

FAA-03-14825-4

**Comments to Docket No. FAA-2003-14825; Notice No. 03-06
STANDARD AIRWORTHINESS CERTIFICATION OF NEW
AIRCRAFT**

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General Comments:

Cessna supports the FAA changes to 14 CFR Part 21 as a means of increasing safety.

Cessna is opposed to the existing wording of the regulation that in effect allows someone to obtain a standard airworthiness certificate without having demonstrated that their aircraft meets the requirements for a type certificate and without having been manufactured under a production certificate. Cessna believes this is a serious breach in the FAA's ability to assure safety to the flying public.

Specific Comments:

14 CFR Part 21 § 21.183

Cessna does not make type certification data available except to approved vendors and subcontractors as required for fabrication of parts and sub-assemblies. It would not be possible for outside parties to obtain legitimate copies of approved engineering drawings or other type certification data. Possession of such data by others would violate Cessna's intellectual property rights. Therefore, Cessna believes that the practice for those outside the company to produce an airplane, and verify that it complies with all current FAA-approved type data is not possible. To assure that the article being presented as complying with type design data, one would have to produce a complete set of drawings, process specifications, and other type design data. Even parts and sub-assemblies, which have been outside the manufacturer's quality system, cannot be assured to comply, as they may have been modified after being outside the manufacturer's quality control.

Public Safety:

Cessna believes it is a dangerous practice to imply that an aircraft reassembled from spare and/or surplus parts is the same as that manufactured by the TC holder, and that the practice should not be permitted. The original manufacturer likely would have tooling in order to accurately locate the spare or surplus parts on assembly. Failure to accurately locate them on assembly may jeopardize the flying qualities of the product. The original TC holder might be implicated in any legal action resulting from an accident involving such an aircraft, regardless of the fact that the company had no involvement in the assembly of the product. And public safety would be compromised, as the public would be misled by the product's appearance to be the same as that produced under the manufacturer's production certificate.

Maintaining conformity is a difficult thing, even for the TC holder in a manufacturing environment, and stringent processes must be maintained to assure that parts and assemblies conform. When parts or assemblies leave the control of the manufacturer, conformity cannot reliably be assured, especially without approved data. And

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assemblies made outside the Production Certificate holder's control, without approved data, cannot be shown to conform.

Economic Impact:

An entity that produces an airplane without the burden of obtaining a type certificate or a production certificate, and without the burden of producing type data, has a significant economic advantage over a company producing an airplane under 14 CFR 21.183(a), (b), or (c). Further, the legitimate owner of the type data would likely be named in any litigation resulting from an accident involving the copied product, due to the fact that the copy looks like the original, and there is implication that the product is identical. Even if found to be not liable, such legal action is very costly to the legitimate manufacturer.

Therefore, Cessna opposes the practice of an entity obtaining an airworthiness certificate for producing a new aircraft without obtaining a type certificate. The builder should be made to obtain a separate Type Certificate. This would mean that the builder would then have to produce all required type data.