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Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
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Washington D.C. 20590-0001

Ref. Docket number FAA 2002-13464.

B/E Aerospace submits the following comments on the referenced SNPRM. As a leading seat and cabin interiors furnishings manufacturer our objectives range from maximizing occupant safety and comfort to evolving certification processes that are streamlined and financially balanced. In that respect, B/E has proactively supported dynamic testing and certification initiatives by participating in the development of testing methodology, design, and production of seats that meet the requirements of Amdt. 25-64.

B/E has closely followed the evolution of the retrofit rule. The various stages of the proposed retrofit rule have triggered specification changes and numerous design and performance improvements in response to the airline demand for seats that demonstrate compliance to the proposed rule. These efforts by our industry to anticipate the final version of the retrofit rule over the last 14 years have generated designs and seat performance levels beyond those required by regulation and meet the requirements of 25.562 to various degrees. By abandoning the concepts of "grand fathering", "16g compatibility", and other viable concepts that FAA and industry considered during these 14 years, the present version of the proposed retrofit rule fails to acknowledge these advancements or credit/offset investments made in anticipation of the final form of the 16g retrofit rule.

While supportive of FAA's promotion of safety initiatives we were surprised that the SNPRM was published given current economic conditions in the commercial aviation sector. B/E suggests that alternative levels of compliance as listed here may provide airlines some flexibility and reduce the commercial impact on the industry in general without materially affecting safety.

B/E and its customer concerns include evaluation of potential added costs, certification capacity, and the need for clear and unambiguous guidance on compliance parameters during the transition interval. Some concepts that could be helpful to the industry depending on cabin strategies and equipment profile are summarized below:

- That the FAA consider modifying the proposed rule to allow new aircraft configured with TSO-C127a seats or that meet partial 25.562 requirements and currently in a procurement time frame that extends past four years after the effective date of the final rule, continue to deliver seating as currently certified. The intent is that existing aircraft procurement programs (assuming TSO-C127a seats are installed or partial compliance to 25.562 per 737NG standards) would not be interrupted or forced to experience added non-recurring (certification) and on going (logistics) costs. For example, a B737NG that currently has partial compliance to the Amdt. 25-64 requirements should continue to be deliverable up to and operate beyond 14 years after the effective date of the final rule, so long as the seat part numbers and aircraft configuration remain unchanged.

That post four years after the effective date of the final rule, all deliveries of previously certified 9g (TSO 39b) configurations are up-graded to meet the TSO-C127a and/or partial 25.562 requirements, inline with the current requirements for the B737NG.

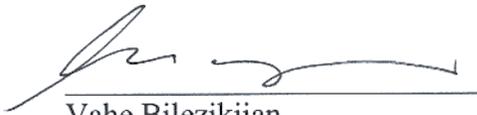
- In response to the proposed post four years after the effective date of the final rule requirement that seat replacement or cabin modification result in a full up-grade of all seats in all zones to full 16g, the following suggestions are offered:
  - That 9g aircraft are upgraded to partial compliance to the 16g requirements similar to B737NG.
  - That for nominally 16g aircraft (e.g.: B737NG, A319), the original compliance baseline remains fixed, i.e., any seat modification after four years after the effective date of the final rule must at a minimum meet the compliance requirements of the initial certification basis.
  - That for full-up Amdt. 25-64 configurations, the new seat or cabin configuration are certified to the same full-up requirements.
  - That any re-certification or upgrades only be required in the cabin zone being modified, or for the class of seat being upgraded.

In summary, we as part of the airline industry are supportive of FAA initiatives that evolve standards and regulations that result in safer air travel. At the same time, we urge that the new rules avoid ambiguity and adopt transition to upgrades such that certification costs are controlled and industry capacity does not get overwhelmed.

Respectfully Submitted,



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