



## AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798  
Telephone (301) 695-2000 • Fax (301) 695-2375  
www.aopa.org

---

April 12, 2005

Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
400 Seventh Street, SW  
Washington, DC 20590-001

**Re: Docket No. FAA-2003-14825; Notice of Proposed Rulemaking; Standard Airworthiness Certification of New Aircraft**

The Aircraft Owners and Pilots Association (AOPA) representing over 400,000 pilots, submits the following comments to the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) on Standard Airworthiness Certification of New Aircraft published in the Federal Register on February 15, 2005.

***Negative Impact on General Aviation***

AOPA is concerned that the FAA's proposed changes to its standards for certification of new aircraft could adversely impact the manufacture, assembly, alteration and restoration of older general aviation aircraft.

Most significantly, the FAA fails to make provisions for the remanufacture or alteration of older aircraft based on an orphaned Type Certificate or Supplemental Type Certificate (TC/STC).

Additionally, under this proposed rule it is unclear whether manufacturers who hold a TC for imported products would now be required to hold a production certificate, which could increase the cost of the aircraft to purchasers. The proposal could also adversely affect the legitimate restoration of used aircraft that have been classified as destroyed or demolished by the National Transportation Safety Board (NTSB). There have been many aircraft that the insurance companies, and/or the NTSB have indicated are destroyed or demolished, that were reassembled or rebuilt using spare and surplus parts. This is particularly true for antique and surplus military aircraft.

***AOPA Recommendations***

The safe manufacture, assembly, alteration and restoration of older general aviation aircraft is dependent on the ability of aircraft owners to have access to reasonable methods for maintaining airworthiness of their aircraft. As currently written, the FAA's NPRM eliminates some of the reasonable methods that have worked well over the years.

To address the concerns raised in this letter and allow for the maintenance of a viable aviation fleet, the FAA should modify the NPRM to account and allow for the manufacture and alteration of older aircraft based on orphaned TCs or STCs. The FAA

should also clarify that the practice of assembling imported aircraft kits/major assemblies, without necessarily holding a production certificate, will be allowed to continue. Finally, the proposed rule should include language that protects the legitimate restoration of used aircraft classified as destroyed or demolished.

### ***Orphaned Type Certificates and Supplemental Type Certificates***

The NPRM would require the manufacturer of a new aircraft, engine, or propeller to hold a TC or have permission from the TC holder. However, the proposal fails to address and make allowance for the remanufacture of older aircraft based on an orphaned TC or a TC in the public domain. Under this proposal it is unclear whether that activity would be permitted. The FAA should revise this section of the rule to continue to allow for the manufacture and alteration of older aircraft based on orphaned TCs or STCs.

The proposal would also require a person altering an aircraft to have permission from the STC holder to alter the product using the STC. Again, as with orphaned TCs, this may have unintended consequences on the older fleet where the STC is not held by anyone (orphaned STC). The NPRM needs to be revised to account for this possibility and explain how it will be addressed.

### ***Import Products***

The FAA is concerned that under the current regulation, certain new aircraft are eligible for a standard airworthiness certificate without meeting the requirements of a TC and without having been manufactured under an FAA production approval.

AOPA understands that there have been a number of foreign aircraft manufacturers who hold a TC for imported products under § 21.29 that assemble foreign-made aircraft kits or major assemblies in the United States, in some instances, without a production certificate. The FAA's long-standing requirement for issuance of a standard airworthiness certificate has been that "the aircraft conforms to the type design and is in condition for safe operation." Under this proposed rule it is unclear whether these foreign manufacturers would now be required to hold a production certificate in the United States, which could increase the cost of the aircraft to purchasers. The FAA should clarify that the practice of assembling imported aircraft kits/major assemblies, without necessarily holding a production certificate, will be allowed to continue.

### ***Destroyed or Demolished Aircraft***

The FAA proposes to exclude from the term "used aircraft," any aircraft that has been classified as destroyed or demolished by the NTSB. This interpretation could adversely affect the legitimate restoration of aircraft and would essentially invalidate the reason why § 21.183 (d) was instituted and utilized for many years. There have been many aircraft that the insurance companies, and/or the NTSB have indicated are destroyed or demolished, that were reassembled or rebuilt using spare and surplus parts under the FAR

Docket Management System

Page 3

April 12, 2005

provisions in Part 43. This is particularly true for antique and surplus military aircraft. AOPA questions whether the NTSB has the technical expertise to determine if a destroyed or demolished aircraft can be safely rebuilt to conform to the TC and be in a condition for safe operation. The FAA should modify the proposed rule by adding language that protects the legitimate restoration of used aircraft that have been classified as destroyed or demolished.

AOPA appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis M. Gutierrez", with a long horizontal flourish extending to the right.

Luis M. Gutierrez

Director, Regulatory and Certification Policy  
Aircraft Owners and Pilots Association