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December 8, 2008

Mr. Deepak Joshi, AS-40
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594-2000

Re: Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

Dear Mr. Joshi:

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of more than 414,000 pilots. AOPA's mission is to effectively serve the interests of its members and establish, maintain, and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in general aviation aircraft. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization in the world.

AOPA submits the following comments to the National Transportation Safety Board's (NTSB) Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records Notice of Proposed Rulemaking (NPRM) published in the Federal Register on Tuesday, October 7, 2008.

The NTSB proposes to revise the list of events found in 49 CFR Part 830.5 that require immediate notification to the NTSB. AOPA recognizes that some adjustments have been made to the NTSB's previous NPRM issued in 2004 that also outlined proposed changes to the Part 830.5 reporting requirements. AOPA, however, believes the changes made by the NTSB have not gone far enough to alleviate confusion and decrease duplicative reporting efforts. AOPA is concerned that the proposed requirement to report loss of information on an aircraft's certified electronic primary displays is not specific enough and that the proposed reporting requirement for Airborne Collision and Avoidance System resolution advisories are redundant.

49 CFR Part 830.5(a)(9) "A complete loss of information, excluding flickering, from more than 50 percent of an aircraft's certified electronic primary displays"

The proposal would require pilots to report to the NTSB any loss of information from more than 50 percent of an aircraft's certified electronic primary displays. AOPA recognizes that this requirement has been adjusted to address earlier industry comments

specific to this proposed additional reporting requirement. However, the changes made by the NTSB are not sufficient enough to address potential confusion.

Specifically, the definition offered in the NPRM on “primary display” does not clarify the definition or requirement. The NPRM states that “primary display” is “the display of a parameter that is located in the instrument panel that the pilot looks at first when wanting to view that parameter.” AOPA strongly suggests that the NTSB be more specific with regard to their intent.

If an A36 Bonanza having both a multiple probe digital exhaust gas temperature (EGT) gauge and the factory original single probe analogue EGT gauge experienced a failure of the multi probe digital EGT gauge would the aircraft operator be required to report that failure to the NTSB under the proposed changes? In this case the definition of “primary display” could vary based on the individual pilot’s habits (i.e., at which gauge they look first), and not a standard NTSB reporting requirement.

To provide clarity to this proposed requirement, the NTSB may want to consider specifically listing all the digital instrument failures that it would like reported. Instead of having a requirement to report failures of “an aircraft’s certified electronic primary displays” the NTSB may want to consider having a requirement to report all failures of electronic displays for instruments required under 14 CFR Part 91.205 or the applicable Federal Aviation Administration (FAA) regulations. A more tailored approach to data collection could meet the desired needs of the NTSB and not overburden aircraft operators with the ‘send in all information and the NTSB will figure it out’ approach outlined under this proposal. The NTSB should consider entering a dialogue with industry to ensure any future reporting requirement is written in a way that is clearly understood by the aviation industry, helps the NTSB achieve its goals, and is not over burdensome to the aviation community.

***49 CFR Part 830.5 (a)(10) Airborne Collision and Avoidance System (ACAS)
resolution advisories issued either:***

- (i) When an aircraft is being operated on an instrument flight rules flight plan and corrective or evasive action is required to maintain a safe distance for other aircraft; or***
- (ii) To an aircraft operating in Class A airspace***

AOPA believes this requirement is duplicative and puts an additional undue reporting requirement burden directly onto pilots. In the NPRM the NTSB recognizes that there are internal FAA reporting requirements for these events. The NPRM states, “The NTSB has determined, however, that the internal process for such reporting of safety events occurring within the ATC system may not be entirely reliable.” AOPA believes it would be more appropriate for the NTSB to refine and improve the internal government

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reporting system rather than create a work around that adds an additional reporting burden onto pilots.

AOPA recognizes that some adjustments have been made to the NTSB's current NPRM when compared to the proposed list of reporting requirements issued in 2004. These proposed changes; however, do not go far enough to alleviate confusion and decrease duplicative reporting efforts. AOPA encourages the NTSB to work with industry and the FAA to develop reporting requirements that meet the goal of the NTSB while not overburdening pilots.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leisha Bell", is positioned above the printed name.

Leisha Bell
Manager
Regulatory Affairs