

281746

**Raytheon**RAYTHEON AIRCRAFT COMPANY  
2004 MAY 20 10 29 50Raytheon Aircraft Company  
9709 E. Central  
P.O. Box 85  
Wichita, Kansas  
67201-0085 USA

DOA

In Reply Refer To: 940-2004-05-209

May 20, 2004

Docket Management System  
U.S. Department of Transportation  
Nassif Building, Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590-0001

Subject: Establishment of Organization Designation Authorization Procedures

Reference: Docket Number FAA-2003-16685- 23

Dear Sir or Madam:

Raytheon Aircraft Company (RAC) has reviewed and wishes to comment on the "Establishment of Organization Designation Authorization Procedures" published in the Federal Register on January 21, 2004. Also, RAC has reviewed the FAA Order 8100.ODA, January 2004 Draft and includes comments on the Order herein.

**§183.47 Eligibility**

RAC questions the need to present a hard rule requiring the location of an ODA facility to be in the United States as is prescribed in §183.47(a). RAC recommends the rule be re-written to establish the concept of "no undue burden on the United States in administering the applicable requirements..." as is stated in §21.137.

**§183.53 Procedures Manual**

Regarding the requirement in §183.53(j) to document position descriptions and required qualifications in the ODA Holder's procedures manual: FAA Order 8100.ODA, paragraph 3-5 (b) dictates "Engineering and Flight test AR's must meet the qualification requirements for DER's as defined in Order 8100.8, as appropriate to the functions and areas the AR will perform." RAC intends to publish a procedures manual that specifies the required qualifications of an AR as defined by FAA Order 8100.8B.

**§183.57 Responsibilities of an ODA Holder**

RAC is concerned with the wording of the §183.57(c) which states that the ODA holder must "ensure that *no interference or conflicting restraints* are placed on the ODA Unit or on the personnel performing the designated functions while complying with this part and the approved procedures manual..." Of even greater concern to RAC is the wording in the corresponding paragraph of the FAA Order 8100.ODA. Paragraph 3-4(b)(3) states "AR's must have *no restraints* placed on them while they perform authorized functions." RAC recommends the wording of both the Order and the Rule be rewritten to match more with the wording in FAA Order 8100.9, paragraph 3-3(a) which states "The authorization holder must ensure that the administrator and AR's remain free of any restraints that would limit the DOA's, DAS's, or SFAR 36's ability to ensure that authorized functions are performed in compliance with FAA regulations."

940-2004-05-209

May 20, 2004

Page 2

§183.59 Continued Eligibility

RAC agrees with the wording of the Rule, but finds the wording of the related paragraph in the Order burdensome. The wording of Order 8100.ODA, in paragraph 3-13 (e), suggests that if the ODA Holder "...adds a facility," the ODA Holder must re-apply for Production Certificate. The definition of "facility" is not provided in the Order but could be interpreted to the extent that if the ODA Holder constructs a paint building on site, the ODA Holder would be forced to reapply for PC. RAC recommends clarifying this paragraph to avoid interruption in the flow of business.

**Concerns Specific to the FAA Order 8100.ODA:**

FAA Order 8100.ODA, paragraph 1-8 - Definitions

In the Definitions section, paragraphs 1-8 (l) and 1-8 (i) there are two distinct definitions for Letter of Designation. This is confusing and should be clarified. Also, in paragraph 1-9 (u), the definition of a Person includes a governmental entity -- is this correct?

FAA Order 8100.ODA, paragraph 1-9 – Acronyms

The list of Acronyms also includes abbreviations; therefore this section should be renamed "Acronyms and Abbreviations".

FAA Order 8100.ODA, paragraph 2-2 -- Eligibility for ODA

There is a typographical error in the second sentence – "...ODA types." Should be "...ODA type."

FAA Order 8100.ODA, paragraph 2-6 – Multiple ODA Types

There is a grammatical error in the first sentence - "...many types and functions which they qualify for." Should be "...many types and functions for which they qualify."

