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NPRM

An NPRM is a facet that the FAA has used to hear the peoples' voice that will be involved in the amended or new regulation that is being decided on. It has proved to be a useful tool that allows many people to be heard over a relatively short period of time. With the drastic increase of technology with computers and the Internet the FAA has been able to conduct their NPRM's online to maximize the voices and opinions heard so as to improve their decision-making capability.

This NPRM deals with the FAA's possible change of regulations for certain Part 91 operators; such as air tours (like the ones that fly over the Plaza in Kansas City), skydiving outfits, hot air balloon rides, charitable events (Young Eagles program), and flight instruction. The FAA wants these types of businesses to operate either as Part 121 or Part 135. Since these businesses currently use Part 91 as their standards for operation and the proposed standards are much more stringent (more so than most of these businesses will be able to operate under), then around 700 of these operations are going to have to close down. These figures are direct from the FAA, they understand the implications of this rule change, but they say that it is necessary because of the safety issues that are involved. The FAA says that by making the regulations more stringent safety and accident reduction will increase. But, Mary Grady of *Newswriter* says that the "EAA said the safety statistics cited by the FAA fail to prove that there is any problem." "Nearly all of the accidents referenced in the NPRM occurred during operations that were

either being conducted under a Part 135 certificate or were otherwise in violation of existing and adequate regulations. This leads us to believe that compliance and a lack of enforcement of existing regulations is at the heart of any notable safety deficiencies rather than a need for changing the regulations themselves" (Grady, 2004; EAA 2004).

Personally, I think that Grady and the EAA are correct in their statements; lack of enforcement in some areas is a problem that does plague this industry. I have seen in some instances the FAA ramp check an operation and waste time and money just trying to go after them for a violation that doesn't even apply to that company. For instance; trying to violate a skydiving operation for lack of IFR equipment when the company charter and the MEL say that they are a VFR operation only. Petty justifications such as this take away from the real concerns that that safety inspectors should be trying to deal with. If the FAA checks a skydiving outfit, they should be concerned with the skydiving instructors and their qualifications to instruct people to safely jump out of an airplane and to pack parachutes. I think that they should be less concerned with the amount of hours that the pilot holds. The pilot is already required to have a commercial pilots license, and 250 hours is the minimum required to earn this license. Under the new regulations, pilots would be required to have Part 135 VFR flight minimums: 500 hours. I think this is ridiculous, I have flown skydivers and you don't need at least 500 hours to fly circles around an airport up to 11,000 feet. Yet, the FAA is determined to keep this regulation in the final version "We may consider not regulating you under Part 135, we will likely not be willing to let you continue to conduct unlimited tours with 200-hour private pilots" (FAA, 2004). Thos quote was in direct comment to the Young Eagles Program, where pilots donate their aircraft and time to give children aircraft rides. Currently. Pilots only

need an aircraft and their private pilots license to do this. But, the quote also falls under raising pilot requirements to Part 135 VFR minimums.

I feel that a pilot can't ever have too much training or experience, but some of the regulations required by the FAA are outrageous and can't be accomplished by the average company that would be put out of business by the new legislation. The FAA needs to realize this and understand it. Seven hundred operations put out of business by a regulation that airlines and charter operations have to struggle to comply with from time to time. How can they expect a small outfit to have the same ability as a large corporation with unlimited funds? They can't and they shouldn't. This proposed regulation is unfeasible to comply with and small outfits that are there for people's enjoyment shouldn't have to pay for the political gains of the FAA.