SAFETY 1ST NATA

Welcome to the 10th issue of the NATA Safety 1st *Flitebag*, our quarterly online safety newsletter, supporting the NATA Safety 1st Management System (SMS) for Air Operators.

This quarterly newsletter will highlight known and emerging trends, environmental and geographical matters, as well as advances in operational efficiency and safety. Subsequent issues include a section with a roundup of real-time incidents and events, along with lessons learned. Flight and ground safety have been enhanced and many accidents prevented because of shared experiences.

HOW'S YOUR CHEESE?

By Russ Lawton

What do Swiss cheese and safety have in common? Quite a lot it turns out. Research shows that, without proper defenses in place, your company could have "holes" that allow accidents and other unwanted events to occur.

The "Swiss Cheese" model of how unwanted or unplanned events can occur was developed by Dr. James Reason, who is world renown for his work in looking at how conditions in individual organizations contribute to accidents.

Within every organization, there are layers: the decision-makers or top management, line management who implement top management's strategies, and the front-line staff or line activities. All three layers exist within the organizational culture, which can be healthy, unhealthy or somewhere in between.

In an ideal world, each layer within an organization works together to protect the system when a hazard or potential hazard arises. Unfortunately, the real world seldom functions in this manner. Holes in the defensive layers occur and, when these holes align, the organization can suffer a loss (see illustration below).

Dr. Reason describes two types of conditions within an organization that contribute to loss: active failures and latent failures. Active failures are unsafe acts committed by people who are in direct contact with the system, and consist of: slips, lapses, mistakes, procedural violations, etc. Whereas, latent failures are pre-existing conditions that can lie dormant in the system for many years before they combine with active failures to create an accident opportunity.

Latent conditions are resident in the system, and arise from decisions made by designers, builders, procedure writers, top management, etc. These pre-existing conditions can take the form of items such as, time pressure, understaffing, inadequate equipment, fatigue, inexperience, etc.

Think of active failures as mosquitoes that can be swatted one-by-one, but never go away altogether. Whereas, latent conditions can be thought of as the swamp that must be drained in order to prevent the mosquitoes from returning.

An organization can respond to an incident or accident in either of two ways: The first is to blame the individual or individuals directly involved and go no further in the ensuing investigation (swat the mosquitoes). This is also known as the "person approach," where you need look no further for the cause once the unsafe acts are identified.

The second response is a proactive approach and results when the organization is introspective and determines whether any pre-existing or latent conditions (the swamp) could have caused the incident.

The good news: Latent conditions can be identified and remedied *before* an adverse event occurs (*drain* the swamp). This can be accomplished with a top-down hazard identification and risk analysis plan within the company. Everyone at every level needs to be involved in this activity, which typically takes several months of dedicated effort to complete.

Once the initial effort is complete, an action plan for making
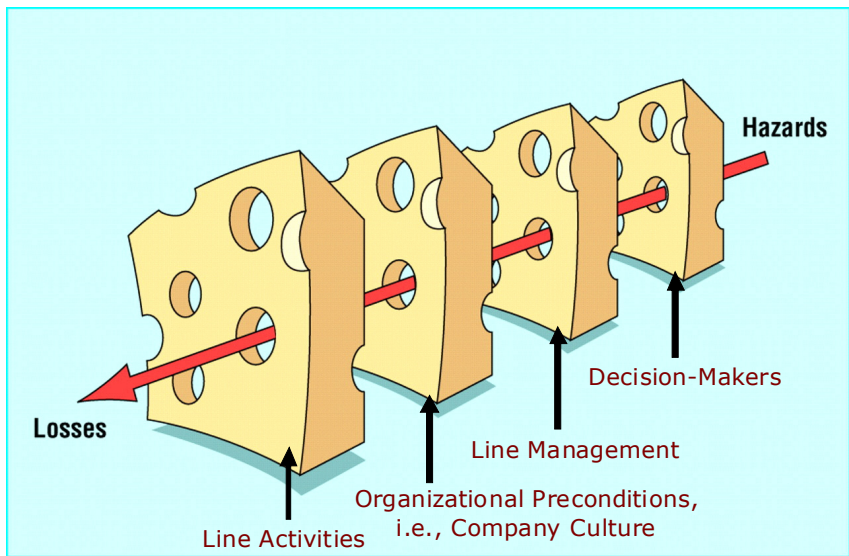
the necessary changes to manage risk within the organization should be developed and monitored. The plan should be reviewed periodically and whenever change occurs within the company. It's an ongoing process that results in proactive risk management. And this is what good safety management is all about. If nothing else, implementing a continuous hazard identification and risk management plan will allow you to move on to a different brand of cheese.James Reason's Swiss Cheese model of how defenses, barriers, and safeguards may be penetrated by an accident trajectory.

