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September 28, 2004

Docket Management Facility
U.S. department of Transportation
400 Seventh Street, SW
Room PL-401
Washington, DC 20590-0001

RE: Docket No. FAA-2004-17681, Fuel Tank Safety Compliance Extension and Aging Airplane Program Update (Request for Comments) Final Rule, 69 Fed. Reg. 45935, July 30, 2004

Dear Sir or Madam:

The National Air Carrier Association (NACA), on behalf of its member airlines[1], commends the FAA for extending the compliance date for the Fuel Tank Safety Rule. We fully concur with this action. As noted in this final rule, the previously established date could not be met because the parties involved did not share a common understanding of what needed to be done, and the intended actions did not get completed in time for aircraft operators to complete required actions. We agree that this extension will not lead to any unsafe condition as any safety deficiencies found can be addressed in airworthiness directives.

We also thank the FAA for the presentation of its plans to realign the Aging Airplane Program. This program includes five existing or pending rules that have significant overlap of requirements and various compliance schedules that if not modified would require significant changes to operators' maintenance schedules and on more than one occasion. The suggested changes will result in enhanced safety by focusing and coordinating the inspections; there will be fewer service disruptions; and, of great importance, fewer times an aircraft is removed from service. The result will be greater efficiency and lower cost to the airlines while increasing revenue opportunities. We concur with this approach and look forward to receiving the separate rulemaking documents once developed. Furthermore, we volunteer our participation in any formal or informal rulemaking committees or work groups needed to advance these programs.

[1] Air Transport International, ATA Airlines, Centurion Airlines, Champion Air, Express.Net Airlines, Falcon Air Express, Gemini Air Cargo, Miami Air International, North American Airlines, Omni Air International, Ryan International Airlines, Southern Air, TransMeridian Airlines, USA3000 Airlines and World Airways

The FAA has also noted in this docket that it may propose a new rule to require design approval holders to develop necessary data and continuing airworthiness documents required by operators in making required safety improvements to products and/or airworthiness programs. The FAA indicated it might also require these entities to complete their work by specific deadlines that would coincide with or support deadlines required of operators.

We believe this proposed change will be controversial among design approval holders. While the FAA has not issued details of its full proposal, we offer our general support for this concept. We note that the language of this advance notice of intent is subtly different from current, similar regulatory language at 14 CFR 21.50(b), 14 CFR 25.1529 and Appendix H to Part 25 in that it requires design approval holders to participate in changes and improvements to their products. Currently, these entities participate in this process on a voluntary basis. We also note that the proposal reflects, in large part, what happens on a voluntary basis today. Manufacturers produce products and components. Operators find flaws in the products and submit service difficulty reports to the design approval holders and the FAA. Depending upon the severity of the problem and the costs of so doing, design approval holders apply their engineering expertise to the problem and sell the necessary design changes and maintenance instructions back to operators. When the changes are thought to be a matter of safety, the FAA issues an airworthiness directive making the change mandatory, often applying a deadline. These three stakeholders, along with other supplemental type certificate holders, are intricately linked in improving safety.

Given the wide disparity in engineering capabilities in air carriers operating transport category aircraft, it is far better for the design approval holders to develop the data and the instructions for continued airworthiness for changes to their products. We also note that the FAA's suggested change does not signify that the data and instructions required of the design approval holders will be provided to operators on anything other than a commercial basis. Furthermore, the proposal does not preclude other entities from offering design solutions of their own. Used judiciously, it will simply put all stakeholders on the same path and timeline for required changes to products and airworthiness instructions.

Because we recognize this proposal will be controversial, we recommend the FAA convene an appropriate group of stakeholders to thoroughly air the issue before a final regulation is issued.

Respectfully Submitted
National Air Carrier Association

Ronald N. Priddy
President