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Greetings:

Thank you for the opportunity to review and respond to the subject Notice of Proposed Rule Making (NPRM), published in the *Federal Register* (Docket No. FAA-2000-8460) on January 12, 2001. United Technologies Corporation is pleased to respond on behalf of its Pratt & Whitney Division, Hamilton Sundstrand Corporation and Sikorsky Aircraft Corporation.

We have no substantive objection to the intent of the NPRM: "to move several standard provisions currently found in every airworthiness directive into its [the FAA's] regulations pertaining to airworthiness directives". We find the intent of the change to be cost neutral, neither a cost benefit nor detriment, to our repair stations.

We are of the opinion, however, that the "Plain Language, Question and Answer Format" needs to be improved. We have supported and continue to support the plain language initiative as evidenced by our response on 14 CFR Part 11 to NPRM Docket No. FAA-1999-6622; Notice 99-20. However, the selected questions used as section headings lack the clarity, specificity, and ease of comprehension offered by the usual textual regulatory format. Often in this NPRM, the section heading states one topic while the section deals with that question and other topics that are not stated in the question. Specific examples are provided below. For a complex regulatory section to use a question-style heading, the heading, to be truly representative of section content, would have to be phrased as a general, overarching question, as a complex question with several variables, or stated as separate questions. The FAA was aware of this concern about using question-style headings as stated in its response to the NPRM comments on 14 CFR Part 11 published in the Federal Register Vol. 65, No. 162 of August 21, 2000/ Rules and Regulations, under the subheading of "Plain Language", paragraph 7:

However, we do plan to use question headings with discretion. Question headings are not necessarily right for every subject matter. While we believe they are appropriate for the material presented in part 11, they may not work well for other, complex technical parts of the regulations. We will evaluate the subject matter carefully before we use them in our regulations.

**Specific Comments:**

Section 39.3 is captioned: *“What are airworthiness directives?”* The section addresses both *“What are airworthiness directives?”* and *“What conditions must be present to issue an airworthiness directive?”*. Also noted that the literal text, *“The FAA’s airworthiness directives are legally enforceable rules that apply to all aircraft products; that is, aircraft, engines, propellers, and appliances.”* can be read to exclude issuing an airworthiness directive against parts.

Section 39.5 is captioned: *“Who must comply with airworthiness directives?”*. However, the section also covers the additional topics of *“What are the consequences of non-compliance with an airworthiness directive?”* and the fact that each flight out-of-compliance is a separate violation. The fact that multiple violations can occur should be clearly stated.

Sec. 39.15 is captioned: *“Does an airworthiness directive apply if the product has been changed?”*. In addition to this issue, it also deals with the compliance mechanism, in specific cases, when unable *“to accomplish the actions required by the airworthiness directive, you must request FAA approval for another means of complying. Unless you can show that the change eliminated the unsafe condition, your request should include specific actions you propose to address the unsafe condition. Submit your request in the manner described in Sec. 39.17.”*

The other sections have an acceptable correspondence between the section heading and the content of the section. The FAA suggested that it is not beneficial to mix question-style section headings and textual section headings in its response to the comments to the NPRM on 14 CFR Part 11. The decision needs to be made, for the current NPRM, whether to retain the question-style heading format or revert to the textual style while keeping the other plain language refinements. Either would be acceptable although the textual style should make for a more compact presentation.

Respectfully submitted for United Technologies Corporation,

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