FLYTE BYTES

Part 135 Inspections Announced

As expected, the Federal Aviation Administration (FAA) has formally announced that all Part 135 certificate holders will be subject to a special emphasis inspection to evaluate compliance with the operational control requirements of Operations Specification (OpSpec) A008.

FAA Notice 8900.16, "Special Emphasis Inspection: Operational Control" describes the special emphasis inspection program for operational control. The notice explains that the inspection will be conducted by operators' assigned FAA inspectors.

Although the FAA has informally indicated that an inspection for A008 would occur, Notice 8000.16 is the first official notification of these special emphasis inspections.

Inspections will be accomplished during either the fourth quarter of FY2007 or the first quarter of FY2008 (July 1, 2007 through December 31, 2007).

All operators are encouraged to review the FAA notice and prepare accordingly.

Download Notice 8900.16, "Special Emphasis Inspection: Operational Control."

Operators are also reminded that NATA has made available tools to aid compliance. These tools are available to NATA members by clicking here.

Additional resources for operational control are available for **NATA members** at www.nata.aero/about/WetLeaseResource.jsp.

Chertoff Outlines Vision for GA Security

During NATA's Aviation Business Roundtable in early November, Department of Homeland Security (DHS) Secretary Michael Chertoff outlined the long-term strategies that will be used to manage general aviation security risks.

In conjunction with Chertoff's presentation, the DHS released a Fact Sheet on general aviation. In it, the DHS highlights several initiatives it is pursuing, including:

► Mandatory submission of passenger and crew data by private aircraft operators for vetting purposes through the Electronic Advance Passenger Information System (eAPIS).

► Implementation of the Large Aircraft Security Program (LASP) to require private operators of larger aircraft to implement a formal security program.

► Working with international FBOs willing to provide enhanced security services to aircraft bound for the United States.

► Enhanced screening for radioactive and nuclear items within the general aviation community.

DHS Fact Sheet on general aviation:
http://www.dhs.gov/xnews/releases/pr_1194374790421.shtm.

New Advisory Circular Highlights Runway Overrun Prevention

Advisory Circular (AC) 91-79, "Runway Overrun Prevention" provides valuable guidance to reduce the occurrence of runway overruns during the landing phase of flight, which according to the Federal Aviation Administration and the National Transportation Safety Board account for approximately ten incidents or accidents every year.

The AC provides ways for pilots and operators of turbine-powered airplanes to identify, understand, and mitigate risks associated with runway overruns during the landing distance phase of flight. It also provides operators with detailed information that may be used to develop company standard operation procedures (SOPs) to mitigate those risks.

NATA members: Click here to read the regulatory report and obtain AC 91-79.

NATA Issues Regulatory Report on Proposed ADS-B Regulation

On October 2, 2007, the Federal Aviation Administration (FAA) announced proposed regulations for Automatic Dependent Surveillance–Broadcast (ADS-B) Out performance requirements to support Air Traffic Control (ATC) service. The FAA has proposed major changes to add ADS-B Out performance equipment requirements to the operating rules contained in Part 91. According to the FAA plan, ADS-B Out performance will be required for most aircraft operations after January 1, 2020.

The ADS-B system is an advanced surveillance technology that combines a satellite positioning service, aircraft avionics, and ground infrastructure to enable more accurate transmission of information between aircraft and ATC. Note that the NPRM addresses only "ADS-B Out" equipment. This does not include a requirement for in-cockpit displays, but rather aircraft-to-ground transmissions.

