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Author: jreynolds@eaa.org at Internet
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TO: 9-NPRM-CMTS at ARM
Subject: EAA Comments on Docket No. 28903

FAA-01-8994-37 28903

August 27, 1997

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Federal Aviation Administration
Office of Chief Counsel
Attn.: Rules Docket (AGC-200), Docket 28903
800 Independence Avenue, SW
Washington, DC 20591

SUBJECT: Docket No. 28903 Type Certification Procedures for Changed Products

Dear Sir:

The Experimental Aircraft Association (EAA) is a sport aviation association with a worldwide membership of over 165,000. EAA brings together aviation enthusiasts, pilots and aircraft owners who are dedicated to the furtherance of aviation, the preservation of its history and the enjoyment of sport aviation. In addition, EAA has over 900 chapters, which form the grass-roots foundation for the aviation movement.

The following comments are filed in response to this proposal and, in particular, in objection to the proposed policy changes that were outlined in the preamble. The proposal rule and related policy changes would require that any change to an existing product undergo re-certification to meet the most current airworthiness regulations. This change will block safety improvements in general aviation aircraft by creating such a difficult barrier to approving Supplemental Type Certificates (STCs) that few improvements will be attempted on older aircraft designs. This proposal will have the opposite effect on general aviation than is the intent of the change. Safety of small aircraft could never be improved if this rule change is implemented.

EAA requests that the FAA postpone release of this rule and work with the general aviation community to rewrite the proposed rule and associated advisory material to prevent any reduction of small aircraft safety.

The changes are intended to address a transport category aircraft trend away from completely new designs, favoring products encompassing multiple changes to previously approved designs. We appreciate that this requirement may exist for a transport category, however, the effects of the changes to normal category and older light aircraft have not been addressed with this rule making action.

For example, if a manufacturer, after-market modifier, or owner wanted to replace a 50-year-old engine, produced by manufacturer that no longer exists, with a new model, the proposed regulations would require certifying the engine to the most current airworthiness standards, plus re-certifying the fuel system, engine controls and accessories, along with all the associated systems. These requirements would effectively prevent updated safety changes to small aircraft. The owner of such an

aircraft is left with no other option but to continually make repairs to products, which in normal situations or for safety or operational advantage would be replaced.

The preamble of the proposed rule states that, "in recent years, a trend has developed towards fewer products that are of such significantly new design that a new type certificate is required." In regard to small aircraft, this is far from the truth. There are currently over 14 active applicants for completely new standard category certification. In fact, the FAA recently issued a provisional type certificate for a Lancair Columbia 300, an all new composite four-passenger aircraft. This aircraft is of a completely new design and construction techniques, different from anything that has been certificated before. And there are many other manufactures that are closely following this trend in general aviation to produce completely new aircraft.

The Aviation Rulemaking Advisory Council (ARAC) review of this proposed rule did not consider the effect this change would have on small aircraft. Because of ARAC's failure to review the full affects of this proposal, EAA suggests that this proposal be returned to ARAC for reexamination of the proposal's effects on small aircraft.

In closing, EAA believes that affects of the proposed rule and policy changes are sufficiently complicated that a redrafting of the proposed rule change and associated advisory materials is necessary. The FAA and ARAC did not examine the effects of this rule change on general aviation. The FAA is required to study the affects of any rule change on all aviation operations before issuing a final rule. This has not yet been done.

Thank you for this opportunity to comment on this important issue.

Sincerely,
EXPERIMENTAL AIRCRAFT ASSOCIATION

Earl Lawrence
Director, Government Programs
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Note: EAA's comments have also been sent in triplicate via Federal Express.