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Date: 6/17/99 12:27 PM
Sender: "Larry Inouye" <linouye@boh.com>
To: 9-NPRM-CMTS
Priority: Normal
Subject: FW: NPRM - Part 105

1999 JUN 24 P 3: 09

Gentlemen/Madames:

I am very concerned about the NPRM (FAR 105) and ask that you include my comments in your review.

The following is a letter that I recently sent to Mr. Ed Scott, Director of Government Relations, United States Parachutist Association, and to Mr. Robert Hackman, Senior Technical Specialist, Aircraft Owners and Pilots Association.

Thank you for your consideration.

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-----Original Message-----

From: Larry Inouye [mailto:linouye@boh.com]
Sent: Tuesday, May 18, 1999 11:24 AM
To: Ed Scott
Subject: NPRM - Part 105

Mr. Scott,

I read with some interest about the NPRM regarding Part 105.

I am very concerned about sections 105.5 (105.13) and 105.17 (105.29). Under the current as well as proposed rules, the PIC of the jumpship is responsible for the control of the parachutist.

This may have been the appropriate regulations when parachutists were using less maneuverable round canopies. However, as you are aware, today most parachutists use the highly maneuverable ram-air canopy which allows them to steer away from clouds and other hazards. In addition, the skydiver has progressed to the point where he can actually exercise some control of his flight while in freefall. Given the fact that the parachutist has much more control of his actions than the pilot, it would seem that the regulation should be amended to place the burden of compliance with the FAR on the parachutist and not the pilot.

I believe that this the pilot should be responsible for radio communications, NOTAMS, and drop locations, etc. since the pilot has control over these matters. However, he cannot control a parachutist flying his canopy in or near clouds, etc. For example, suppose you have a situation where at your drop zone there are patches of lower clouds surrounding it. Now suppose that between the clouds, VFR conditions do exist. The responsible skydiver will open his canopy above the clouds and fly it to an area where he could descend in VFR conditions. On that same load, an

irresponsible skydiver could illegally go through a cloud. The responsible skydiver has demonstrated that a legal jump could be made, yet the pilot would be liable for the actions of the illegal skydiver. This does not seem to be fair for the pilot.

As a skydiver and jumpship pilot, it is my belief that more responsibility should be placed with the skydiver instead of putting the entire burden of compliance with the PIC.

Thank you for your consideration.

Larry T. Inouye, Jr.
Member USAP (number on file)
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