NATA has conducted a preliminary review of the Notice of Proposed Rulemaking, released in the *Federal Register* under Docket Number FAA-2007-29305. The 90-day comment period makes it critical that members understand the proposed regulation and assess its effect on their individual operations as soon as possible.

The Notice of Proposed Rulemaking can be viewed in its entirety at http://a257.g.akamaitech.net/7/257/2422/01jan 20071800/edocket.access.gpo.gov/2007/pdf/07-4938.pdf

NATA members: Regulatory Report can be viewed at http://www.nata.aero/filedownload?databaseName=NATA&t ableName=DOCUMENTS&columnName=DOCUMENT_FI LE&referenceTableName=DOCUMENT_FILE_META&ke yName=DOCUMENT_ID&rowId=3861

DOT Debunks Airline Delays!

Secretary of Transportation Mary Peters appears to accept that general aviation is not to blame for flight delays at major airports and says her department will impose scheduling restrictions on airlines, if necessary, improve on-time records. The first target could be JFK in New York. Peters has called a meeting between airline representatives and the FAA for Oct. 23-24 to discuss the problems. "Our first choice is to find market-based incentives to fix delays so we can preserve passenger choice, but we will consider imposing scheduling restrictions as one option to avoid a repeat of this summer's delays," Peters said in a news release.

As part of their campaign to create a user-fee system for FAA services, the airlines have alleged that general aviation traffic is largely to blame for airline delays but Peters doesn't mention little airplanes in her release. She notes that in the 18 months ending in August, airlines boosted the number of scheduled flights into JFK by 41 percent and the number of arrivals being delayed by more than an hour went up 114 percent. The airport's overall on-time record dropped to 59 percent. Last month, Peters formed the Aviation Rulemaking Committee, which will report to President Bush in December on ways to reduce airline delays. At the same time, she said, her department is monitoring chronically delayed flights and looking at ways to improve consumer protection, such as requiring increased compensation for passengers who are bumped.

FAA Rolls Out New Standard For Tabulating Runway Incursions

OCTOBER 05, 2007 -- The Federal Aviation Administration is changing the way it calculates close calls on airport runways in a bid to improve safety.

A new standard being adopted by the agency would classify an airplane descending on the wrong landing strip as a "runway incursion," even if there is little chance it would collide with another plane or some other object. Such incidents only were recorded in cases of near-collisions in the past.

The change reflects a standard set by the Montreal-based International Civil Aviation Organization, a global arbiter of air-safety regulations.

Some 370 incidents of planes coming too close to each other were recorded in the fiscal year that ended Sept. 30, FAA said. That was up from 330 a year earlier.

Regulatory Report Available For APIS Final Rule

The Bureau of Customs and Border Protection (CBP) recently issued final amendments to regulations that require air carriers to provide manifest data to the agency prior to every international flight arriving in or departing from the United States.

The manifest requirements, known as the Advance Passenger Information System (APIS), have applied to commercial air carrier operations for several years. The revised rules affect the timing of manifest delivery to the CBP and make some modifications to how the CBP will respond to carriers that passengers are cleared or not cleared for transportation.

The revised regulations will take effect on February 19, 2008.

Additional information is available online for **NATA members** at: http://www.nata.aero/news/member/news.jsp?CONTENT_ID=5283.

Probe blames air controllers for Amazon crash

In an action likely to bolster the standing of ExcelAire and its two Long Island pilots in both criminal and civil cases, the Brazilian military's internal investigation places most of the blame for last September's fatal crash on its own controllers

The investigation, detailed Tuesday by a Sao Paulo newspaper, indicts five controllers, with charges of "reckless behavior" and failure to act to avoid the midair crash.

The document assigns lesser blame to Joe Lepore, of Bay Shore, and Jan Paladino, of Westhampton Beach. Joel R. Weiss, their Uniondale attorney, said the report proves what the pilots have long contended -- that problems with the Brazilian air traffic control system, as well as the controllers themselves, led to the crash.

