

WHS 00-03

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U.S. Department of Transportation
Room PL 401
400 Seventh Street, SW
Washington, DC 20590-0001

Subject: Docket No. FAA 1999-6622: Notice of Proposed Rulemaking No 99-20

Dear Ladies and Gentlemen:

The General Aviation Manufacturers Association (GAMA) represents over 50 manufacturers of fixed wing aircraft, engines, avionics and components. In addition, GAMA member companies also operate airport fixed-base operations and certified maintenance facilities across the Nation. GAMA has reviewed the subject Notice of Proposed Rulemaking No 99-20 to update the General Rulemaking Procedures in 14CFR11 and appreciates the opportunity to provide comments on behalf of our member companies.

In general, GAMA finds the proposed restructuring and “Plain Language” revisions incorporated in 14 CFR 11 (FAR 11) a welcomed change and preferable to the former format. Overall the proposed revisions are acceptable. However, GAMA wishes to offer the following specific comments.

Although the FAA has endeavored to create a single, simplified section 11.101 relative petitioning for reconsideration of denied petitions, the new requirements set forth in 11.101(a) and (b) appear to be much more onerous and rigorous than the former language contained in FAR 11.55(d). For example, the new requirement for “...a significant additional fact...” and “...important factual error...” appear to require a greater showing than the former language “...a material fact...” and “...additional fact...” Use of the words “significant” and “important” appear to introduce an increased level of subjectivity and uncertainty regarding the sufficiency of information necessary to persuade the FAA that reconsideration may be appropriate. GAMA would appreciate the FAA’s reevaluation of the proposed new rule language.



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Another area in the original regulation that GAMA respectfully requests not be eliminated in the new regulatory language is found in current paragraphs 11.53(b) and 11.91(b). FAA's present practice of applying these current paragraphs is to directly notify the petitioner of FAA's decision and related action. Such direct notification has been invaluable because of the importance of the FAA's decisions upon the consequential actions required on the part of the petitioner and the effect of such decisions upon its business. GAMA recognizes the notification in the Federal Register fulfills the Government's responsibility for petitioner notification. However, such Federal Register notification places a considerable time delay and search burden on the petitioner, and denies the petitioner an explanation of FAA's decision. GAMA, therefore, wishes to request the FAA reconsider its decision of not providing direct notification of decisions to petitioners. We respectfully request that FAA not change its current practice and not change the regulatory language in this area.

GAMA appreciates the opportunity to comment on this rulemaking proposal.

Very truly yours,

[NOTE: original signed copies sent by mail]

Bill Schultz
Vice President, Engineering and Maintenance