

129687

FAA-01-8994-24

Model: General

**Raytheon Aircraft**

In Reply Refer To: 940-97-09-208

Date: September 2, 1997

**Beech**  
**Hawker**

Federal Aviation Administration (FAA)  
Office of the Chief Counsel  
Attention Rules Docket  
AGC-200, Docket No. 28903  
800 Independence Avenue, SW.  
Washington, DC 20591  
98055-4056

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1997 SEP - 3 P 2:48  
OFFICE OF THE  
CHIEF COUNSEL  
RULES DOCKET

Reference: Docket No. 28903, Notice 97-7

Subject: Type Certification Procedures for Changed Products

Dear Sir or Madam:

Raytheon Aircraft Company (RAC) wishes to comment on the Notice of Proposed Rule Making on Type Certification Procedures for Changed Products published in the Federal Register on 2 May 1997.

RAC supports the proposed rule based on the understanding that the applicant and the ACO will determine jointly the amendment level of impact. In the event that the FAA and the applicant do not agree, RAC recommends that an appeal process at the Directorate level be constructed to allow the applicant an opportunity to challenge the proposed amendment level.

**Specific Comments**

- Page 24293: Discussion of the Proposed Rulemaking: Opening paragraph states that "Sections 11.11, 21.19, 21.101, 21.114 and 25.2 would be amended as follows..."

Recommended change: Concurrent changes to 23.2, 27.2 and 29.2 need to be made, identical to 25.2 words.

Proposed wording: "Sections 11.11, 21.19, 21.101, 21.114, 23.2, 25.2, 27.2, and 29.2 would be amended as follows..."

- Page 24295: Discussion of the Proposed Rulemaking: Section 21.01(b)(3).

⇒ Last sentence of last paragraph of this section: The agency is seeking comments on the concept of using "impractical" as defined herein." This NPRM defines "impractical" in the following sentences:

*An applicant for a change to a type certificate would not be required to demonstrate that the changed product complies with a later amendment to an airworthiness standard if the applicant shows that such compliance would be "impractical". Compliance with a later amendment would be considered "impractical" when the applicant can establish that the cost of the design change and related changes necessary to demonstrate compliance with the amendment would not be commensurate with the resultant safety benefits. Where compliance with the later amendment would prompt a redesign, the cost of redesigning the other parts of the product to accommodate this redesign also would be considered.*

The word "impractical" is generally defined as having little or no usefulness (a luxury), and providing no benefit. This definition is incomplete. The intent of the word "impractical, should be defined as not provid-

ing added value (perceived or actual) to the operator, manufacturer or traveling public, or not achieving the desired effect, as in *non-meritorious or ineffectual*.

Perhaps the concept should be identified "without value enhancement", to stress that any change required as a result of a new regulation which doesn't result in a value enhancement, may, with analytical substantiation, be exempted from compliance.

- 21.101 Delete "and"

(a)(1) Each regulation in parts 23, 25, 27, 29, 31, 33 and 35 of this chapter that is applicable to the changed product ~~and~~ that is in effect at the date of the application for the change, and ...

- Concurrent changes to 23.2, 27.2 and 29.2 need to be made, identical to 25.2 words.

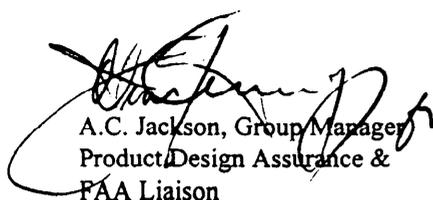
In conjunction with the implementation of this rule, FAA should consider an ACO oversight program which would include the following:

1. Annual review of ACOs and new changes to type certificated products.
2. Quarterly report submittal from ACOs stating amendment level of rules mandated for incremental changes.
3. Feedback from Directorate if they see a consistent pattern from one ACO where the later rule amendments are or are not being imposed.

In conclusion, mandating a rule to comply with the latest amendment levels (which is already in effect in some regions, due to the implementation of FAA order 8110.4) will ensure more equitable compliance requirements. However, FAA must implement an oversight of rule compliance at the ACO level to ensure that no one region or manufacturer is given an economic advantage by the consistent imposition or relief of any rules because of a particular ACO. FAA must also implement an appeal process for any manufacturer (applicant) who strongly disagrees with the ACO's decision.

Sincerely,

Raytheon Aircraft Company



A.C. Jackson, Group Manager  
Product Design Assurance &  
FAA Liaison

ACJ/dmr

*Submitted in triplicate*