FAA Order 8100.ODA, Figure 3-1

Figure 3-1 is currently positioned at the end of Chapter 2. It should be moved to Chapter 3.

FAA Order 8100.ODA, paragraph 3-3 – ODA Holder Location – see discussion on §183.47 - Eligibility

FAA Order 8100.ODA, paragraph 3-4 (b) Organizational Model

The last sentence in paragraph 3-4 (b) (1) states that the ODA administrator's position in the company should not be of a sort that could influence his ability to act in the FAA's interest. This sentence is confusing and needs further clarification.

FAA Order 8100.ODA, paragraph 3-4 (b) (3) see discussion on §183.57 - Responsibilities of an ODA Holder

FAA Order 8100.ODA, paragraph 3-4 (d) Facilities

Why is the location rule repeated here?

FAA Order 8100.ODA, paragraph 3-5 (b) – Qualification Requirements for Engineering and Flight Test AR's

After the qualifications of the engineering and flight test ARs are stated in this paragraph, RAC recommends that the following sentence, used in FAA Order 8100.9, paragraph 3-7 (b) (1), be included in the ODA order: "However, the requirement to have significant working experience in a direct working relationship with the FAA may be satisfied by having significant working experience within the authorization holder's organization."

940-2004-05-209

May 20, 2004

Page 3

FAA Order 8100.ODA, paragraph 3-6 (b)

RAC finds the FAA's preference, made in the FAA Order 8100.ODA, paragraph 3-6 (b), that "[t]he lead administrator should perform all FAA communication and interface if they are available" unnecessary and burdensome. RAC recommends this preference be removed from the Order.

FAA Order 8100.ODA, paragraph 3-7 - Memorandum of Understanding

RAC recommends the removal of the sentence beginning with "If the new senior management refuses to sign the MOU...". RAC believes this sentence carries a confrontational tone and is superfluous.

FAA Order 8100.ODA, paragraph 3-10 (a) (9) - Procedures for selection and FAA coordination of AR's

Regarding the requirement that the "...organization must notify the FAA of proposed AR's, and the OMT must provide the ODA holder with any information it has regarding the proposed AR within 15 days," RAC suggests this paragraph be clarified as to its intent.

FAA Order 8100.ODA, paragraph 3-10, (a) (12) -- Procedures Manual

Regarding the requirement to document in the ODA Holder's procedures manual "[p]rocedures for performing each of the authorized function under the ODA," RAC recommends the order be clarified to list the specific procedures that should be documented. This list is provided in the rule (see §183.53(n)).

FAA Order 8100.ODA, paragraph 3-13 (e) -- see discussion on §183.59 -- Continued Eligibility

FAA Order 8100.ODA, paragraph 5-1 (c) -- Oversight Program

Regarding the oversight of the delegated organization's overall performance, to what criteria will the organization be evaluated? RAC recommends this statement be expanded to clarify the specific performance criteria the FAA will use for their evaluation.

FAA Order 8100.ODA, paragraph 5-2 (2) -- Organization Management Team (OMT)

RAC questions if the requirement that the OMT consists of ACO engineers from *all* technical disciplines performed by the authorization holder is an efficient use of resources.

FAA Order 8100.ODA, paragraph 5-3 (a) (3) -- Managing Type Certification Activity

Regarding the requirement of the OMT to participate in a project if there is any question of the organization's ability to complete any aspect of the project, RAC believes this sentence carries a negative connotation. Rather, it may be more positive to state that the OMT may chose to participate in an aspect of the project for which the OMT has concern.

FAA Order 8100.ODA, paragraph 5-3 (c) (1) -- Review of the Organization's Work

Regarding the statement that "[t]he amount of ...review should be based on ...the AR performing the function." Isn't it the ODA Holder's responsibility to assess ARs' performance?

FAA Order 8100.ODA, paragraph 5-4 (b) -- Engineering Supervision

Regarding the statement that "...each engineering OMT representative must make at least one supervision visit to the organization each year...", if there are twelve OMT members, that could mean an audit a month. This seems excessive. In paragraph 6-2 of the Order, it states audits must be performed at least every two years and the OMT must use their judgment and discretion when determining the need for evaluations. This appears to be a contradiction.

