

130666

FAA-01-8994-50

38903

Author: bflank@mkv.turner.com at Internet
Date: 9/2/97 2:58 PM
Priority: Normal
TO: 9-NPRM-CMTS at ARM
Subject: Docket No. 28903 -COMMENTS
COMMENTS ON DOCKET NO. 28903

43

Type Certification Procedures for Changed Products; Proposed Rule

The NPRM as currently written seems contrary to the interests of aviation and public safety. The failure of the proposed regulation is that it requires any modification to an aircraft to incorporate all changes in certification standards since the original type certificate was granted. While seeming to be in the interest of maintaining the highest standards of safety this would in fact pose a significant barrier to improving existing aircraft and their safety.

This would be due to:

1. Type certificate modification would be a more difficult and expensive process. This would tend to stifle the creative entrepreneur from creating even small incremental improvements.
A small limited STC item could turn into a complete certification review.
2. A safety improvement would be rejected out of hand if it did not fully meet current standards.
This might result in a safety improvement seen as cost effective by operators not being available.
Although a modification might be safer than the current installation it would not be allowed while a modification that would meet all applicable standards would not be affordable. Net result
LESS SAFETY NOT MORE.
3. Stagnation in aircraft design. Manufacturers facing extreme deltas between the cost of continuing to produce the existing aircraft or make improvements will do risk analysis of the ROI of improvements, potential to improve sales/revenues, and increased exposure to liability. Since past history seems to show that improving safety on current models may be viewed as an admission of safety flaws in past models, this may be the deciding factor in making changes or not. To an even greater degree than presently practised this could move product changes from engineers to accountants.

If the desire is to see that the cumulative effect of modification of type certificates is to improve safety, design a regulation that requires all STC's to provide at least an incremental step towards higher standards.

In summary I can see no segment of the public who is served by this NPRM. It does not on balance benefit the manufacturer, the engineer, the entrepreneur, the aircraft operator, or the flying public. This seems like a classic case of applying a massive solution to a limited problem.
When the target is a wire brad use a tack hammer not a wrecking ball.

Bernard L. Flank
1585 Deer Cliff Ct.
Lawrenceville, GA 30043

Commercial Pilot Single and Multi-Engine Land, Aircraft owner, Electrical Engineer,
CFI Single and Multi-Engine Land (CFI not current)