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Author: <randy.whitlock@eurocoptersusa.com> at SMTPGate

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Normal

To: Randall Petersen at AWAAIR100

Subject: FW: Docket No. 28903

----- Message Contents

-----Original Message-----

From: Randy Whitlock [mailto:randy.whitlock@eurocoptersusa.com]

Sent: Monday, August 07, 2000 2:56 PM

To: Petersen, Randy

Subject: Docket No. 28903

Importance: High

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Randy, per our conversation today is my comments to the subject. Please go ahead and add them to the Docket as an individual and not as an AEC representative. If you need further clarification, please contact me in one of the methods listed below.

Thanks for listening. Let me know if you get this, my return receipt does not work on you government guys.

Randy Whitlock  
972 641-3463 telephone  
972 641-3777 fax  
randy.whitlock@eurocoptersusa.com

2000 AUG -9 PM 14:17  
OFFICE OF THE  
ATTORNEY GENERAL  
U.S. DEPARTMENT OF JUSTICE

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Comments to  
Type Certification Procedures for Changes Products; Final Rule  
Docket No. 28903

1. Definition of Changes to a Type Certificate (TC)-There is a need to define what “changes to a TC” include. It is clear for a STC applicant under the new §21.115 (all changes must be evaluated). However it is not as well defined for the original equipment manufacturer (OEM). The OEM is constantly making changes to their products by “customizing” and “product improvement” changes that have not been previously considered “amendments” to the TC by the FAA. Amendments to type certificates by the OEM are generally considered for “major” significant design changes to the Type Certificate Data Sheet, i.e., engine changes, fuel system capacity changes, etc. and do not include customizing or product improvement items. Product improvement can include additional radio & navigation equipment, interior modifications, addition of other electrical equipment, etc. that are not found to be significant under the present policy and Orders (8100.5 & 8110.4A) The rule as written will require small entities to spend extensive time to justify that the altered product does or does need to meet the applicable requirements specified in § 21.101; however, the OEM will not be required to do so on these so called minor changes to the TC. The rule needs to be revised to reflect that ALL OEM changes are considered as an “amendment to the TC and must be examined under §21.101; to use an old saying, “what is good for the goose, is good for the Gander.”
2. Enhanced Safety on Aircraft Not Certified to the Latest Rules-The present existing rule 21.19(a) requires a new TC for significant changes as defined by Order 8110.4A, paragraph 14.c(6). This rule and guidance has NOT been enforced by any of the Aircraft Certification Offices (ACOs) in the past. This has resulted in many new airplanes and helicopters with many significant design changes not being certified to the latest airworthiness rules. This new rule requiring all significant STCs and significant TC changes to now comply with the latest current rules begs the question “does this new rule make sense of enhancing the safety on these aircraft modifications when the basic aircraft certification did not?” If enhanced safety is truly desired by the FAA, the rule should be modified to require all aircraft presently being produced comply with the latest airworthiness rules unless shown to be economically unfeasible.
3. Economic Impact-The following item was not addressed in the economic impact and is very significant for small entities: The FAA resources are shrinking. This rule will require the ACOs to expend more resources reviewing the applicant’s justification and analysis, thereby increasing the response time to the applicant. At present, delays of up to three months are occurring BEFORE the FAA can even start the STC certification process. Obviously this rule will increase the time required for FAA response. It is critical for the STC applicant to know what the certification basis will be BEFORE undertaking the task or making a quotation on the cost of the modification. This rule has a very significant impact as to whether the small entities will remain in business if FAA response is not accomplished in a timely manner.

4. Non Standardization Across the ACOs-American Eurocopter Corporation (AEC) is the holder of a Designated Alteration Station (DAS) for the past 17 years. AEC has issued over 400 STCs, in which an estimated 95% of these STCs were found to be insignificant based on the definition contained in Order 8100.5. The FAA with this information accepted AEC's letter of intent. The criteria outlined in the final rule is different and will result in a subjective definition of what is impractical and what will not contribute materially to the level of safety. I understand that training will be conducted, however, training can not adequately compensate for the level of experience required and the use of engineering judgement needed to properly evaluate the applicant's analysis to this subjective approach . Many ACOs have personnel that do not have the required level of experience, resulting in non-standardization.

It is recommended that the present Orders and AC material be revised accordingly with additional specific guidance information.

Randy