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**Pratt & Whitney Canada**  
A United Technologies Company

02 September 1997

FAA-01-8994-20

(14)

Federal Aviation Administration  
Office of the Chief Counsel  
8900 Independence Avenue SW  
Washington D.C.  
U.S.A.

Attention: Rules Docket AGC-200, Docket 28903

Dear Sir,

NPRM 97-7 is the outcome of a process that started several years ago to resolve serious differences of opinion between FAA and other airworthiness authorities on what constituted a derivative Transport Category aircraft. The ad hoc committee (ICPTF) referred to in the preamble under "Recent FAA Actions" was formed by international industry to address this issue and find a solution acceptable to all parties. At the same time, the FAA and the European Joint Airworthiness Authorities (JAA) agreed upon a policy of harmonisation of airworthiness rules and standards which has received the active support of industry.

These facts are alluded to in the preamble of the notice, although perhaps not with the same emphasis and commitment seen in other recent rulemaking activities e.g. the summary statement for Docket 28312, FAR25 Amendment 91 Final Rule, published on July 19, 1997. Nevertheless, under "International Compatibility" it is stated that the proposal results from a harmonised recommendation, and under "Trade Impact Assessment" there is a clear statement that the proposal has been harmonised with those of foreign aviation authorities.

Comparison of the FAA proposal with that of the JAA (NPA 21-7, July 1966) shows that harmonisation has not been maintained. Specifically the NPRM 97-7 contains additional material in the form of proposed FAR 21.101(e). This requirement has no counterpart in either the JAA NPA or, according to Transport Canada staff, the draft proposed Canadian regulation. Furthermore, the essentially common advisory material prepared by the working group and submitted with the rule recommendation has been completely rewritten and rearranged without any obvious reason.

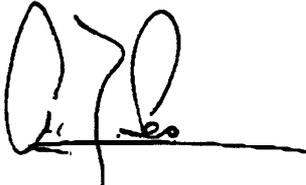
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This company continues to support any practical opportunity for safety enhancement, including the commonality of standards and procedures. We are surprised and disturbed to see a major party in the harmonisation process make independent changes to harmonised proposals without any consultation or notification of intent. This practice will make it very difficult to justify the continued provision by industry of the resources required to maintain the process.

It is recommended that in the interests of harmonisation, the proposed FAR 21.101(e) be withdrawn at this time. If FAA believes that there is a safety issue that can only be addressed by the proposed paragraph, it should be submitted to the Aviation Rulemaking Advisory Committee (ARAC) for harmonised rulemaking following discussion by all affected parties. We believe this action is necessary if the credibility of the process is to be maintained.

As a minor comment we note that the Summary at the commencement of the NPRM appears to confine the applicability of the notice to aircraft engines and propellers. An additional comma after 'aircraft' would seem reasonable.

We thank you for this opportunity to comment.



Yours truly,

PRATT & WHITNEY CANADA INC

A.J. Lea  
Manager, Airworthiness Affairs

cc: M. Beauregard  
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