

"Jerry A Walker"

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To: Beverly J Sharkey/AWA/FAA@FAA

Cc:

Subject:FAA-2003-15062; Notice No. 03-07

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Response to request for comments, NPRM Docket No. FAA-2003-15062.

I am writing to express support for the proposed rule, with the following exceptions:

### **§3.1 Applicability**

The addition of the definition of "persons" to §3.5(b) terms.

### **§3.5 Statements regarding aircraft, and aircraft products, parts, and materials.**

(a.) Applicability of this section.

The language used in this section is vague and could be interpreted to apply only when the part or material is manufactured by a PAH, rather than as applying generally to all parts or materials being presented (whether manufactured under FAA approval or not). Perhaps the addition of "presented", "represented" and/or "as being approved for installation on type certificated products".

(c.) Prohibition against false statements.

(1). Use of the word "fraudulent" introduces the concept that the FAA considers that the "intent of the person (to pervert truth in order to gain advantage over another<sup>[1]</sup>)" is of such import, that it needs to be separately referenced.

Is attempting to gain advantage over another through the perversion of truth appropriate to the FAA's goal in introducing this rule? A fraudulent statement *is* intentionally false, issued with a specific goal. If you intentionally misrepresent, the outcome is the same, no matter what the motivation or goal is.

(f.) Inspection.

Use of the phrase "shall allow".

If the FAA is going to investigate a person under the terms of this rule, shouldn't the person under investigation incur the cost of showing compliance? Perhaps "make available to" or "shall supply" and "in a manner acceptable..... enable to" might be worth considering?

### **A counterpoint to the comments forwarded by Dana Lakemen**

I would strongly disagree with Lakemen's suggestion that persons subject to the requirements of 14 CFR parts 21, 43, 65, 119, 121, 123, 135, & 183 should be exempt from this rule. The assertion that sufficient remedies already exist, and the discussion regarding "honest production approval holders" is no guarantee that a PAH is incapable of making a "fraudulent or intentionally false statement". Inclusion of persons already subject to similar language in other parts of 14 CFR would serve to communicate to the public and the aviation industry that the FAA holds this issue to be of the highest import.

respectfully,

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FAA ODAR, DOA, A&P