricated under 14 CFR part 21.” Or that: “The suspect part is an approved part as defined in Appendix D of this Order.”	Adopted: Comment is technically correct. Changed sub-para to read: “The suspect part meets the criteria pursuant to 14 CFR part 21 § 21.8 or § 21.9;”
3.	Pages D-3 and D-4, definitions in paragraphs (t) and (u)	The definitions make reference to 14 CFR parts 21.8 and 21.9 instead of sections 21.8 and 21.9.	The references are not accurate.	The definitions should reference the cited sections of 14 CFR part 21 (i.e., sections 21.8 and 21.9.)	Adopted: Changed to read: “ A part that is suspected of failing to meet any of the criteria pursuant to § 21.8 or §21.9.”

4.	Not currently addressed	<p>This Order addresses responsibilities, policies and procedures for coordinating, investigating and processing FAA suspected unapproved parts (SUP) reports. Not addressed anywhere in this Order is a responsibility for the FAA to provide notification of a SUPS report receipt and closure to the individual or entity submitting a SUP report when the submitter is self-identified.</p> <p>A key aspect of developing a robust suspected unapproved parts reporting process with industry and the public at large is acknowledgment that submitted reports have been received and acted upon.</p>	<p>When an individual or entity initiating a SUP report discloses their identity, the FAA should have an obligation to:</p> <p>(1) acknowledge receipt of the SUP report and (2) acknowledge closure of the SUP investigation.</p> <p><i>(Note: Closure notification would of course be aligned with constraints associated with placing a case on LEA Hold status as defined in Paragraph 5-5.)</i></p>	<p>Add a new paragraph 4-1.d. titled “Acknowledging Receipt of a SUP Report” that defines a requirement for either the AIR/AFS HQ SUP Focal Point or the directorate or regional division SUP Coordinator to send acknowledgment of receipt of the SUP Report to the submitter when the submitter has provided contact data.</p> <p>Add a new paragraph 5-6 titled “Acknowledging Closure of a SUP Report” that defines a requirement for the SUP Coordinator to send a notice of closure of the SUP investigation to the submitter when the submitter has provided contact data.</p>	<p>Non-Concur:</p> <p>The FAA Office of Audit and Evaluation (AAE-1) operates the FAA Hotline program. The SUP reporting and close out process is part of their system. Submission of SUPs reports by the public and close out of SUP cases is processed through their Reporting and Data Analysis Branch (AAE-300). All dissemination of information regarding the SUP case comes under their responsibility upon case closure. Thus, it is inappropriate to address this issue in the SUP order.</p> <p>The SUP Focal Point and SUP Coordinators may contact the reporter to seek additional information to further the investigation. However, they have no obligation to notify the reporter upon receipt of the report or regarding progress of the case. This does not bar the reporter from requesting information from the hotline, but there is no requirement for the FAA to respond to that request especially where criminal activity is suspected and law enforcement is involved.</p>
1. Document: Draft Order 8120.16A		2. Project Manager: AIR-112	3. Reviewing Organization: CFM Material	4. Date of Review: 7/22/2015	5. Date of AIR-100 Disposition: 8/3/15
Item No:	Page and Paragraph No:	Comment:	Reason:	Recommendation:	AIR-100 Disposition:

1.	3-3	There is no description on how to rank the criticality of the SUP reported. There should be a way for the SUP investigator to do an initial/preliminary classification of the SUP base on how critical for flight safety the SUP is initially perceived.	SUP that seem critical for flight safety should be identified and investigated	Create an initial SUP classification for the SUP investigator, like “Flight safety critical”, “Flight safety related”, “Not immediate flight safety impact”, “Not flight safety”, or other categories as you see fit.	<p>Non-Concur:</p> <p>The recommendation is well meaning and recognizes the FAA’s core mission to improve aviation safety. However, it prescribes a function that would be redundant. A formal categorization of a SUP is unnecessary because the performance of this operation is inherent in the assessment that FAA inspectors and safety offices (MIDO’s and FSDO’s) apply upon receiving any information regarding a potential regulatory violation. That is an essential function of their professional ethics. Their mandate is to prioritize any information that potentially compromises aviation safety and then decide how to proceed. The comment is appreciated but unnecessary.</p>
2.	3-3	Following on the comment above, there should be a timeframe allotted for the initial determination of which category the SUP falls under.	Word travels extremely fast and evidence/people seem to disappear just as fast. Time is of the essence with SUP investigation.	All SUPS should be reviewed and categorized by flight safety criticality within a week after being received.	<p>Non-Concur:</p> <p>See above for explanation.</p>

