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AMERIFLIGHT

FEDERAL AVIATION ADMINISTRATION

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November 9, 1995

Federal Aviation Administration
Office of the Chief Counsel
Attention Rules Docket (AGC-200), Docket No 28293
800 Independence Ave SW
Washington DC 20591

11:24

Dear Sir,

The following constitute comments to the Notice of Proposed Rulemaking on 14 CFR Part 121 *et al*, *Operational and Structural Difficulty Reports; Proposed Rule*. These comments are submitted for consideration by Ameriflight, Inc. the largest Part 135 cargo operator. Our fleet totals 140 aircraft, ranging from single engine Piper Lances to Beech 1900 Commuters and Lear 35A turbosjets.

While Ameriflight agrees that the FAA needs to streamline the collection, processing and dissemination of service difficulty information, there are several points in the proposed rule that should, in Ameriflight's opinion, be further modified in order to produce a system that is more workable for both the aviation industry and the FAA. As Ameriflight operates under FAR 135, these comments will pertain to this specific Part, and applicability to other parts will be noted.

Applicable to proposed Section 135.415(a)(2) [also applicable to sections 121.703(a)(2), 125.409(a)(2), and 127.313(a)(2)]: In this section, reference is made to reporting of false fire warnings necessitating the use of "emergency procedures." It would be of great help in establishing consistency of interpretation of this part of the rule throughout the FAA if a clause were to be added defining "emergency procedures." For instance, does it refer to any time such an defective system causes the pilot to formally declare an emergency? Does it refer to when the pilot must consult the emergency checklist in the aircraft's Flight Manual? Or is it a much more generic reference to the pilot taking any actions other than the strict routine in dealing with the situation. What one FAA Safety Inspector may define as "emergency procedures" can be quite different from that defined by another. For operators such as Ameriflight who operates in many different FAA Regions, variations in interpretation can range widely and be a source of potential problems, the guidance in the Inspector's Handbook notwithstanding. We suggest the use in the rule of a phrase such as "emergency procedures as listed in the applicable Airplane Flight Manual or Pilot Operating Handbook."

Applicable to proposed Section 135.415(a)(8) [also applicable to sections 121.703(a)(8), 125.409(a)(8) and 127.313(a)(10)]: The language used in the proposed rule can easily be misinterpreted. The proposed phrase states: "A landing gear extension or retraction or the opening or closing of landing gear doors during flight." This could easily be taken to refer to any defect involving the extension of the landing gear, whether the defect *resulted* in the extension or retraction, or *became apparent* during an extension or retraction that was

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selected by the pilot. The language in the *General Discussion of the Proposed Rule* (FR pg 41995) states that the intended meaning of this section is to report "any landing gear extension or retraction...*resulting* from a malfunction or defect..." Therefore, we suggest that the text of the proposed rule be changed to "A landing gear extension or retraction or the opening or closing of landing gear doors during flight when that operation was the result of a defect or malfunction."

Applicable to proposed Section 135.415(a)(10) [also applicable to sections 121.703(a)(10), 125.409(a)(10) and 127.313(a)(7)]: There are two comments to this section. First, pilots will at times abort a takeoff as a precaution when the malfunction or defect was either not actually genuine, or not actually safety related. We suggest that the FAA consider adding following the word "takeoff," the phrase "when that defect or malfunction has endangered or may endanger the safe operation of the aircraft." This way the system will not be clogged with reports that are not safety related.

The second comment is similar to that offered for Section 135.415(a)(2) above: define what is meant by "emergency actions." Is this the same thing as "emergency procedures?" Or does "emergency *actions*" refer to formally declaring an emergency while "emergency *procedures*" means following the emergency checklists in the flight manual? Clarification, and consistency in language, is important and very helpful to the operator.

Applicable to proposed Sections 135.415(d) and 135.416(c) [also applicable to sections 121.703(d), 121.704(c), 125.409(d), 125.410(c), 127.313(d) and 127.314(c)]: The proposed rule states that "each certificate holder also shall make the report data available for examination by the Flight Standards District Office...." While clarification in the rule itself is not needed, it would be helpful if some interpretation would be offered in the preamble to the rule. Specifically, this interpretation should address whether this language means that the certificate holder must submit the report to the FSDO as well, or whether this submission should be at the request of the FSDO, or whether the certificate holder is expected to maintain the report on file for a certain length of time to allow the FSDO Inspectors opportunity to come and inspect the reports. If the latter is the case, how long should these records be maintained? During a RASIP inspection conducted at Ameriflight, the Inspector requested to see copies of all MRRs submitted in the past year. Fortunately, we had maintained such copies, but it is not specified currently how long we actually are required to maintain these records. Thus, clarification would indeed be helpful.

