

December 19, 2011

Docket Operations

M-30

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Room W12-140

West Building Ground Floor

Washington, DC 20590

Delivered electronically via www.regulations.gov

RE: DOCKET NO. FAA-2011-0763; NOTICE NO. 11-05

**NOTICE OF PROPOSED RULEMAKING: PILOT LOADING OF NAVIGATION AND TERRAIN
AWARENESS DATABASE UPDATES**

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate, and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation, and the military.

NATA applauds the Federal Aviation Administration (FAA) for initiating this rulemaking to permit pilots, under specified conditions, to update databases for navigation and terrain awareness equipment and supports the concepts contained in the Notice of Proposed Rulemaking (NPRM). The FAA's assertions that allowing pilots to perform these updates, in lieu of certificated mechanics or repair stations, will provide both operational and safety benefits. Part 135 on-demand operations frequently embark or disembark passengers at airports where the certificate holder does not have staff or facilities and where qualified maintenance services may not be reasonably available. Permitting database updates to be performed by properly trained pilots will reduce costs for operators and improve the safety of operations because flights will occur with the most current database information loaded.

Over the last few decades, technology advances have led us to the point where the regulations should be adapted to recognize the state of modern technology. In the past, database updates required special tools and, potentially, disassembly or removal of the system. Today, as noted by the FAA in the NPRM's preamble, updating the databases is as simple as loading a memory card into a digital camera.

Therefore, in support of and to improve the proposed rules, NATA offers the following additional comments.

General Aviation and Part 135 Aircraft are Similarly Equipped

General aviation (i.e. Part 91) operators have had the ability for pilots to perform updates for several years without any known problems. Contrary to the FAA's preamble statement that the navigational systems installed in general aviation (GA) aircraft are not similar to those installed on aircraft operated under Part 135 (see 76 FR 64861), the experience of our members is that the systems on GA and Part 135 on-demand aircraft are in fact largely the same.

Conditions and Limitations Imposed

Because pilots in the GA community have successfully completed these updates, NATA believes it is appropriate for Part 135 pilots to have this ability also. In recognition of the higher standards required of commercial operators, NATA believes that the proposed requirements for provision of specific written procedures and recordkeeping, in proposed § 43.3 (k) (2) and (4) respectively, are appropriate. Further, the restrictions proposed in § 43.3 (k) (1) and (5), specifically that updates that do not require disassembly of the unit and that the data uploads do not contain operating software revisions, are also appropriate at this time.

With regard to the requirements for the database medium, articulated at proposed § 43.3 (k)(3), NATA believes that it is the FAA's intent that such medium be "in a field-loadable configuration that...[is] non-volatile...[and] non-corruptible upon loading..." However, the inclusion, in the regulatory text, of examples of current media types meeting the FAA's intent may eventually be viewed as limiting as new media and data transfer technologies are developed. In order to allow this rule to retain the ability to apply to new technologies, NATA recommends that the FAA remove the examples from the proposed § 43.3 (k)(3) as indicated in the "Proposed Revision" section found later in these comments.

Location as a Defining Condition

In the changes proposed by FAA, the location of equipment is used as defining criteria for applicability of the rule. Under the language proposed by the FAA, pilots would only be allowed to perform updates on self-contained, front instrument panel-mounted and pedestal-mounted database systems. NATA believes this equipment location-based criteria is faulty as equipment location is not necessarily reflective of the ease with which updates are performed. Prohibiting a pilot from performing an update on a system where the update upload point is located in a pilot-accessible area other than the front panel or pedestal serves no safety purpose. NATA suggests that the FAA focus on the accessibility of the database upload point to the pilot as part of their normal duties rather than actual location of the database system.

NATA recommends striking "self-contained, front instrument panel-mounted and pedestal-mounted..." from the proposed 43.3(k)

Proposed Revisions (deletions ~~striketrough~~, additions *italicized*)

§ 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

* * * * *

(k) The holder of a pilot certificate issued under Part 61 of this chapter may perform updating of ~~self-contained, front instrument panel mounted and pedestal mounted~~ air traffic control(ATC) navigational system databases(excluding those of automatic flight control systems, transponders, and microwave frequency distance measuring equipment (DME), and any updates that affect system operating software) provided—

- (1) No disassembly of the unit is required;
- (2) The pilot has written procedures available to perform and evaluate the accomplishment of the task; and
- (3) The database is contained in a field-loadable configuration ~~and imaged on a medium, such as a Compact Disc Read Only Memory (CD-ROM), Synchronous Dynamic Random Access Memory (SDRAM), or other~~ *that is nonvolatile memory that and* contains database files that are non-corruptible upon loading, and where integrity of the load can be assured and verified by the pilot upon completing the loading sequences.
- (4) Records of when such database uploads have occurred, the revision number of the software, and who performed the upload must be maintained.
- (5) The data to be uploaded must not contain system operating software revisions.

Clarification on Applicability of §§ 91.1443 (b)(3) and 135.443(b)(3)

To date, the FAA has issued exemptions to several Part 135 on-demand operators that authorize pilots to perform navigational database updates. It has come to our attention that there may be some confusion as to whether these pilot-performed updates still require an airworthiness release executed by an authorized certificate mechanic or repairman as described in §§ 91.1443 (b)(3) and 135.443(b)(3).

As requiring such a signoff following an update and prior to flight would essentially negate the benefits intended by the FAA in those exemptions and this rulemaking, and in consideration of the fact that the proposed rule removes database updates from the “maintenance” category, NATA believes that the recordkeeping proposed by § 43.3 (k)(4) is sufficient and that §§ 91.1443 (b)(3) and 135.443(b)(3) as they apply to logbook entries do not apply in this instance. NATA requests that the FAA ensure this is clearly explained in the final rule to prevent any misunderstanding.

Economic Impact on Repair Stations

NATA is concerned that the NPRM’s preamble states that the rule, if adopted, could, “have a negative economic impact on certificated mechanics and repair stations that currently perform required updates for affected operations.” (76 FR 64860) Shifting the classification of updates to navigational databases for air carrier aircraft from a function requiring authorized maintenance

personnel to a pilot-performed function could indeed lead to air carriers no longer hiring authorized maintenance providers to perform navigational database updates. However, NATA fails to see the relevance to the analysis of this proposed rule change of that possibility. When the FAA proposes new regulations affecting air carrier aircraft that require actions by authorized maintenance personnel, the agency does not consider as a benefit the fact that certificated mechanics and repair stations will get more work. Therefore doing the opposite, considering, as a cost, the loss of business when the FAA deems a requirement is no longer applicable or necessary, should not occur either. Doing so would create a structural discouragement to modifying existing rules that have become out of date and no longer needed. For this reason, NATA believes that the FAA should not include this line of consideration in this rulemaking project.

Conclusion

As new aircraft and avionics technologies continue to be developed, the FAA will be challenged in many areas to ensure that its regulations do not become an outdated burden on aircraft operators. With this rulemaking, the FAA has acknowledged one of those situations and acted decisively to adapt to new, advanced technologies. NATA appreciates the opportunity to comment on this NPRM, and believes that the suggestions contained herein will enhance the agency's objective of safely allowing the adoption and use of new technology.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael France", written in a cursive style.

Michael France
Director, Regulatory Affairs