More than 150 people died when the Long Island pilots' small business jet collided with a GOL airliner over the Amazon jungle Sept. 29, 2006.

The report says one controller knew the ExcelAire plane was at a different altitude than the system was reporting and did nothing to correct it while another assigned the plane the wrong radio frequency so the pilots could not communicate with the towers.

Other investigations have shown that for some period before the crash, the pilots were unable to communicate with the towers.

NTSB Calls for Mandatory 406-MHz ELTs

The National Transportation Safety Board (NTSB) is calling on the Federal Aviation Administration (FAA) to obtain Congressional approval to make installation of 406-MHz Emergency Locator Transmitters (ELTs) mandatory.

In a recommendation issued last week, the NTSB made its case for a mandatory fleet-wide transition to 406-MHz ELTs. Currently, it is estimated that over 180,000 general aviation aircraft have 121.5-MHz ELTs installed. Because the satellite processing of the 121.5-MHz signal is scheduled to cease in February 2009, the NTSB is concerned that the ability to locate downed aircraft will be severely hampered.

Absent the satellite processing of the signal, search and rescue teams will be limited mostly to overflying aircraft and ground-based receivers that can detect the 121.5-MHz ELT transmission. The NTSB does not believe that many general aviation aircraft owners will voluntarily upgrade to the newer 406-MHz ELT.

At this time, existing law prohibits the FAA from imposing a regulation stipulating that only a 406-MHz ELT is acceptable for use. To draft such a regulation, the FAA must first obtain Congressional approval.

Read the NTSB recommendation letter at:

http://www.ntsb.gov/recs/letters/2007/A07_51.pdf.

Nine Million Dollars in Grants Awarded Under the Small Community Air Service Development Program

The U.S. Department of Transportation (DOT) recently awarded approximately $9 million in grants to 26 communities to promote local air services. The Small Community Air Service Development Program provides federal funds to communities to attract or improve air service.

The goal of the program is to help communities address air service problems, such as high fares and insufficient availability of service. The program also supports communities in finding new and innovative ways to improve their commercial air service.

The DOT will give priority to communities that have high airfares compared to other communities, have established or will establish a public/private partnership to improve air services, and will use the assistance in a timely fashion.

NATA members:
click here to see the DOT's 2007 *Order Awarding Grants.*

2008 AIR CHARTER SUMMIT ANNOUNCED – SAVE THE DATE!

The NATA Air Charter Summit is the first, and only, event specifically created to provide the on-demand air charter industry with the opportunity to learn about current legislative and regulatory issues, offering unparalleled access to government leaders and the opportunity to reconnect and network with business contacts.

For 2008, the **Air Charter Summit moves to the Marriott Westfield resort in Chantilly, Virginia**, just a few minutes from Washington Dulles International Airport. Events will begin on **Tuesday, June 9, and conclude on Thursday, June 11.**

More information, including registration and accommodation details, will be announced in the New Year.

NTSB VICE CHAIRMAN, NASA EXPERT KEYNOTE SPEAKERS AT AIR CHARTER SAFETY SYMPOSIUM DEBUT IN FEBRUARY 2008

Alexandria, VA, October 5, 2007

The Air Charter Safety Foundation (ACSF) is pleased to announce the 2008 ACSF Air Charter Safety Symposium – Developing a Healthy Safety Culture. The 2008 ACSF Air Charter Safety Symposium will take place February 19-20 at the NTSB Training Center in Ashburn, VA, just west of Washington, DC.

Robert Sumwalt, vice chairman of the NTSB, will share with attendees his expertise on safety culture. Sumwalt, an airline pilot for 24 years, also has experience managing a Fortune-500 company flight department, and has served on the US

Airways Flight Operations Quality Assurance (FOQA) Monitoring team. Sumwalt is one of the industry's top experts in aviation and corporate culture and policy.

