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The European Association of Aerospace Industries

AECMA

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OFFICE OF THE
CHIEF COUNSEL
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Office of the Chief Counsel
Attn : Rule Docket AGC-200
Docket N° 28903
800 Independence Avenue SW
WASHINGTON DC 20 591
U. S. A.

Copy : FAA, Mr Lyle C. Davis
AIR-110

Dear Sirs,

The AECMA appreciates the opportunity to comment on the NPRM N° 97-7 and the associated AC.

In general terms we concur with the objective of avoiding that products with substantial differences with the original one are derived through a series of changes without revising the certification basis or that rule evolutions providing an appreciable increase of the level of safety are ignored for years.

The proposed rule changes to reach this objective raise however some reservations which are expressed below, addressing general considerations, the proposed changed FAR Sections and the associated Advisory Circular.

General considerations

As stated in the background/discussion of the NRPM we share the opinion that it makes little sense to mandate changes to well proven design, only to meet new standards, and also that the manufacturer should not be discouraged to propose product improvements. That should be reflected by the new wording of section 21.101.

It shall be kept in mind that the ICPTF was a common action of the US, Canadian and European Authorities and Industry and identified as an harmonisation item of the ARAC.

The NPRM, and mainly the proposed advisory circular, show considerable differences with the texts which were proposed by the ARAC and retained in the JAA Notice of Proposed Amendment 21-7. The reasons for these differences are unclear to the AECMA. It is of paramount importance that the harmonisation between the final rules be restored.

In addition, this harmonisation of the certification procedures would be meaningless without continued harmonisation of the airworthiness standards for the different kinds of products. It is therefore requested there be no unilateral changes introduced by future evolution of those standards.

AECMA is still of the opinion, first expressed at the beginning of the ICPTF activities, that the key point in ensuring steps forward in safety is to clearly define the applicability of the new standards at the time of the rule elaboration. Applicability to changed, newly manufactured or in-service aircraft may be mandated through appropriate amendments to FAR sections 23.2, 25.2, 27.2 and 29.2, or to the operational regulations (for instance part 121 subpart J).

The methodology used to assess possible retroactive applicability of new standards should follow the principles of AC 21-101-XX appendix 2, with the necessary adjustments for each category of product. Also the harmonisation process should be extended to the retroactive requirements. While promoting the implementation of the real safety improvements, this approach would allow the manufacturers to clearly anticipate the requirements applicable to their products, instead of entering into case by case non-public discussions with possible unequal treatment.

Comments on the proposed amendment

§ 21.19

No comment, provided clear guidance is given through an Advisory Circular.

§ 21.101

The proposed wording of sub-paragraphs (a) and (b) leads to consider the large majority of changes as "exceptions".

As a matter of fact very few of the changes among those proposed during the life of a product are really significant ones.

The proposed wording requires for each change to elaborate and document a justification for application of sub-paragraph (b). That is felt an administrative burden for the current flow of minor and major changes.

The procedure described in the Action Notice n° A8110.23 requiring application of the latest requirements only for changed parts of the product and affected area warranted equivalent results with less bureaucratic burden.

§ 25.115

No comment

§ 25.2

No comment

Comments on the Advisory Circular

The success of any procedural change in the designation of the applicable requirements for a derivative product is linked to the adequacy of the associated guidance material.

The proposed draft AC raises the following comments :

- To ensure correct harmonisation of interpretation of the rules, a close coordination of US, Canadian and European Authorities should be sought.

It should be thoroughly verified that no confusion is introduced through differences of wording (ref. draft AMJ20 of the JAA) not warranted by specific administrative reasons.

- It is felt surprising that a part of an AC is declared non usable as an acceptable means of compliance and provided for information only.
- Because the Appendix 2 was mainly developed with reference to large aeroplanes, it is recognised that further work is needed to ensure that other products are adequately covered so that the final appendix 2 can be an acceptable means of compliance.
- Each applicant should not be required to develop its own Safety Index. The Authorities should endorse at least a baseline guide for each major class of products.

Yours sincerely,



J.R. Laurent
AECMA Coordinator