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OFFICE OF THE
CHIEF COUNSEL
RULES DOCKET

ERICKSON AIR-CRANE CO.

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DOT
Federal Aviation Administration
AGC-200
800 Independence Ave. SW
Washington, DC 20591

Attention: Rules Docket, Docket 28903

The attached is a proposed change to 21.101(b).

Also, in 21.101(b)(2) and (3) the term "area" is used. Draft Advisory Circular 21.101-XX defines "area" but there is no definition proposed for Part 1. It is unclear without the definition as to what the meaning of "area" is. On first reading, I thought "area" meant location. I suggest either incorporation of the definition of "area" in Part 1 or spell out what the term is intended to cover. Since the term is intended to cover general characteristics, why not say that.

In the text of the Background under "Trends in Type Certification Changes", it states "The basic premise behind the FAA's current policies for the procedures and airworthiness standards for type certification is that the highest possible degree of safety in the public interest, should be achieved by products being certificated at any given time." While this is a fine ideal, I do not believe it is the charter of FAA to require the highest level of safety attainable. I believe the charter of FAA is to establish minimum standards that must be complied with in the interest of safety. While I believe 21.101(b)(3) adequately provides for "impractical" exclusions to having to comply with the new rules, the general philosophy of FAA should not be lost sight of.

Your consideration of my comments and proposed change to the NPRM is requested.

Sincerely

Eugene McClain

Proposal for 21.101(b)

Current wording

The applicant may show that the changed product complies with an earlier amendment of the regulation required by paragraph (a)(1) of this section, and of any other regulation the Administrator finds is directly related, provided that the amended regulation does not precede either the corresponding regulation in Secs. 23.2, 25.2, 27.2, or 29.2 of this chapter, or the corresponding regulation incorporated by reference in the type certificate:

Proposed wording

The applicant may show that the changed product complies with a regulation at an earlier amendment level as required by paragraph (a)(1) of this section, and of any other regulation the Administrator finds is directly related, provided that the regulation at the earlier amendment level does not precede either the corresponding regulation in Secs. 23.2, 25.2, 27.2, or 29.2 of this chapter, or the corresponding regulation at an amendment level as incorporated by reference in the type certificate:

Discussion

You don't comply with the amendment alone, but rather the entire regulation at a given amendment level. For example: FAR 29 through Amendment 29-27