James Oberg, a 22 year veteran of NASA's Mission Control in Houston and current space analyst for NBC, will also be a featured speaker. Following the space shuttle Columbia disaster, Oberg was outspoken about the need for a major cultural shift within the agency, coining the term "sick" safety culture. Oberg will discuss NASA's biggest accidents, how the safety culture of the agency at the time led to the disasters, and how the agency is working to improve its safety culture.

"Our industry needs a complete cultural overhaul," said ACSF chairman Charlie Priester. "Leaders of charter operations must realize safety culture is created and fostered from the top. This event isn't just for safety managers – it's for presidents, CEOs, and any other charter professional truly dedicated to safety."

Individuals interested in submitting papers for consideration should contact Lindsey McFarren. Papers are sought in the following areas: safety management systems (SMS), Aviation Safety Action Programs (ASAP), organizational factors in aviation accidents, company-designed pilot reporting mechanisms, procedural intentional non-compliance (PINC), and other topics relating to safety culture.

Sponsorship opportunities are available. Interested parties may contact Lindsey McFarren for more information at (888)-SAFE-135 or via email at lmcfarren@acsf.aero.

Through research, collaboration and education, the Air Charter Safety Foundation advances charter industry standards and best practices; promulgates safety, security and service benchmarks; and promotes the universal acceptance of safety management systems. The Foundation also provides accurate and objective information about air charter providers as one of the most important and versatile public transportation resources. Additional information may be found at www.acsf.aero.

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TAG AVIATION AGREES TO SETTLE WITH FAA

Settlement acknowledges that no wrongdoing was admitted by business aviation leader.

TAG Aviation Holding and its TAG Aviation USA subsidiary today agreed to a settlement with the Federal Aviation Administration (FAA), resolving FAA concerns over TAG USA's relationship with FAA regulated aircraft operators. Terms of the settlement, in which the FAA will receive $10 million, include FAA acknowledgement that neither company admits to any wrongdoing.

"This settlement will allow TAG Aviation Holding to continue with the divestiture of TAG Aviation USA business interests," said Robert Wells, CEO of Geneva-based TAG Aviation Holding. "We are disappointed in the unprecedented settlement amount demanded by the FAA, but felt it was in TAG USA's and their clients' best interests to put this matter to rest. TAG Aviation Holding remains proud of its nearly decade-long relationship with the TAG USA organization and their record of safe and successful business aviation activity in the U.S."

Signing the settlement fully resolves all matters related to a recent FAA investigation of TAG Aviation USA's relationship with AMI Jet Charter. TAG acted as a charter broker for AMI flights and owned a 49% equity interest in the company. Two payments amounting to the total settlement cost are to be paid by TAG by the end of this year.

For its part, the FAA has agreed not to delay consideration of requests to transfer aircraft currently under TAG USA's management or previously operated by AMI Jet Charter to other certificated air carriers, as envisioned in the sale to Sentient. TAG Aviation Holding's non-US subsidiaries have not been affected by today's settlement with the FAA.

Beginning in 1998, TAG USA and AMI Jet Charter have each built a well-deserved reputation for the highest levels of excellence, with a primary focus on safety and regulatory compliance from both companies. In 2006, AMI was given the highest safety designation by a top industry research firm. It has never had an accident or incident in the nine years since it was founded.

November 1, 2007

Dear NATA Member,

Last week, Sentient Flight Group announced that it is acquiring TAG Aviation - USA, the aircraft management company associated with AMI Jet Charter, as well as AMI itself.

This purchase signals the end of the TAG USA and AMI brands, and the presumptive end of the saga created by the emergency suspension and revocation of AMI's air carrier certificate. We may never know the whole story as it is now unlikely that there will be a hearing on the case before a neutral party where the FAA's allegations and AMI's rebuttals are publicly aired. As a result, we are left with more questions than answers.

My own sense of this case is that the FAA overreached in its issuance of the emergency suspension and revocation. Under 49 U.S.C. §46105(c), the Administrator must determine that "an emergency exists related to safety in air commerce" prior to issuing such a suspension or revocation.

► How much of a genuine emergency could have existed for the FAA to investigate an accident/incident‐ free operation for *over seven months* before issuing an emergency suspension?

