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On page 2971 of the proposal under the heading, *Background*, subheading *History* the following statement is made "Based on its decades of experience with the system the FAA has determined the quality of approvals processed by these designee organizations equals those processed by the FAA". While this statement may hold true for designees under the Aircraft Certification Service it does not hold true for designees associated with the Flight Standards Service. These would include pilot and mechanic certification. The FAA was strongly criticized in a DOT Inspector General Audit for poor oversight of Designated Mechanic Examiners (DME). There have been numerous examples of abuse of privileges by DMEs resulting in hundreds of mechanics being re-examined under Section 709 of the regulation. Examples were found in San Antonio, Texas, and Orlando, Florida. Concerning pilot certification the FAA used to allow Designated Pilot Examiners to certificate Certified Flight Instructors (CFI). Because of the poor quality of CFIs in many regions the FAA now accomplishes all initial CFI checks. Numerous Designated Pilot Examiners are no longer designated because of performance and/or conduct. To expand the privileges of private individuals or organizations at a time when the Flight Standards Service is not properly staffed to manage additional designees will only further degrade the quality of our system.

On page 2972 of the proposal under the heading *Background*, subheading *The need for regulatory change*, the following statement is made "Delegating FAA authority to designees maximizes FAA participation in certification projects and allows the FAA to focus on critical safety areas." Nothing could be further from the truth, delegating FAA authority **ELIMINATES** FAA participation in any certification project. The statement implies there are more critical safety areas than the certification of operators?? What is a more critical safety area than the certification of pilot training facilities under FAR Part 141 or 142? The FAA has learned the hard way that most companies that experience high accident rates and non-compliance with the regulations were often times not properly certificated in the beginning. In the interest of safety the process of certification of operators can not be minimized.

Under the same subheading the statement is made "With the rise in workload, the FAA's dependence on the designee system has increased. This is particularly true for the certification of new, advanced-technology aircraft software and computer systems". Again inappropriate comparisons are being made between certificating new aircraft and the types of privileges that would be authorized under the proposal. There is nothing provided in the proposal to indicate there is an overwhelming demand for new Part 141

or 142 training centers, Part 105 Parachute jumping operators, Part 137 agricultural operators or Part 133 External load operators. In fact, aviation in this country is in a severe downturn as evidenced by the number of companies and airlines going out of business. On page 2981 under the heading *Benefits* the following statement is made “At this time, the FAA cannot quantify the extent of potential certification and inspection hours that it would be able to shift to other certification activities because the FAA cannot predict the number of companies that would apply for an ODA or the amount of these activities that would be delegated to the ODA”. Apparently it is not possible to quantify an overwhelming need to expand the current designee system. In my opinion, the millions of dollars spent to implement this proposal will never be recovered in savings in cost and/or time to the public. The money would be much better spent properly staffing the FAA.

On page 2972 under the subheading *The need for regulatory change* the following statement is made “This expansion would reduce the time and cost of the certification process”. This statement is clearly inaccurate. Currently the cost to certificate any of the affected companies is zero as the function is provided by the government. ODAs will no doubt charge thousands of dollars to perform functions leading to certification of a Part 142 training center. The certification may be done more timely by the ODA but not at less cost.

On page 2974 under the heading *General Discussion of the Proposed Rule* the following statement is made “**Except** for general aviation operations functions, and certain aircraft-approval-related functions, most of the functions are already delegated to individuals or organizations”. **All** of the functions to be added under the proposal are either general aviation operations or aircraft approval related. This statement makes no sense.

On page 2975 under the subheading “*Section 183.47 Eligibility*” the requirements are only that the applicant have enough experience using standard certification procedures or are current designation holders. There is a subsequent statement two paragraphs later that indicates “specific qualifications and experience requirements for specific designations and functions would be described in the associated FAA Order”. The functions proposed to be delegated are now performed by FAA Inspectors. These inspectors hold airman certificates, have years of experience prior to becoming inspectors and have extensive job specific training. To not require the same level of qualifications for the private organization is to jeopardize the quality of the certification process. The eligibility requirements should have been outlined in the NPRM so the public could comment appropriately.

Under the same subheading a statement is made “To simplify the regulations and maintain greater flexibility, the proposed rule would remove specific details, which would instead be contained in the associated FAA Order and in the applicant’s procedures manual”. Removing specific details and providing flexibility in the regulations is a mistake. History has proven that when the regulation is left to interpretation because of inadequate detail or flexibility, it is typically not applied the same throughout the system. If the FAA Order is such an integral part of this proposal

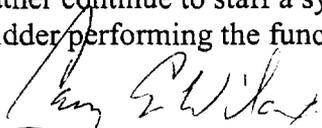
then the appropriate parts should have been included in this proposal to allow public comment. Many references to the FAA Order are made throughout the proposal.

On page 2976 under the subheading "*Section 183.51 Personnel*" the last paragraph requires only that the ODA holder (for general aviation functions) employ qualified, experienced individuals who have held similar positions related to the function performed by the ODA. Without any more specifics the terms "qualified" and "experienced" would be subject to many different interpretations. The rule must be more specific.

On page 2977 under the subheading "*Records and Reports*" there is no reference to record retention. Other regulations (Part 91, 145, etc) require a minimum two years retention. The proposed rule 183.63 requires an ODA holder to maintain for 2 years only records pertaining to products and data, what about records pertaining to certifications of operators covered by this proposal?

On page 2981 under the heading "*Benefits*" there are two items mentioned. The first perceived benefit is "an improved FAA-approved procedures manual that would result in higher quality certification processes". This benefit can be easily achieved within the current system without further delegation. Many of the operators affected by this proposal now have FAA approved procedures manuals. The FAA has the authority to improve the procedures manual currently. The second perceived benefit involves "periodic ODA self-audits that would ensure certification activities were performed according to the procedures manual." The FAA currently has a standardized certification process known as CSET that ensures certification procedures are properly performed the same across the country. CSET could easily be expanded to include these certification functions that are now performed by various Flight Standards District Offices.

In the same paragraph the proposal states "Although the FAA believes that these are real safety benefits the FAA is unable to calculate a quantitative value for them because the effect of these improvements in processes cannot be directly translated into a percentage increase in safety". Without any reliable evidence that these changes will increase safety how can the Agency impose such an economic burden on an already struggling industry? I believe the taxpayer would be much better served to properly staff the FAA to continue to perform these functions free of charge. An unwarranted assumption is made in the proposal that "As the number of certifications and approvals increase over time, it is unlikely that FAA resources increase commensurately". Why not? Other government agencies expand and contract depending on public need (i.e. Homeland Security) why can't the FAA? The solution to maintaining the safest air transportation system in the world is not to delegate the job functions of the FAA to hired guns (i.e. lowest bidder) but rather continue to staff a system with a proven track record. Do we really want the lowest bidder performing the functions of the FAA?



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