

Comment to FAA

Re: Docket number FAA-2003-15062, 14 CFR part 3

May 14 2003

Comment provided by:

Jim Watson, Transport Canada Design Approval Representative

---

I would like to offer my enthusiastic support for this initiative of the FAA. I have a change to request, and a clarification which I ask that the FAA provide to the industry in respect of the new rule. I believe that these will improve the fairness and effectiveness of the rule.

**Proposed change:**

3.5 (e)(1) The product, part, or material was produced under an FAA production approval, such as a production certificate, parts manufacturing approval, or technical standard order authorization, **or FAA accepted foreign equivalent;**

**Rationale:**

Many parts produced under foreign approvals are accepted by the FAA by bilateral agreement as being acceptable for installation on U.S. registered aircraft. An example of this would be Canadian "Part Design Approval" approved parts. These foreign manufacturer's would not have any of an FAA production certificate, parts manufacturing approval, or technical standard order authorization, but the parts are acceptable to the FAA. It cannot come to be possible that advertising, or providing a record in respect of these parts in the U.S. is non-compliant with a U.S. rule, when the parts themselves are completely accepted by the FAA.

Paragraph (2) would have to be enacted by the advertiser to remain compliant with the new rule, and this would lead to a reverse situation where a part entirely entitled to presentation as being acceptable for installation, cannot be identified as such, and would actually appear to be a non-acceptable part to the reader of the record (advertisement).

I request that the wording of the proposed rule be reconsidered in this light.

**Clarification of applicability:**

From a conceptual standpoint, this new rule applies in a situation where it most certainly should, but would not appear immediately obvious, this perhaps needs greater illumination:

3.5(c) ...No person may make or cause to be made – (1) Any fraudulent or intentionally false statement in any record the represents the airworthiness of a type certificated product, or the acceptability of any part or material for use on a type certificated product.

The wording of this part of the rule, when associated with the background material statement "*... Other statements may be misleading when representing a part's life status, such as cycles or hours accumulated on the part.*" Imposes the new rule (very

appropriately) upon persons who are creating a record in respect of a part (serviceable or otherwise) which has been removed from an aircraft for any reason. An example of this is seen in the situation where an aircraft owner/maintainer removes a core part to return to a shop in exchange for a new or overhauled equivalent. The supplier of the new/overhauled part may request a "core return form" be completed for the core part being returned to assure that part's continued traceability to an approved installation, and therefore its original airworthiness certification. It has been the practice of an overhaul shop with which I am associated, to request this information, and refuse to return the core credit if the record is not returned (as the lack of the record has rendered the part no longer approved). A recent audit of about 250 of these forms showed that 25% of them were completed with misleading information. This was determined by a review of the aircraft registrations reported on the records, against the FAA registry on the FAA website. It was determined that the core return forms (which had been signed by owners/maintainers) indicated the apparent installation of STC replacement Lycoming piston engine parts into: several hot air balloons, several sailplanes, over 30 Cessna aircraft which have never been approved for the installation of a Lycoming engine, and surprisingly, a Bell 212 helicopter!

In light of this misleading reporting, which results in a responsible approved overhaul facility now holding core parts with no traceability to original certified installation (they might have been removed from non-certified aircraft), the new rule would seem to be beneficial. Whether these core return forms were filled out carelessly, or with intent to deceive for whatever reason, this rule will make this sort of misrepresentation no longer acceptable.

I ask that advisory material which accompanies this new rule make very obvious that persons, whose role in aviation does not normally involve the certification of parts, are indeed doing that, and are therefore bound by this new rule, when making records in respect of not new and unserviceable parts.

Thank you for your consideration. Should you wish to reach me for further clarification, you may do so by phone: 705 484 5315, by fax 705 484 5615, by email: [watson@orilliapronet.com](mailto:watson@orilliapronet.com).

Jim Watson, Transport Canada Design Approval Representative