AEROSPACE INDUSTRIES ASSOCIATION

Aerospace Industries Association of America, Inc.
1000 Wilson Blvd, Suite 1700, Arlington, VA 22209-3901 (703) 358-1000 www.aia-aerospace.org

March 9, 2005

Deepak Joshi
Lead Aerospace Engineer (Structures)
National Transportation Safety Board
Room 5235
490 L'Enfant Plaza, SW.
Washington, DC 20594

Subject: Notice of Proposed Rulemaking (NPRM): 49 CFR Part 830 – Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

Aerospace Industries Association represents the nation's leading manufacturers and suppliers of civil, military, and business aircraft, helicopters, UAVs, space systems, aircraft engines, missiles, materiel, and related components, equipment, services, and information technology. The following are AIA's comments in response to the NTSB's NPRM published in the Federal Register (69 FR 247) December 27, 2004.

Part 830.2, Definitions

With the present exemption in the *substantial damage* definition of 830.2, ground strike rotor blade damage does not constitute *substantial damage* for reporting purposes. The NPRM removes the blade strike damage exemption, thus classifying ground strike damage as *substantial damage*, making it an "accident."

AIA believes that the implementation of this NPRM will mirror a process already handled between the FAA and the Industry. Rotor blade ground strike incidents do not present a major safety concern warranting accident classification. Subsequent to a rotor blade striking an object, manufacturers have specific and distinct maintenance instructions and procedures to follow. If the blade passes these stringent inspections, or can be repaired per the manual, it may be reinstalled and reintroduced into service. If the damage extends into the drive train, the drive train damage falls within the "substantial damage" definition and the event is properly classified as an accident.

The NTSB must focus its limited resources on major safety issues, investigations, and initiatives, and not dilute its investigative capacity with rotor blade ground strike incidents (with no other damage or injury). The shortage of NTSB field accident investigators has been apparent for years and little improvement in staffing is expected for the future. Conducting field investigations of fatal helicopter accidents should be an NTSB priority, and currently there are fatal helicopter accidents that are not even being investigated. Should this NPRM become effective, personnel and resources will be diverted to the

investigation of rotor blade ground strike incidents, and away from ensuring that future fatal helicopter accidents receive a proper field investigation.

AIA recommends that there be no amendment to the 14 CFR 830.2 definition of "substantial damage."

– Sec. 830.5, Immediate Notification

The following are AIA's comments regarding NTSB NPRM 247 for Sec. 830.5, Immediate Notification, which proposes supplementing the required events to include the following:

- (a) Failure of any internal turbine engine component that results in the escape of debris other than out the exhaust path.
- (b) Structural failure of a propeller resulting in the release of all or a portion of a propeller blade from an aircraft, excluding release caused solely by ground contact.
- (c) Loss of information from a majority of an aircraft's certified electronic primary displays (excluding momentary inaccuracy or flickering from display systems that are certified installations).
- (d) Any Airborne Collision and Avoidance System (ACAS) resolution advisories (RA) issued when an aircraft is being operated on an instrument flight rules (IFR) flight plan.

AIA Responses and Recommendations

(a) ***Failure of any internal turbine engine component that results in the escape of debris other than out the exhaust path.***

The dynamics or kinematics of some turbine engine failures may result in debris exiting forward of the engine fan containment case. These fragments normally do not contain enough energy to cause substantial damage to an aircraft, but under the proposed regulatory language, would warrant immediate notification.

AIA recommends that the exclusion covering debris escaping out the exhaust path be amended to include debris escaping forward of the engine fan containment case.

(b) ***Structural failure of a propeller resulting in the release of all or a portion of a propeller blade from an aircraft, excluding release caused solely by ground contact.***

FAR Part 21.3(c)(5) currently requires that this event be reported to the FAA, who have regulatory oversight responsibility for events such as this.

AIA recommends that if the NTSB finds the current reporting requirements inadequate, it should issue a safety recommendation to the FAA.

(c) ***Loss of information from a majority of an aircraft's certified electronic primary displays (excluding momentary inaccuracy or flickering from display systems that are certified installations).***

AIA believes that the definition of "majority" and "primary displays" is vague and requires clarification.

(d) ***Any Airborne Collision and Avoidance System (ACAS) resolution advisories (RA) issued when an aircraft is being operated on an instrument flight rules (IFR) flight plan.***

There are already numerous safety initiatives and programs addressing TCAS Resolution Advisories. Programs such as the Voluntary Aviation Safety Information Sharing Program (VASIP) established by the FAA and the aviation industry, have already been analyzing data to identify specific risk areas and how best to implement strategies to manage these risks. In addition, safety committees, such as those at the FAA, Air Line Pilots Association, Aviation Safety Action Partnerships (ASAP), and Aviation Rulemaking Committee (ARC), as well as the safety reporting programs at the airlines, such as Flight Operations Quality Assurance (FOQA), have been working in conjunction with the Commercial Aviation Safety Team (CAST) through VASIP to develop processes to gather and analyze RA-related data and develop strategies to mitigate the risks.

The success of these safety programs is due in no small part to the ideals in which they were founded; voluntary reporting and trust; between Unions and their respective companies, and between Industry and the FAA. This trust has led to an exponential increase in the sharing of safety related data without the fear of enforcement action. It is this trust which ultimately has led to a major increase in aviation safety.

The mandatory reporting of TCAS RAs in this NPRM threatens the very spirit of voluntary reporting programs. Should the non-enforcement benefit be eliminated, the trust built between the FAA and the Industry may be lost, and aviation safety will ultimately suffer.

The ACAS RA system is functioning as it was designed to do, and we do not feel that adding another reporting item to the NTSB will benefit the industry.

AIA recommends that the NTSB add its expertise in a partnership initiative with the industry rather than establish an additional reporting requirement.

We at AIA appreciate the opportunity to comment on this NPRM. If you have any questions, comments, or concerns, please feel free to contact me at (703) 358-1086 or via email at ronald.baker@aia-aerospace.org.

Sincerely,

Ronald R. Baker, Jr.
Manager, Civil Aviation Programs