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To: Dutch Safety Board

Attn:

From: Zenair Ltd.

Date: February 24, 2012

Subject: Response Dutch Safety Board Report Re. Zodiac CH-601XL; your Ref: OvV 12500171

Dear Sirs,

Thank you for your letter dated February 6th, 2012. Please consider this letter as Zenair's response to the referenced report and to the DSB recommendation it contains as applicable to Zenair.

Regarding the specifics of the accident aircraft (PH-4B6), Zenair cannot comment on the specifics of the aircraft as Zenair did not build it. We do not know that the aircraft was built to Zenair's specifications and/or constructions standards and are not aware that the Dutch Safety Board has established that every part and fastener in the aircraft was properly made and installed. Historically, Zenair has found numerous manufacturing discrepancies (inconsistencies with the Zenair drawings and construction standards) in every inspected aircraft involved in an accident.

Regarding design-related observations and recommendations, Zenair reviewed the same CH-601XL design (studied by the DSB) with numerous CAAs in 2008/2009. Some of the more prominent organizations involved include the FAA, the NTSB, the DAeC, the LAA as well as others. We also worked with the Dutch CAA and a special Dutch task force to address all identified concerns. The outcome of this work (including structural tests, ground vibration tests (GVT) and flight tests) resulted in recommended modifications to the design that satisfied every concern – including those of Dutch CAA engineers.

These design changes were communicated to all aircraft owners in December 2009 and an “upgrade package” was immediately made available by Zenair. Most owners installed the upgrades over the next year, with implementation time-lines varying slightly between European countries. In the Netherlands, oversight of the upgrading process was delegated to the “Dutch Owner’s Group” a responsible user’s group recognized by the Dutch CAA. Zenair communicated all relevant information via the “Zenair Europe” website at www.zenairulm.com. All related service letters, technical drawings, installation instructions, etc. are still available at: <http://www.zenairulm.com/service-bulletins--letters.html>.

At this time, it is Zenair's position, as supported by all Civil Aviation Authorities involved (including the Dutch CAA), that all design-related recommendations found in the final DSB report (published in April 2011) were actually fully covered with the “upgrade package” which Zenair provided 18 months before the report was published.

Remarkably, the authors of the final DSB report appear to have completely overlooked the Zenair-issued service letters of 2009, the work of the “Dutch Owner’s Group” as well as the basis for the Dutch CAA’s lifting of its grounding-order in January 2010 (Ref: Airworthiness Directive No. NL-2010-001). As it is, the solutions to the perceived shortcomings called-for in the DSB Report had been **identified, accepted** by all participating CAAs and **implemented** more than a year before the publication of the DSB’s report.

The upgrades made the CH 601XL design more user friendly and more tolerant of less-than-perfect assembly, inadequate maintenance and user abuse. For more information on the upgrades which address the recommendations found in the final DSB report, all related Zenair Service Bulletins can be downloaded from <http://www.zenairulm.com/service-bulletins--letters.html>.

In closing, one should not forget that The Netherlands has a reciprocal agreement with Germany regarding the approval and acceptance of German-certified ULM for operations in the Netherlands. The CH-601XL was LTF-UL certified before the recent upgrades; it continues to be LTF-UL certified after all the aforementioned tests and upgrades.

We trust that this letter will satisfy your request for a reaction on Zenair’s part to the recommendation of the report in question.

Best regards,



For Zenair Ltd

c.c. - Bart Abbes, Dutch CAA
- “Dutch User’s Group”