940-2004-05-209

May 20, 2004

Page 4

FAA Order 8100.ODA, paragraph 5-6 (b) – Non-compliances to the Airworthiness Standards and Possible Unsafe Conditions

Regarding the statement that "...the OMT may request the organization correct the condition..." even if it does not result in an unsafe condition. This is a departure from the current practice. What is the purpose of this requirement? What is the legal requirement?

FAA Order 8100.ODA, paragraph 6-6 (c) – Organization Response

Regarding the statement that "[t]he ODA holder should provide a written response to the transmittal letter and evaluation report within 20 days," RAC would like it specified if this is 20 *calendar* days or 20 *business* days.

FAA Order 8100.ODA, paragraph 7-2 (d) – Lack of FAA Need or Ability to Manage

If the FAA had no more resources to manage an ODA Holder and the ODA was removed, this would penalize industry through no fault of its own.

FAA Order 8100.ODA, paragraph 8-6 (a) – Program Notification

The Order requires ODA Holders to "...establish the criteria to determine when notification to the FAA is required..." in the ODA procedures manual. RAC intends to publish a procedures manual that specifies the required notification to the FAA as defined in §21.93.

FAA Order 8100.ODA, paragraph 8-6 (d) (1) FAA Form 8100-9

The Order states that FAA Form 8100-9 must have a note that indicates "...the data approval is in support of an ODA project and is not a DER data approval." RAC objects to this boilerplate verbiage for the following reasons:

- This verbiage made sense when both AR's and DER's shared a Statement of Compliance form – but now AR's have their own form. It should be obvious that approvals using FAA Form 8100.9 are AR approvals and approvals using FAA Form 8110-3 are DER approvals.
- Why is there a need to differentiate between AR approval and DER approval? This creates a perception that AR approval is substandard to DER approval. RAC believes that AR approved data are FAA approved.

FAA Order 8100.ODA, paragraphs 8-6(j), 9-6(e)(1), and 11-7(i) – ODA Projects Involving Foreign-Registered Aircraft

Regarding the statement that "[t]he ACO OMT representative must obtain written authorization from the CAA stating that it has no objections to the modification or the use of an ODA unit to make compliance findings, witness testing, or conformity inspections on the project." The ACO OMT shouldn't be asking permission to use *the ODA*. The question that should be asked is if the CAA has any objections to the use of *the FAA* to make a finding, since the ODA is acting on behalf of the FAA.

FAA Order 8100.ODA, paragraph 8-7 (c) – Determination of Applicable Regulations

RAC suggests rewriting this paragraph to enhance understanding.

940-2004-05-209

May 20, 2004

Page 5

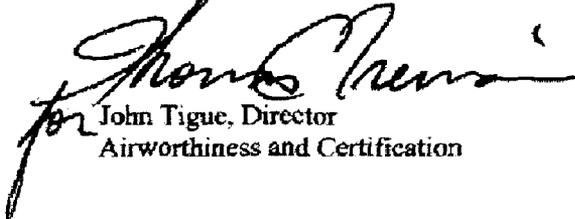
General comments about the FAA Order 8100.ODA

- The Order uses the term AR throughout the document when it may be beneficial to differentiate between Inspection AR's and Engineering AR's.
- The term "ODA Unit" is used as if it were in a plural form. "ODA Unit" is singular. If discussing *members of the ODA unit*, this phrase should be used instead. This error occurs in numerous places throughout the document beginning in paragraph 3-4 (b) (2).
- The use of upper case lettering to stress a point sets a confrontational tone and should be omitted (e.g. paragraphs 4-3 (h) and 11-7 (i)).

Any questions or comments concerning the RAC response to this NPRM and Order may be discussed by contacting Katie Oatman, 316-676-5843.

Sincerely yours,

RAYTHEON AIRCRAFT COMPANY



John Tigue, Director  
Airworthiness and Certification

JT:kgo

Cc: GAMA - Walter Desrosier

Cc: AIA - Webster Heath