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August 6th, 2003

FAA-2003-15062-29

Docket Management System (DMS),
U.S. Department of Transportation,
Room Plaza Level 401,
400 Seventh Street, S.W.,
Washington, DC
20590-0001
FAA-2003-15062

Subject: NPRM 03-07: False and Misleading Statements Regarding Aircraft Products, Parts and Materials.

Dear Beverley J. Sharkey:

Federal Register Volume Number 68, No. 86 dated May 5th, 2003 gave notice on the availability of the subject and invited interested persons to submit their comments to the FAA. Transport Canada would like to propose the following comments for your consideration.

Comment 1.

The proposed section 3.5(a) makes reference to products, and to parts and materials that may be used on those products. The term "product" is defined in 3.5(b) to mean an aircraft, aircraft engine or propeller. As indicated in the discussion (FR page 23810, 1st column, 2nd last para, under Section 3.5(b)), this same meaning as is used FAR 21.1(b). The term "parts" is not defined. The discussion (FR page 23810, 2nd column, 2nd para) indicates that there are various words and phrases used to describe aircraft parts, "including such terms as appliance". FAR 21.1(b) refers to "parts, materials, and appliances approved under the Technical Standard Order system", implying that, at least within the context of FAR 21, an appliance is not considered to be a part. It seems odd that consider appliances would be considered differently in these two instances. It may be appropriate to suggest that the FAA revising the proposed Section 3.5(a) to use the same wording as FAR 21.1(b) regarding parts, materials and applicants.

Comment 2.

The proposed section 3.5(b) defines a Record to include, in part, "identification plates" and "stamped marks on parts". It is questionable if that is sufficient to describe records. Are other means used to identify parts, such as engraving a number on them, and would these provisions

cover these methods? We do question the definition of "record" when it includes "advertisements". Advertisements cover a wide range of verbiage. Could a coffee mug issued by ABC Corp, which states something to the effect "Supplier of replacement parts for Piper, Cessna aircraft etc for the past 30 years" are misleading? Probably not because the statement does not mention a specific type-certificated aircraft model. But then, did Piper or Cessna make models that were not type certificated? I understand what the FAA is trying to prevent, but "advertisement" is so very general and I know that they need to keep the rule brief as possible. Perhaps a better term might be "promotional material". To my thinking, an "advertisement" can be part of a newspaper or a billboard; but these surely cannot be held out to be an aircraft record. The FAA is not talking about something that is widely distributed [like a real "advertisement"] but a tag or flyer etc that is directed to a select segment [aviation] of society.

Comment 3.

In the discussion of section 3.5(b), (FR 23810, 3rd column, 2nd para) the FAA specifically requests comment on whether certain terms, e.g. part, material, "acceptable", are sufficiently clear, whether they should be defined in the regulations, or whether different terms should be used. They are sufficiently clear, do not require definition, and should continue to be used.

Comment 4.

The requirement in Section 3.5(e)(2) appears to be inconsistent and would seem to undermine the intent of the regulation. The discussion of 3.5(e) (FR 23812, 1st column, last para) argues that a statement that an item is produced under an FAA production approval is essentially a statement that it meets FAA airworthiness standards. I agree with that argument. However, I do not believe that the significance of a statement that an item was not produced under an FAA production approval is clear, especially when it is accompanied by a statement that the item meets FAA airworthiness standards. The statement that it was not produced under a production approval provides no indication of what the consequences of that are, I believe the FAA has to answer that question and ensure those consequences are identified in the statement required by Section 3.5(e)(2).

Comment 5.

Under the discussion of the Application of the Proposed Rule (FR 23812, 3rd column, 2nd para), certain statements that could be considered in violation of the rule are discussed. One of these, "aviation quality", seems a bit excessive. Using terms such as FAA certification, TSO, STC, etc., by their specific reference to regulatory terminology, would seem to be terms that could be misused but the inclusion of such a non-specific terms as "aviation quality" seems excessive and to all encompassing.

Comment 6.

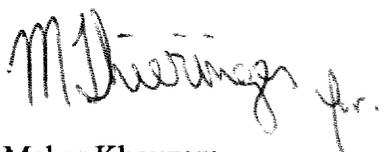
Under the discussion of the Application of the Proposed Rule (FR 23813, 1st column, 3rd para), reference is made to the product of parts with both a type-certificated and a military application, both with the same part number. This would be considered a violation of the proposed rule if the military part were not acceptable for use on the type-certificated product. Bell Helicopter appears to have followed this practice for many years. Whether or not there

are in fact any physical or manufacturing process differences between the parts, Bell has routinely argued that parts produced for military aircraft are not eligible for use on type-certificated products. It would be interesting to know what, if any, retroactive provisions would be applicable to this rule.

Comment 7.

Under the discussion of the Application of the Proposed Rule (FR 23813, 2nd column, 1st para), reference is made to requiring the Illustrated Parts Catalogue (IPC) to contain a statement that the suppliers listed may not currently hold FAA approvals. How does the FAA intent to address this provision? Will a revision to the FAR design parts, section 1529, which addresses the Instructions for Continued Airworthiness, be undertaken?

Thank you for the opportunity to comment on the Draft Policy: **NPRM 03-07: False and Misleading Statements Regarding Aircraft Products, Parts and Materials.**

A handwritten signature in black ink, appearing to read "Maher Khouzam".

Maher Khouzam
Chief, Regulatory Standards
Aircraft Certification