



May 16, 2011

Ms. Meredith Murphy  
Defense Acquisition Regulations System  
OUSD (AT&L) DPAP (DARS)  
Room 3B855, 3060 Defense  
Pentagon, Washington, DC 20301-3060

Email: [dfars@osd.mil](mailto:dfars@osd.mil)

Dear Ms. Murphy:

The Aerospace Industries Association (AIA) appreciates the opportunity to comment on the proposed rule DFARS Case 2010-D022, "ID of Critical Safety Items." We offer the following thoughts for your consideration:

1. The proposed rule currently states:

"Using the clause in this proposed rule will enable contract administration activities to identify and apply additional risk-based surveillance to comply with joint agency instructions, such as Management of Aviation Critical Safety Items (dated January 25, 2006)."

In addition, proposed DFARS 252.209-700X(c) refers to...

"heightened, risk-based surveillance by the designated quality assurance representative."

The term "heightened, risk-based surveillance" is not a defined term and the proposed rule offers no guidance as to the intent of inclusion of such term. Rather, the "Background" section to the proposed rule simply states that "heightened, risk-based surveillance is necessary to comply with joint agency instructions such as Management of Aviation Critical Safety Items (dated January 25, 2006)," which begs the next few questions...what does "heightened, risk-based surveillance" mean? How will contractors know what instructions, guidebooks, letters, etc. are binding? Will this information be included in the solicitation and contract? AIA researched the January 25, 2006 document referenced in the "Background" section of the proposed rule and found a document numbered 4140.2, which appears to be a Secretary of the Navy Instruction related to Critical Safety Items. Within this document, 21 other documents (e.g., instructions, guidebooks, letters, etc.) are referenced. The effect of these referenced documents on a contractor's compliance with Critical Safety Item (CSI) requirements is unclear.

Because of what appears to be a myriad of DoD regulations, instructions, guidebooks, letters, etc., and no definition of "heightened, risk-based surveillance," AIA recommends the final rule thoroughly explain the meaning of "heightened, risk-based surveillance," and align any internal DoD documents applicable to DoD personnel and contractors accordingly. In order to properly establish the capacity to comply before submitting a proposal, offerors need to

**Aerospace Industries Association of America, Inc.**

1000 Wilson Blvd., Suite 1700, Arlington, Virginia 22209-3901  
Ph. (703) 358-1000 / Fax (703) 358-1011 [www.aia-aerospace.org](http://www.aia-aerospace.org)

Ms. Meredith Murphy  
May 16, 2011  
Page 2

understand precisely what additional surveillance activity will be imposed upon them, and any additional internal processes and resulting costs.

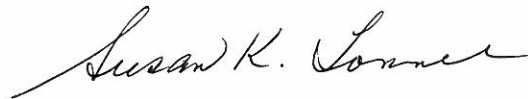
Based on the foregoing, AIA recommends that DFARS 252.209-7000X be modified to include a definition of "heightened, risk-based surveillance" so contractors may clearly understand the precise regulatory expectations. Referencing internal DoD documents, instructions, etc. to which contractors may not have access, and more importantly which may not be legally binding, will inevitably cause confusion when it comes to regulatory compliance.

2. The proposed rule repeatedly states that the design control activity will identify Critical Safety Items, suggesting that discussion with contractors will not occur prior to an item being designated as a Critical Safety Item (CSI). AIA appreciates such discussion, however, we recommend that the "Background" section of the final rule include a statement conveying the importance of discussion between the design control activity and the contractor as to which items are to be designated as CSIs prior to an item being designated as a CSI. Discussion between the design control activity and contractor will mitigate items being designated as CSI, when in practice they are not. For example, there may be situations (e.g., on a major weapons program) where an item would generically be considered CSI but, in a certain application, may not be a CSI.

3. Delete the following sentence of DFARS 252.209-700X(b): "One or more of the items being acquired under this contract is an aviation or ship critical safety item." Rationale: This sentence is redundant with the next sentence and is unnecessary.

AIA appreciates the opportunity to provide comments. If you have questions or require further information, please contact me at 703-358-1087 or [susan.tonner@aia-aerospace.org](mailto:susan.tonner@aia-aerospace.org)

Sincerely,



Susan K. Tonner  
Assistant Vice President  
Acquisition Policy