



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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June 14, 2006

BY ELECTRONIC MAIL

Ms. Linda Walker
Federal Aviation Administration
Aircraft Certification Service
Aircraft Engineering Division, AIR-140
800 Independence Avenue, SW
Washington, DC 20591
Electronic Address: 9-AMC-AIR-140-Policy@faa.gov

RE: Draft Order 8040.2, Airworthiness Directive Process for Mandatory Continuing Airworthiness Information

Dear Ms. Walker:

The Aircraft Owners and Pilots Association (AOPA) representing over 408,000 members requests that the Federal Aviation Administration (FAA) amend draft Order 8040.2 to include a requirement that the existing Airworthiness Concern Process (ACP) be followed by the agency when considering airworthiness action on Mandatory Continuing Airworthiness Information (MCAI) issued by a foreign authority. AOPA also requests that the FAA provide the public with the standard rulemaking comment period regardless of the aircraft's State of Design Authority. The proposed 15-day comment period is insufficient time for the general aviation industry and affected aircraft owners to provide substantive comments to proposed Airworthiness Directives (AD) that may not have been thoroughly evaluated or where alternatives were not fully considered.

Draft Order 8040.2 Bypasses Important Airworthiness Concern Process

AOPA is concerned that many ADs issued by foreign aviation authorities are "overkill" and issued without using good risk management practices. In many instances, ADs on foreign designed aircraft appear to be product improvements and not a solution to a clearly defined safety concern. This is why AOPA is pleased that the FAA uses the ACP to solicit input from the general aviation community as part of its process to determine if there is truly an unsafe condition with MCAIs issued by a foreign authority before making a final safety determination.

For nearly six years AOPA, the aviation industry, and the FAA have relied on and successfully used the ACP to address and resolve safety concerns before an AD is issued. For this reason, AOPA is disappointed that the FAA now appears to be abandoning the ACP for MCAIs issued by a foreign authority. The FAA's proposed document fails to provide instructions or directions that would require the use of the ACP to evaluate an MCAI before the agency takes airworthiness action. The draft Order 8040.2 assumes that because an AD has been issued by a

Ms. Linda Walker
Page 2
June 14, 2006

competent foreign authority it is unnecessary to get industry input prior to issuance of the AD in the United States (U.S.). This assumption however is flawed because it does not allow for the availability of data and suggestions on the products operated in the U.S. AOPA therefore requests that the FAA continue to use the ACP when considering an MCAI for potential airworthiness action.

Proposed 15-Day Comment Period is Inadequate

The proposed 15-day comment period is inadequate because it would not allow enough time for a proposed AD to reach the individuals or entities most knowledgeable on the product, nor would it allow them sufficient time to review the proposal, and then develop and submit comments to the FAA on possible alternatives or solutions to the unsafe condition. As previously stated, the FAA incorrectly assumes that because an AD has already been issued by a competent foreign authority no further input from the public is really necessary and therefore a standard comment period is not needed. This erroneous assumption effectively denies U.S. owners and operators of foreign aircraft the opportunity to provide substantive comments to ADs that directly impact them. AOPA requests that the standard public comment periods used in the development of U.S. ADs also be utilized for the development of ADs on foreign designed aircraft.

AOPA appreciates the opportunity to comment on the draft FAA Order.

Sincerely,



Luis M. Gutierrez
Director
Regulatory and Certification Policy

cc: Dorenda Baker, Deputy Director, FAA Aircraft Certification Service