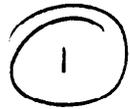


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FAA-01-8994-8



Darryl H. Phillips
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28 May 1997

Federal Aviation Administration
Office of Chief Counsel
Attn: Rules Docket AGC-200, Docket # 28903
800 Independence Avenue SW
Washington DC 20591

OFFICE OF THE
CHIEF COUNSEL
RULES DOCKET
M97 JUN -3 P 12:30

I have been a pilot and aircraft owner/operator for more than 30 years. I also own a business involved in the manufacture of general aviation products. Please consider my comments on one subject that is addressed in docket 28903.

On Federal Register page 24292, column 2, is a section entitled *Recent FAA Actions*. I quote the first sentence:

"Apart from safety considerations, there has also been a growing international concern that some changed products are given an unfair competitive advantage over those that are of new design and most comply with later standards."

I respectfully submit that FAA has no mandate, no legal basis, and no business getting involved in the competitive aspects of the marketplace. 49 USC §44701 et al authorize the FAA to promote safety, and to promulgate regulations for that purpose. FAA has no business making regulations designed to manipulate competitive forces or marketplace decisions.

Didn't anyone at FAA notice which way the Berlin Wall fell? Don't you understand who won the cold war, or why? Aren't you aware of the advantages of free competition? Stated simply: FAA, get out of the marketplace. And stay out!

"Apart from safety considerations" is no place for the FAA to be.

Second, FAA is a component of the government of the United States of America. The FAA is not a world organization. FAA is supported by the taxpayers of the United States, not the world. FAA is working for the citizens of this country, not the citizens of the world. The FAA statement (above) refers to "international concern". This is clear evidence that FAA does not understand who it is working for.

"International concern" is properly taken up at the World Trade Organization or some such venue. It is not the business of the Federal Aviation Administration.

FAA regulations that take competitive forces into account are without legal basis, since the stated purpose of FAA is safety. Those regulations will be subject to overturning by the courts. We are reaching a point in aviation where the courts will be increasingly asked to overrule arbitrary and capricious acts of the FAA. Historically, FAA has been able to use the "safety" argument to withstand any challenge, but that veil is wearing thin. If these regulations are written to satisfy "international concern [of] unfair competitive advantage", the safety argument will fail.

I strongly urge the elimination of all competitive pressures or international pressures or any other pressures, other than safety, from the proposed rulemaking.

Let the competitive chips fall where they may. Free competition is what has made our economy the envy of the world. Quit trying to destroy it.

Thank you for considering my comments,

A handwritten signature in black ink, appearing to read "Darryl Phillips". The signature is fluid and cursive, with a long horizontal flourish at the bottom.

Darryl Phillips

cc: Aircraft Owner's and Pilot's Association (member #296157)
Experimental Aircraft Association (member #28693)