3.	3-3a	There should be a maximum timeframe for determining whether the SUP case requires an LEA to be contacted or not and for contacting the SUP initiator	Word travels extremely fast and evidence/people seem to disappear just as fast. Time is of the essence with SUP investigation	It should be determined if an LEA must be involved in the investigation or not within 30 days or less after the SUP investigation starts. The LEA must then be contacted within 1 day.	<p>Partially Adopted:</p> <p>The comment and recommendation describes a function that occurs simultaneously when the SUP case is assigned to the AIR-directorate or the AFS regional division. The procedure is described in the SUP order revision in chapter/para 4-1.b. <i>Forwarding Case Information to the National LEA</i>. “Each time a SUP report is assigned for investigation a copy of the report will be forwarded, by the appropriate HQ Focal Point, to the designated points of contact for the Department of Transportation, office of Inspector General...” So the SUP report is concurrently forwarded to the LEAs at time of assignment and they are aware from the onset. However, if during an investigation by the field office, if criminal activity is suspected, the field office is directed in Chap/para 2-3.f.(2) to “Advise and coordinate with directorate/regional SUP Coordinators when LEA involvement is necessary (when criminal activity is involved);”</p> <p>The comment is appreciated but the required instruction and procedures to address the commentator’s concern are already in place.</p>
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1. Document: Draft Order 8120.16A		2. Project Mgr: AIR-112	3. Reviewing Organization: Cobham Avionics	4. Date of Review: 7/17//22015	5. Date of AIR-100 Disposition:
1.	D-4; App. 1, u. Definition of an Unapproved part	By regulation mfg'rs must have "reasonable knowledge" to know when a parts is going on FAA Cert. aircraft and if parts are Non-FAA certified parts we cannot manufacture them for sale unless for Public, experimental, etc. type aircraft or per CFR 21.9. It seems to me that if a customer has a part certified as part of the cert basis of their they should be able to procure this same part since they were initially able to procure them and approve them on installation.	There is now a similar precedence with an agreement we have with the Phoenix FSDO and MIDO recently that was reviewed up to FAA FSDO HQ. FSDO Precedence: We argued a case with the FAA that we should be able to ship with a dual release 8130-3 tag if the customer can provide evidence of the parts and SN linked to an STC/TC. The FSDO and MIDO reviewed this and received higher level direction from DC. The FSDO agreed we could with the proper evidence linking to the STC and specific part S/N, issue an 8130-3 to this customer. Some examples of reasons for this need: <ol style="list-style-type: none">1. Customer has a fleet of civil N# registered A/C that flies passengers/employees to their oil islands.	Allow manufacturers that have intent to sell into the civil A/C market) to manufacture for sale non-certified parts and replacement parts for customers that have approvals on their aircraft for that part but with no 8130-3 since the customer would be the PAH. This would include showing the link of the LRU S/N of a part or replacement parts for the LRU to the customer STC via some type of cert basis like the IPC listing showing the non-certified part is part of the STC cert basis similar to the agreement we have with the FSDO for the Repair Station returns and issuance of the dual release 8130-3.	Non-Concur: The comments as written do not offer a specific recommendation to propose a change to the SUP order and are unrelated to the purpose of this document which is solely concerned with the revision to FAA order 8120.16. The SUP order deals with reports of suspected unapproved parts to the FAA Hotline and the processing of those reports. In the review of these comments the FAA can see no connection to the SUP order. The SUP order is not the proper vehicle to address issues regarding dual release 8130-3 tags, connections to STC/TC status and the basis for certification of the component.

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2.	D-4; App. 1, u. Definition of an Unapproved part (Continued)	<p>This certainly does not seem to be in the best interest of the public. These customers often only have one aircraft or helicopter, and some have multiple aircraft in their fleets. All of them have certified aircraft and have certified our product on installation but none of them have a multiple tail STC that would allow us to pursue PMA that would allow us to certify the part and then be able to ship to them as a PAH and an 8130-3.</p> <p>This concern has come up at FAA/industry meetings where suppliers may not be able to sell a part but customers always have the ability to install them if they can procure them from someone else that will sell them. The customers usually certify these parts with a field approval or some other method.</p>	<p>They want a simple replacement seal for one a non-FAA certified part. Since the customer has civil FAA registered A/C and since our product is not certified we cannot sell the parts to this customer for this product. Someone else will eventually sell them the part.</p> <p>2. Distributors sell non-certified parts to customers with civil aircraft all the time with the installer having the onus and ability to conform and certify the installation of the part on their A/C. EDMO and other distributors want to buy & stock non-certified parts for stock to be able to sell to their customers. We are not allowed to sell to the distributors for they cannot provide us with an end use statement verifying that the end customer A/C is not a civil A/C even if some of their customers might be buying for public use. We have been told to be careful and this is a slippery slope of the SUP rules.</p> <p>3. TCCA jurisdiction companies are allowed to do this now under 561.03 (1) and they ship non-FAA parts into the US to certificated A/C with a FORM 1. US suppliers cannot do this but Canadian suppliers can.</p>	<p>The following statement is proposed to be added to the Cobham CoC: <i>“Intended for installation under FAA STC and/or experimental (FA21.191, Public Use, Military, etc.) applications. Not intended for use on US FAA Type Certificated aircraft without installation approval.”</i></p> <p>Note: The main difference with this proposal is these customers have an installation approval and we would verify this in advance before the sale of the part. We would not manufacture non-certified parts for sale to customers that did not have an STC approval or an STS/TC project #.</p>	<p>Additionally, what the company feels is appropriate to add to the company’s Certificate of Conformance is unrelated to the issue of processing SUP reports and is irrelevant to the SUP order revision. The recommendation as written is more appropriately posed to the commentators local FAA MIDO and or FSDO office representatives for consideration of any relief that may assist the company in the sale of its component to other organizations that own/operate civil aircraft.</p> <p>The comments will not be considered in making changes to FAA order 8120.16 draft.</p>
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