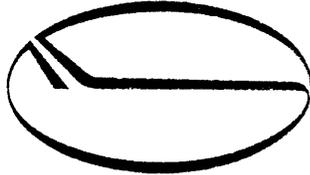


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Air Transport Association

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DOCKETS

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December 8, 1999

U.S. Department of Transportation,
Dockets, Docket No. FAA-1999-6411 3
400 Seventh Street SW.,
Room Plaza 401,
Washington DC 20590.

Ladies and Gentlemen:

Subject: Docket No. FAA-1999-6411; Notice No. 99-18 Extension of Comment Period

On October 29, 1999 the FAA issued a Notice of Proposed Rulemaking [NPRM], Docket No. FAA-1999-6411. This NPRM if adopted would require airplane manufacturers to submit substantiation to the FAA that the current designs of the fuel tank system on existing airplanes, including inspection and maintenance recommendations, preclude the existence of ignition sources within the airplane fuel tanks. This substantiation is to be accomplished within 12 months from the effective date of the final rule, or within 12 months after the issuance of a certificate for which application was filed before the effective date of this Special Federal Aviation Regulation [SFAR], whichever is later.

From the operators' stand point this proposed rule would require that affected operators incorporate new yet to be defined FAA-approved fuel tank system maintenance and inspection instructions in their maintenance or inspection program within 18 months of the effective date of the proposed rule.

FAA has advised that there are currently 131 U.S. operators that would be affected by this proposal and estimated this action would affect approximately 6,000 U.S. registered airplanes. The FAA estimated costs to the industry are round \$170,000,000 over ten years.

FAA has requested responses on the NPRM by January 27, 2000. This very short deadline has raised a major concern with the Air Transport Association members. Manufacturers and operators must not only understand the implications of what is a very complex proposal, but they must also be able to understand the wide-ranging future implications of the NPRM and provide a constructive and expert response in a very short period of time. What has exacerbated this situation even further is the reference in the NPRM to information provided by Advisory Circular source documentation that as yet has not even been issued in a draft form.

For example in the Existing Regulations/Certification Method section of the NPRM, the FAA refers to guidance for demonstrating compliance with the regulation being provided

in the Advisory Circular [AC] **25.98 1 -1A**. This AC titled 'Guidelines For Substantiating Compliance With the Fuel Tank Temperature Requirements, was issued in January **20, 1971**. In the Safety Review section of the **NPRM**, the FAA refers to a proposed revision to AC **25.98 1 - 1 A** that is being developed to provide guidance on performing; the safety review. Proposed Operating Requirement section of the **NPRM** the FAA makes reference to the fact that guidance on how to comply with this aspect of the **NPRM** would be provided to the operators in the planned revision to the AC. Finally, the Advisory Material section of the **NPRM** states the following:

"In addition to the amendments proposed in this notice, the FAA is developing a proposed revision to AC **25.981-1A**, "Guidelines for Substantiating Compliance with the Fuel Tank Temperature Requirements." The proposed revision will include consideration of failure conditions that could result in sources of ignition of vapors within fuel tanks. The revised AC will provide guidance on how to substantiate that ignition sources will not be present in airplane fuel tank systems following failures or malfunctions of airplane components or systems. This AC will also include guidance for developing any limitations for the **ICA** that may be generated by the fuel tank system safety assessment. Public comments concerning the proposed AC will be requested by separate notice published in the Federal Register."

Therefore, two very important draft Advisory Circulars, revised **98 1- 1 B** and **25.98 1-2** are thus awaited, and **ATA** members were expecting their release to coincide with the issue of this **NPRM**. As yet there has been no sign of these Advisory Circulars and this leaves the airlines and industry having to respond to an **NPRM** without the full details of its implication being available to them.

ATA considers this **SFAR NPRM** as a very important rule in the development of Fuel Tank Safety. In order to provide responsive and constructive comments, the full picture of the **NPRM** must be available. These Advisory Circulars are an indispensable part of that picture and their continuing delay in being issued eats into what little time industry has to prepare informed comments to the **NPRM** as a whole. Therefore, we request an extension of the response date until **60** days after the draft **ACs** are made available for public comments. This extension is essential for operators to have a fair opportunity to understand the impact of the proposed rule and inform the FAA of their comments. The resultant rule will therefore, better reflect the thoughts and suggestions of an informed and supportive consultative process.

I look forward to receiving your comments.

Yours **faithfully**



Robert Peel

Director **Airworthiness &** Technical Standards

Copy: Michael E. **Dostert**