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TO: 9-NPRM-CMTS at ARM
Subject: Docket No. 28903

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To :
Federal Aviation Administration
Office of Chief Counsel
Attention: Rules Docket, Docket No. 28903

From:
General Aviation Modifications, Inc.
2800 Airport Road
Hangar "A"
Ada, Oklahoma 748720

Ladies and Gentlrmn:

We received the first information of the proposed rule making with respect to Supplemental Type Certificates only today, September 1, 1997. We are greatly distressed.

I have downloaded the entire proposal. This proposal has the high likelihood of putting our small company (< \$1.5mil/annually) out of business. During the last year, our small company has certified through the STC process a highly innovative product which has resulted in substantial savings in fuel consumption on over 77 different models of piston powered aircraft engines.

Whatever the objectives of the language in the proposal, they will be frustrated by the inability of the agency and its staff to implement those proposals, over time, in a manner consistent with the present "good intentions".

My company, General Aviations Modifications, Inc., has submitted four different STC applications in the last 18 months. We have plans for at least 4 additional STCs. Virtually all of those additional STCs would be subject to the new regulation, in the sense that someone in the agency would have to make a simple "judgment call" as part of the determination as to what rules will apply.

Given the fact that the agency is incapable, in less than a four week time frame, of even such trivial tasks as the routine assignment of "project numbers" to routine new projects, one must simply be stunned at the inevitable delays that will be omnipresent in obtaining a timely and definitive determination by the FAA staff as to what set of rules would be applicable, and to what extent, under the proposed rulemaking.

For example, the proposed regulation, in Sec 21.101 adopts such language as :

"(b)(1) For a change the effect of which, combined with all previous relevant changes, the Administrator finds is nonsignificant;"

Note, the language "...the Administrator finds is nonsignificant."

During the last year, in personal message exchanges with the highest levels of the Administration, I was told that the agency personnel in the field were not sufficiently knowledgeable on many matters so as to be competent to make a judgment call on such simple matters as a determination as to whether or not a 3-7% change in fuel flow in a piston engine was a sufficiently "significant" change so as to possibly adversely affect the flight characteristics of the aircraft for the purposes of a determination as to whether or not an aircraft would have to be put into experimental category for flight evaluation of the proposed minor change in fuel flow. This proposed change in fuel flow was less than the observed field variations in routine operation. In other words, the proposed change was truly trivial from a safety point of view.

Ultimately, it was "safer" for the FAA employees involved to simply declare that ALL alterations, no matter how trivial must result in an aircraft being put into Experimental category for FAA flight test purposes. THAT appears to be the current interpretation of the rules on that matter.

Given that state of affairs, it appears almost certain, that in the very shortest possible time frame, ALL PROPOSED CHANGES will be deemed to be "significant" because that is, also, the easiest or safest course of action for the employees of the FAA who have that responsibility, and wish to avoid any possible personal criticism in the event their judgment proves to have been faulty in even the slightest degree.

The undersigned is an aerospace engineer, with a degree from one of our country's hallowed and ivy covered institutions of higher education. The undersigned is also an experienced attorney. I have read the proposed rules at least six times in the last hour. Even now, I do not fully understand their meaning or significance. The rules in this regard are becoming so vague, through complexity, as to be capable of almost any interpretation. At that point we cease to be governed by the rule of law, as such regulations become incapable of being understood, even by those trained in the area, legally and technically.

The cost of improvements to older aircraft will rapidly become prohibitive under the new rule. Only the original manufacturer would be able to make even minor changes to the older aircraft and engines affected by the rule. To this extent, the innovative entrepreneurs who are the heart and soul of the incremental advancement of the state of the art, would be put out of business by the proposed rule making, regardless of the "nice words" concerning the Regulatory Flexibility Act of 1980.

Ultimately, safety would not be well served by that state of affairs.

The present regulatory scheme has not been convincingly shown by the discussion of the proposed modification to be in need of change, and certainly not change that forces dramatically increased subjective determinations onto an FAA bureaucracy that has repeatedly demonstrated that it is unwilling to assume the personal responsibility for making those determinations on any basis other than to require that every change be treated as a "significant" change, and thus defeating whatever good intentions may be embodied in the existing rule making proposal.

Sincerely,

General Aviation Modifications, Inc.,

George W. Braly, Chief Engineer