Applicable to proposed Section 135.415(e)(3) [also possibly applicable to sections 121.703(e)(3), 125.409(e)(3) and 127.313(e)(3)]: This paragraph requires the listing of several items which realistically may not be applicable. For instance, "flight number" may not be applicable if the defect was found during scheduled maintenance, or during a flight operated under Part 91. "Station where the failure, malfunction or defect was detected" may not apply if the defect was detected during a flight away from a station. Is the point of origin the station or is the destination the station? We suggest these items be moved to the non-mandatory section.

Applicable to proposed Sections 135.415(e)(5) and 135.416(d)(4) [also possibly applicable to sections 121.703(e)(5), 131.704(d)(4), 125.409(e)(5), 125.410(d)(4), 127.313(e)(5) and 127.314(d)(4)]: Where is the FAA-modified ATA code specified? How available is this code? Reference should be made to this document. A number of the smaller aircraft operated by many Part 135 operators have manuals that do not conform to ATA 100, which may lead to varying degrees of interpretation on the part of the operator.

Applicable to proposed Sections 135.415(e)(6) and 135.416(d)(5) [also possibly applicable to sections 121.703(e)(6), 121.704(d)(5), 125.409(e)(6), 125.410(d)(5), 127.313(e)(6) and 127.314(d)(5)]: The proposed rule makes the reporting of aircraft total cycles a mandatory item on all required reports. This will present a significant increase in record keeping burden for many of the smaller Part 135 certificate holders who operate smaller aircraft where there is no requirement to maintain a record of total cycles. Many "general aviation" class aircraft have no maintenance requirements that are keyed to total cycles, therefore no records have ever been kept. (For instance, in the preamble of AD 95-20-07, applicable to aircraft operated by this FAR 135 certificate holder, the FAA rebuts an NPRM comment stating "airplane owners/operators are not required to log the number of landings for this type design airplane.") Are the operators now supposed to somehow determine what the total cycles are on these aircraft? Are operators supposed to implement new programs that will track the cycles? To avoid these problems, we suggest that either the requirement for cycles reporting be moved to the group of items that are provided if "reasonably available", or that a clause be added to the proposed rule stating "if total cycles records are maintained for the affected aircraft."

Applicable to proposed Section 135.416(a)(1) [also applicable to sections 121.704(a)(1), 125.410(a)(1) and 127.314(a)(1)]: This section requires reporting of defects in "each primary structure or principal structural element as defined in the manufacturer's Maintenance Manual (which includes the aircraft's Structural Repair Manual and other manufacturer's documents that set forth maintenance requirements)...." The problem with this section is that it relies on the manufacturer's definitions of "Primary Structure". Unfortunately, not all manufacturers have defined this. For instance, Piper (and there are a *lot* of Pipers in 135 service) does not define primary structure anywhere in their maintenance documents. For such situations, an FAA-provided definition -- whether in this part of the rule, in FAR 1 (the preferred location) or at a very minimum in the Preamble to this amendment -- should be made available.

Applicable to proposed Section 135.417: The proposed rule makes a significant change in 135.417 which is not discussed at all in the *General Discussion of the Proposed Rule* portion of this NPRM, but has a large impact on FAR 135 operators of single engine aircraft. The existing rule states that each certificate holder is required to submit "a summary report of the following occurrences in multiengine aircraft...." The text of the proposed rule adopts the language currently in FAR 121 and 127, which do not include an exemption for single engine aircraft, and thereby greatly expands the scope of the required reporting.

Was this the intent of the proposed rule? If so, this change should have been discussed in the NPRM! A large segment of the Part 135 industry -- most often the smallest certificate holders - operate single engine aircraft. This change will significantly increase the reporting burden,

and the smallest certificate holders will have, proportionally, the largest impact. This factor alone should have warranted discussion of this important change in the NPRM. Thus, Ameriflight strongly recommends that the provision in the existing rule making MIS reporting be applicable only to multiengine aircraft be retained in the proposed rule.

Ameriflight appreciates the opportunity to comment on this proposed rule change. The goal of the framers of this rule ultimately should be to create a reporting system that works most efficiently, both for the industry and the FAA. We believe that incorporation of the above comments will help fine-tune the proposed rule, making it more workable both for us and for the FAA. If there are any questions regarding these comments, or if any clarification is required, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'A. Radecki', written over a horizontal line.

Alan Radecki, Chief Inspector