

FISH, FALKENHAINER & DOWNER
AN ASSOCIATION OF INDEPENDENT COUNSEL
301 E. COLORADO BLVD.
SUITE 305
PASADENA, CA 91101-1922
(626) 395-0305
FAX (626) 395-0306

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VINCENT FISH*
WILLIAM C. FALKENHAINER*
LAW OFFICES OF STEVEN D. DOWNER

OF COUNSEL:
THOMAS L. KUBANI

*Professional Corporation

DIRECT DIAL NUMBER:
(626) 395-0385
E-MAIL: TLKUBANI@PACBELL.NET

January 16, 2001

U. S. Department of Transportation Dockets
Docket No. FAA-2000-7909 - 20
400 Seventh Street SW, Room Plaza 401
Washington, D. C.

Subject: Improved Flammability Standards for Thermal/Acoustic Insulation Materials
Used in Transport Category Airplanes
Docket No. FAA-2000-7909; Notice No. 00-09

The Federal Aviation Administration (FAA) proposes upgraded flammability standards for thermal/acoustic insulation materials typically installed behind interior panels in transport category airplanes. The proposed standards are published at Federal Register (FR), Volume 65, starting a page 56992 et seq. These proposed standards apply to new type designs and also proposed for newly manufactured airplanes entering Part 121 service. Additionally, the proposed standards are also proposed for newly manufactured airplanes entering Parts 91, 125 and 135 service.

The undersigned makes the following views and comments on the proposed standards in Docket No. FAA-2000-7909; Notice No. 00-09 on behalf of:

ANA Trading Corp., U. S. A.
333 S. Hope Street, Suite 3100
Los Angeles, CA 90071

Comments on 14 CFR Parts 25, 91, 121, 125 and 135, Docket No. FAA-2000-7909; Notice No. 00-09 and Supplementary Information are hereby submitted. In general, these comments are centered on the identification in the Regulatory Evaluation Summary of the Supplementary Information section on the Notice of Proposed Rule Making (NPRM) of a specific insulation batting called out by trademark. Such a specific referral of a supplier's product in the NPRM is not considered appropriate for the reasons listed in this letter. Based upon the statements made in the NPRM by the FAA, these comments accept that the specific supplier's product meet the FAA's proposed requirements for burn through protection and would

be acceptable to meet the proposed amendments sited in the NPRM. The product trademark is located at page 56998 of Volume 65 of the Federal Register, in column 2, second full paragraph and fourth paragraph and column 3, in the first partial paragraph (hereinafter called supplier's product). Please consider the following comments:

- A. The use of the supplier's product in the Supplementary Information section and not in the proposed amendments to Parts 25, 91, 121, 125 and 135, can cause confusion in the industry possibly implying that the FAA has determined that the supplier's product is the most appropriate material to meet the requirements of the above proposed amendments.
- B. The Regulatory Evaluation Summary makes reference to Executive Order 12866, the Regulatory Flexibility Act of 1980 and the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). Upon reading these federal regulations requiring economic analysis prior to proposing or adopting regulations or changes thereto, there is no authorization, direction, mandate or requirement in these regulations which suggest that a single supplier's product be identified in an NPRM, final rule or the analysis that the FAA must prepare.
- C. The current regulations do not make mention of any specific supplier's product with reference to flammability of insulation materials. See page 56993, with reference to sections 25.853(a), 25.855(d), 91.613, 121.312(c) 125.113(a)(1) and (2) and 135.170. All the sited current sections state that the insulation materials must meet the test requirements listed in Part 25 without any suggested or examples of an acceptable material listed by trademark or supplier's name.
- D. The proposed amendments to Part 25, see section 25.856, state that insulation materials installed in the airplane fuselage must meet the test requirements set forth in Appendix F of Part 25. There is no reference to an acceptable supplier's product that meets the test requirements. The proposed amendments to Parts 91, 121, 125 and 135 also make no reference to an acceptable supplier's product. Accordingly, the use of the supplier's product in the Supplementary Information section is inconsistent with the substance of the proposed amendments to Parts 25, 91, 121, 125 and 135.
- E. On page 56998, in column 1, under the sub-section entitled "Costs of Proposed Rule", in the first paragraph it states: "Testing results at the FAA's Technical Center show that insulation materials are commercially available that will meet the FAA's proposed requirements for both flame propagation and burnthrough." Emphasis is given to the term "insulation materials", meaning there are more than one acceptable material that meet the FAA's proposed requirements. The use of one specific supplier's material later in the same section in columns 2 and 3 is not explained and gives an impression that the FAA favors the named supplier's material.

- F. The NPRM on page 56998 in column 2, in the third full paragraph, states "Other materials may also be used, but these *may* (emphasis added) be more expensive or add substantial weight to the blankets." The FAA then solicited information on materials that would be used to comply with the proposed requirements. In view of the reference to a specific supplier's product in the previous paragraph, it implies that such product complies and all other materials are either too costly or too heavy. If this implication is not true, a specific supplier's product should not be listed. The proposed amendments to Parts 25, 91, 121, 125 and 135 permit the industry to choose any material which meet the stated test requirements. The aircraft industry is driven to purchase the lowest cost material with the least weight which comply with the FAA requirements.

In summary, for the reasons stated above, it is felt that the reference in the Supplementary Information of the NPRM of a specific supplier's product is inappropriate. However, should there be a specific reason that the FAA considered in calling out one specific insulation batting including the trademark, that reason should be made public, otherwise, it is respectfully suggested that the reference to the specific supplier's product be deleted in multiple places in the NPRM.

You may contact me if there is additional information that may be of use to the FAA be any specific reason that the FAA.

Sincerely yours,



T. L. Kubani

cc: ANA Trading Corp., U. S. A.