



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • FAX (301) 695-2375
www.aopa.org

July 20, 2004

Mr. Nicholas A. Sabatini
Associate Administrator for Regulation and Certification
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591

Dear Mr. Sabatini:

The Aircraft Owners and Pilots Association (AOPA), on behalf of its over 400,000 members, as well as the undersigned associations and companies participated on the Federal Aviation Administration's (FAA) Level 1-3 Flight Training Device (FTD) Subcommittee of the Flight Simulation Device Aviation Rulemaking Committee (FSD ARC) that is tasked with recommending the best way to provide for the continued authorization for level 1-3 FTDs that will most appropriately serve safety and the entire pilot training community.

AOPA and all of the undersigned were generally dissatisfied with the outcome of the subcommittee discussions. After almost a weeklong meeting, the subcommittee could not reach consensus on the most important and fundamental issue of codification. We all continue to oppose the proposed rule's applicability to level 1-3 FTDs. These devices are widely used in general aviation flight schools, as well as more than 150 universities and colleges with flight training programs across the country, and it is inappropriate to apply a "single standard" to the entire spectrum of flight schools, from the small general aviation flight school to the large airline-training academy. FRASCA alone estimates that 700 of their level 1-3 FTDs are in use at general aviation training centers throughout the country.

The codification of these devices would significantly increase the complexity and operational expenses for schools and translates into an overall increase in the cost of general aviation flight training, with no safety benefit. For years, general aviation schools have used FTDs to enhance flight training under the FAA's current rules and advisory circular guidance without incurring any known safety problem. The use of FTDs gives general aviation pilots access to important procedures and proficiency training opportunities in a safe environment that helps enhance safety and facilitates quality training at affordable rates for the flying public.

Unlike the airline simulators where pilots receive initial and recurrent training without ever touching the controls of an airplane, with the lower level FTDs pilots are limited to the amount of loggable time and are subject to progress checks and ultimately a practical test in an airplane to ensure their competency.

Mr. Nicholas A. Sabatini

Page 2

July 20, 2004

AOPA and the undersigned contend that codification of level 1-3 FTDs is unnecessary and that there is no safety of flight argument that can be made for imposing an expensive quality management system (QMS), maintenance, reporting and record-keeping requirements on level 1-3 FTDs operated by Part 61 and 141 flight schools that are more burdensome than those required for the operation of an aircraft.

The FAA, in its own Sport Pilot and Light Sport Aircraft proposed rule, is not requiring manufacturers to build light-sport aircraft to an existing type certification standard as required by regulation in FAR Part 23, instead the FAA is calling for the industry to develop and reach a consensus on an airworthiness standard that would govern light-sport aircraft. Why would the FAA now require stringent regulatory standards for general aviation FTDs when no federally mandated standards are required for light-sport airplanes?

We have heard from the FAA's Office of the Chief Counsel and the National Simulator Program Manager that the reason for needing the proposed Part 60 rule is largely due to the fact that the FAA cannot govern by advisory circular (AC), yet in the Sport Pilot/Light-Sport aircraft proposal the FAA intends to issue guidance on the light sport aircraft standards in an AC. The changed product rule is another example where the FAA issues guidance in the form of an AC (AC 21.101-1) to describe the application of the latest airworthiness requirements for the certification of significant design changes to aircraft, aircraft engines, and propellers. All that is really necessary is for the FAA to task the select subcommittee to generate or modify existing ACs to define a level 1 FTD.

Congress and the Office of Management and Budget (OMB) clearly mandate and direct the FAA to use consensus standards as opposed to codified standards when possible. Congress, via Section 12 of the National Technology Transfer and Advancement Act of 1995, mandated that federal agencies "shall use technical standards that are developed or adopted by voluntary consensus standards bodies." In directing when and how federal agencies would meet that requirement, Congress stated, "Federal agencies and departments shall consult with voluntary, private sector consensus bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards."

In 1998 OMB, following on Congress' mandate, issued a document entitled Circular A-119 that further established policies related to consensus standards bodies, stating, "this Circular directs (federal) agencies to use voluntary consensus standards in lieu of government-unique standards except where inconsistent with law or otherwise impractical."

Mr. Nicholas A. Sabatini
Page 3
July 20, 2004

We agree with the direction from Congress and OMB and strongly oppose any regulatory attempt to codify Level 1-3 FTDs, PCATDs, Basic ATDs, and Advanced ATDs as suggested by some of the Level 1-3 FTD Subcommittee members. Again, safety is in no way being compromised by the use of these devices, and in fact, a compelling argument can be made that by regulating these devices safety could be undermined.

General aviation's use of FTDs as an effective training and proficiency tool would be undermined if the incentives to use these FTDs were offset by the added cost of having to comply with the proposed QMS, maintenance, reporting and record-keeping requirements of the proposed Part 60 regulation. We expect that most general aviation flight schools will either eliminate the use of FTDs or pass on the additional costs of complying with the proposed rules to its flight training customers, and will only serve to the detriment of general aviation safety, including flight instruction. An equally critical, long-term impact of the proposed rule will most likely be a significant reduction in the depth and breadth of our country's flight training institutions that are so important to our national pilot training production. To support the country's long-term commercial pilot requirements, a broad base of flight training institutions must be preserved.

During the subcommittee deliberations, we also learned that the FAA intends to publish a final rule in the spring of 2005 even though there is no consensus among the subcommittee that the level 1-3 FTDs need to be codified. We are concerned that the FAA by publishing a final rule applicable to all FTDs, but absent of standards for the level 1-3 FTDs, will result in confusion and uncertainty about the future of these devices. This uncertainty could lead to the discontinued use of FTDs in pilot training programs. AOPA requests that the FAA clearly state in the applicability section of the final rule that level 1-3 FTDs are exempt from the rule.

Additionally, AOPA and the undersigned request that the approval and oversight functions for the level 1-3 FTDs be assigned to the Certification and Flight Training Branch (AFS-840) rather than the National Simulator Program because of AFS-840's experience with simulation devices used in general aviation training. AFS-840 has a proven track record of responsiveness to and understanding of the needs of the general aviation flight training community. We further request that AFS-840 oversee any future development of standards for simulation devices used in general aviation. It is imperative in the development of these standards that the FAA only seek the advice and input from manufacturers and sponsors of flight simulation devices that are knowledgeable in and understand the use of these devices in general aviation flight training.

Thank you for the opportunity to participate in this important rulemaking process.

Mr. Nicholas A. Sabatini

Page 4

July 20, 2004

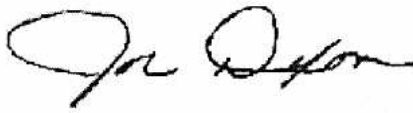
Sincerely,



Andrew V. Cebula

Senior Vice President

Aircraft Owners and Pilots Association



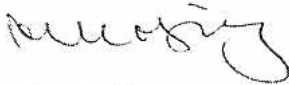
John Dixon, President/CEO

Elite Simulation Solutions



Glenn King, Applications Manager

Environmental Tectonics Corporation



Mike Coligny, CEO/COO

FLYIT Simulators



Jerry Dennis, Executive Director

Medallion Foundation, Inc.



Ken Hoffman

National Association of Flight Instructors



Eric R. Byer

Director, Government & Industry Affairs

National Air Transportation Association



Mike Altman, CEO

Precision Flight Controls, Inc.



Merrill R. Karp, Simulator Committee Chair

University Aviation Association