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Subject: Aging Airplane Safety NPRM

OFFICE OF THE
CHIEF COUNSEL
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U. s . Department of Transportation Dockets
Docket No. FAA-1999-5401
400 Seventh St., SW, Rm Plaza 401
Washington, DC 20590

SUBJECT: Aging Airplane Safety NPRM, Dated 4/2/99, Changes to 14CFR
Parts 119, 121, 129, 135, 183

REFERENCE: 1. Docket #FAA-1999-5401 Notice No. 99-02

Dear Sirs:

Since 1991 the Airline Operators of Large Transport Category Aircraft (over 75,000 lbs) have proactively worked with the OEM's and the FAA to develop and implement Comprehensive Aging Aircraft Programs. These include the Supplemental Structural Inspection (SSI) Program, Corrosion Prevention Control Program (CPCP), and the proposed Repair Assessment Program (RAP). The SSI Programs meet the requirements of AC 91-56 which, as indicated in the preamble, meets the intent of the proposed rule. Currently these programs are mandated by Airworthiness Directives (AD's) on older model aircraft. Newer model aircraft in this category are built under FAR's Part 23 and 25 which require them to meet damage tolerant ratings and have supplemental structural inspections contained in their Maintenance Planning Documents. There is also an industry AAWG committee working on a rule for widespread fatigue damage.

Additionally under the current FAR's Part 121, the FAA has ample authority and responsibility to review aircraft records and conduct inspections to ensure Aging Aircraft Program compliance.

Therefore, we believe that the proposed rules 121.368 and 121.370, as amended, are not necessary, and that the additional administrative and economic burdens are unjustified. Notwithstanding the opening comments, specific concerns of the proposed rule, 121.368 are as follows:

PREAMBLE

* The information in the preamble is, at times, more comprehensive as compared to the rule. For example, it appears that in the preamble, the FAA Approved SSI Programs provide compliance to the proposed rule. However, this is not clearly stated in the proposal.

The cost estimate is very low and inaccurate. United Parcel Service Co. considers the cost for our modest fleet of 230 aircraft could be as high as \$150 million over the proposed 5 year cycle. We recommend that there should be a separate rule for 14CFR Part 121, Operators of Large Transport Category Aircraft (over 75,000 lbs).

PROPOSED.121.368

* Para. (a)

The general description requiring the inspection of "Age Sensitive Parts and Components" is too vague. This should be clarified to require inspection of Principle Structural Elements (PSE), as clearly defined in the FAA approved SSI Programs.

Because the proposed rule is based on structural integrity, it should provide for low utilization operations. A random initial inspection requirement of 14 years has no real connection with the hours and cycles related to fatigue life or the design service goal of the aircraft. Therefore, the rule should have provisions for cycle limits as well as calendar limits, whichever is greater. Otherwise, a low utilization carrier could operate as low as one third (1/3) of the cycles of a passenger carrier, and require 3 times the number of records reviews during the service life of the aircraft.

* Para. (b)

The scope of the inspections should be congruent with the scheduled maintenance activity. This should be clearly defined for the initial as well as repetitive inspection intervals. Also, it will be necessary to clarify that any inspections will be completed according to the operators approved maintenance program, without the need for special access or non-destructive test methods. It should be further clarified that the term Next Heavy Maintenance Visit be as described in the Operator's currently approved program.

The process for completion of the records review and operator notification must be well defined to prevent any negative impact to scheduled operation. When the aircraft has completed its scheduled downtime, it must be clear how the operator will be notified to return the aircraft to service and who will be authorized to provide the notification.

It appears that the FAA does not have the resources to perform the proposed records review and inspections. If Designated Airworthiness Representatives (DAR) are utilized, the current population is also limited. It is therefore recommended that the Proposed Rule allow the use of an Operator Designee, or designated member of its Quality Assurance Organization where applicable, to conduct records reviews and inspection as authorized by the Administrator.

* Para. (c)

According to existing rules and the United Parcel Service Co. Operation Specification we have the authority to escalate scheduled maintenance checks up to 10% of the approved interval. This will cause a conflict with the 90 day limit in the proposed rule. It is recommended the proposal be revised to allow the 10% escalation as is currently approved by the Administrator.

* Para. (d)

We sub-contract major maintenance activities at distant geographic locations from where the actual aircraft records are maintained. The risk of shipping original aircraft records or the cost of copying and distributing records for each aircraft to various locations is very impractical. We strongly oppose such mandates. It is recommended, the rule allow the records review to be accomplished at a location separate

from the actual aircraft location. The proposal does not limit the types of repairs covered by the records search and inspections. It is recommended the proposal be revised to limit the intent of the rule to the major alterations and repairs to PSE as defined in the current maintenance program.

In general, there needs to be more specific guidance in the proposed rule for all parties to understand the scope of the records search to comply with the rule.

* ADDITIONAL ITEMS

Under the current rules, used aircraft obtained by an operator cannot be placed on an Operator's Certificate until the maintenance program, modification and airworthiness records have been reviewed and accepted by the Administrator. Therefore, it is recommended that effective aircraft requiring the records review be given credit for compliance with the proposed rule retroactively.

Specific comments regarding the proposed rule 121.370 are as follows:

* Para. (a)

Aircraft which are covered by FAA approved damage tolerance based inspections and continued airworthiness inspections are compliant with the intent of the rule which include:

- a. Damage Tolerance Inspections 23.573 as amended.
- b. Damage Tolerance Inspections 25.571 as amended.
- c. Continued Airworthiness Inspections 25.1529 as amended.
- d. Advisory Circular - AC91-56.
- e. Any other method approved by the Administrator.

It is recommended the implementation time frame be clarified to read:

. . . . 4 years after the effective date of the rule or 14 years after the original Airworthiness Certificate was released whichever is greater.

It is also recommended to add provisions allowing for exemptions for previous compliance by methods acceptable to the Administrator, such as AD's or AMOC's.

In closing, United Parcel Service Co. is acutely aware of the 1991 Aging Aircraft Safety Act and we fully support efforts to improve aviation safety. Based on the above comments, it is obvious that the 14 year aircraft records review is unnecessary. Compliance with existing FAA scheduled maintenance program requirements and verifying records accuracy on a routine interval is a more logical approach to meeting FARs. We do not feel that the best interests of the general public, the airline industry and the FAA are being served with these NPRMs, 121.368 and 121.370, as amended.

Sincerely,

Jim Foucault
Manager, Aircraft Engineering

JF:MM:jb

Attachment

cc: Donn Knight
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