

247427

Action: ARM
acknowledgement to
docket

April 8, 2003

DEPT. OF TRANSPORTATION
DOCKETS

2003 JUL -2 A 10:40

cc AFS
Nick
Reg

Nicholas Sabatini
Associate Administrator for Regulation and Certification
AVR 1
Federal Aviation Administration
800 Independence Avenue SW
Washington, D.C. 20591

Docke-4
12461

Re: 14 CFR Part 60 NPRM, Docket Number FAA-2002-12461 - 83

DEPT. OF TRANSPORTATION
DOCKETS
2003 JUN 30 P 2:25

Dear Mr. Sabatini:

I am writing to express my support for 14 CFR Part 60, *Flight Simulation Device Initial and Continuing Qualification and Use* in opposition to the positions taken by the ATA and American Airlines.

While I am not normally a proponent of increased regulation, there are several important reasons to continue with the rule.

First is the issue of harmonization with the JAA. Both the ATA and American Airlines use this as an argument for canceling the NPRM; however, they set this up as a straw man. For years the IATA Flight Simulator Working Group (FSWG) and the Royal Aeronautical Society (RAeS) have been at the heels of the FAA and Joint Aviation Authorities (JAA), as well as other worldwide authorities, to develop a suitable methodology to provide timely reciprocal recognition of simulators regulated by the respective authorities. The current laborious process requires lengthy evaluation periods and excessive manpower by the user airline and the respective authority to achieve approval to use a simulator governed by another authority. The result is that an airline cannot be nimble in meeting rapidly expanding training requirements if it requires the use of a simulator regulated by another authority.

To date, the JAA has been less than enthusiastic in participating with the FAA to create such a methodology. This is evidenced by the JAA response to the NPRM, where Mr. Dietrich Otto states:

The FAA initiative to amend the regulations for Flight Simulation Devices (FSD) qualification is very much appreciated. The proposal takes care of the legal concern that regulations in this area have to have a mandatory basis (which is not ensured in the existing AC system)...

Streamlined reciprocal recognition will provide a tremendous cost savings to US carriers who either buy simulator time overseas or sell time to overseas operators. IATA estimates a cost savings to worldwide simulator users at US\$24 million annually (Report and Documentation for the Flight Simulator Working Group, Appendix E, eleventh meeting, Montreal, 16-17 October,

2002 [FSWG/11]). While Part 60 may not be sufficient to obtain reciprocal recognition and the estimated costs savings, it seems clear from the JAA response, cited above, that it is necessary.

Both the ATA and American contend that the PART 60 NPRM airplane simulator technical requirements do not contain the latest standards in the International Civil Aviation Organization (ICAO) document, *Manual of Criteria for the Qualification of Flight Simulators*, 2nd edition and the recently updated JAR-STD 1A, *Aeroplane Flight Simulators*. The FAA (AFS-205) and JAA co-sponsored an industry-authority working group to develop the technical guidelines soon to be published in the ICAO document. The FAA was a co-sponsor of the draft document to ICAO. Dr. Cook, the National Simulator Program Manager, has repeatedly made it clear that the Part 60 NPRM did not contain these latest technical standards only because Part 60 was in work when the new ICAO guidelines were determined. Dr. Cook has made available the draft of Charter 3101 authorizing the creation of an industry-FAA group to expedite the inclusion of the new ICAO guidelines into Part 60.

Second, American Airlines objects to the imposition of a quality assurance program. According to the FAA (<http://www2.faa.gov/avr/afs/atos>) ten US air carriers have agreed to participate in the Air Transport Oversight System (ATOS). This includes both an airworthiness and operations inspection of the simulators and training devices (ATOS element 4.2.8). In addition, IATA carriers are working with regulators to create a broad quality auditing system. The system, the IATA Operational Safety Audit (IOSA), is to be applied to each member air carrier as necessary for the purposes of code-sharing agreements.

American Airlines, in their objection to the Part 60 quality program, referring to the current AFS-205 voluntary quality assurance program (QAP) states:

However, the proposed QAP did provide a vehicle for developing a more efficient management tool for simulator maintenance and control.

Given that the major air carriers are voluntarily submitting to quality programs and that American also agrees to the benefit of a quality program, then the issue of having a quality program should not be in question. Therefore, the remaining question becomes, Should a quality program be regulated, and if so, where?

Regulations covering air carrier aircraft maintenance require a maintenance quality program, so, there is precedence for a legislated quality program. Many air carriers may have voluntary simulator quality programs because of their participation in ATOS, yet smaller airlines and flight training centers, which also train air carrier pilots, generally operate without simulator quality programs. Since the discussion should be centered on pilot training, it would seem that if a simulator quality program is a good idea—as evidenced by the current level of air carrier voluntary participation—then it should apply equally to all involved in pilot training. The only way to mandate such a quality program is through rule. And, if a simulator quality program is mandated, then it should fall under the purview of AFS-205 who has the expertise to evaluate simulators and training devices, unlike the evaluators used in the current ATOS program.

If harmonization with the JAA is really the issue, then it must be noted that the JAA's JAR-STD 1A, *Aeroplane Flight Simulators*, does require an operator to have a quality program.

Third, the ATA is concerned with the rewrite of 14CFR Part 121 subparts N and O. Part 60 does contain *...and Use* in its title. The fact that Part 60 does contain some references to the use of flight simulators and flight training devices has been the subject of comments to the NPRM. This could be easily addressed by AFS-205 and should not be considered sufficient to pull the NPRM.

Fourth, the ATA is concerned that AFS-205 does not have the staffing to provide for the administration of Part 60. This, too, has been the subject of many comments. Many commenters have provided numerous constructive suggestions as to how AFS-205 may achieve the same goal without overburdening themselves or the industry.

Finally, the ATA and American Airlines are concerned about the cost to a carrier to implement Part 60, yet both want harmonization with the JAA and a "level playing field," (American's words). However, unless a revised Part 60 is a subset of or exactly mimics American's simulator maintenance program, harmonization and a level playing field will cost money American more. And, if the revised Part 60 did mimic American's program, some other carrier would have to pay to manage their simulation maintenance program the American way.

Yet, the leveling of the playing field is exactly what is needed. No simulator owner has to abide by the guidelines in the applicable Advisory Circulars. Given the increasing intensity of airline competition, there will be tremendous internal pressure generated to move toward the lowest common denominator in terms of simulator upgrade and maintenance as all vie to compete based on cost structure.

It seems to me that there is no way to have it all: a no cost rule that achieves the level of harmonization with the JAA that leads to reciprocal recognition of simulator qualification as well as achieving a level playing field.

Dr. Cook has stated that the Part 60 NPRM is an attempt to capture current practice in rule form, and the Part 60 NPRM achieves that goal in large part. That hundreds of comments were generated should not be surprising given the complexity of the rule. Most of the problems with the NPRM from the viewpoint of the industry can be overcome by the thoughtful analysis of the comments received and by the proposed flight simulation device (FSD) aviation rulemaking committee for qualification performance standards (QPS) changes. The benefits to the industry, that of reciprocal recognition of simulator qualification and a leveling of the playing field in light of the intensity of the renewed competition between air carriers overwhelm the any perceived problems presented by the Part 60 NPRM.

Sincerely,



Michael D. Brown
578 Meadowlake Dr.
Golden, CO 80403