► Further, regarding the revocation, how could AMI Jet Charter have ever been a threat to safety *while its operations were suspended?*

The FAA's actions, therefore, seem problematic. Although all the facts are not known, I suspect that these decisions find their roots in the FAA Chief Counsel's office, which in recent years has not always acted solely in the public interest. At a higher level and for reasons unknown, the FAA seems to have subrogated its responsibility for operational control oversight to the Chief Counsel's office. And based upon our understanding of the

AMI situation and the FAA's actions, human errors once worthy of a letter of warning or even a violation and fine are now possible justification for emergency orders of suspension and revocation.

What is certain is that all certificate holders must be fastidious in their operations and diligent in their documentation and operational control system. NATA has published many tools to help members examine their operational control systems, and our staff is available to answer your questions. Please review the guidance available to members on the NATA Web site at www.nata.aero/about/WetLeaseResource.jsp.

Given the magnitude of the FAA's decisions regarding the relationship between AMI and TAG, on Sunday and Monday of the coming week NATA's Board of Directors will be meeting to discuss ways we may help the FAA restore a reasonable balance to the acts of the Chief Counsel's office. I know that every option will be considered. We will keep you informed of the outcome of those discussions.

This certainly will not be the first time that NATA will be acting to defend the membership from over-zealous regulators. Although operational control seems to have dominated our industry's attention recently, we have taken many other actions on your behalf over the last few years, including:

► Blocked an Operations Specification to require a 15% landing distance margin

► Prevented a formal dispatch requirement for Part 135 operators

► Stopped the FAA from requiring continuous radio communications capability in Part 135 aircraft

► Published a comprehensive hazmat training program to help members comply with new requirements

► Refuted costly changes to flight data recorder requirements

► Assisted countless members in obtaining substantial fuel tax credits and refunds

► Opened several airports as DCA gateways and eased curfew burdens

► Worked with the TSA to correct cumbersome Twelve‐ Five Standard Security Program changes

► Stopped cumbersome priority registration (flywire) changes

► Developed a risk assessment tool for turbine aircraft operators

► Reported numerous illegal charter operations to the FAA and/or DOT

► Helped members comply with important ICAO changes, including hazmat, Second-in-command type ratings, and more

► Blocked the potential grounding of the MU‑2B

► Eliminated the costly consequences of thermal acoustic insulation requirements changes

► Supported protection of information received from voluntary disclosure reporting programs

► Opposed Stage II bans and other burdensome operational proposals in the FA A reauthorization bill

► Opposed operational user fees

This is an incomplete list, but it may give you some sense of our work on your behalf. In the wake of the dramatic TAG/AMI situation, now is the time to be heard, to be in compliance, and prevent future business tragedies. This is the primary reason your association exists.

As a member, you are key to our ability to defend your interests before the government and media. It is your role as part of a larger community that makes NATA "the voice of aviation business" in Washington and nationwide. Please take full advantage of your NATA membership. Register your key personnel to receive our newsletters, review the frequent changes to NATA's Web site, and contact us with your questions or concerns.

We work for you and take pride in representing you. We value your continuing support for NATA and the entire air charter industry.

With best regards,

President

FSIMS Flight Standards Information Management System

FAA'S ONLINE SEARCHABLE GUIDANCE – HAVE YOU USED IT?

The Federal Aviation Administration (FAA) has created a comprehensive searchable database of guidance and inspector handbooks that is available to the public.

The Flight Standards Information Management System (FSIMS) is a single-source, Web-based, repository of policy and guidance.

The FSIMS system is primarily aimed at giving FAA employees easier access to information but is also a valuable resource for operators. With FSIMS you can:

► view policy and guidance documents

► access the same version of policy and guidance as FAA employees

► elect to view only those documents that are relevant to your technical specialty

► navigate through the E-Book by area of interest, subject area, publication or index

► access related regulations, orders, advisory circulars and job aids from a single source

► retrieve only the relevant part of a document

► satisfy all of your information needs from a single source even if you work in multiple areas of interest

Among the many resources incorporated into FSIMS are FAA operations and maintenance inspector handbooks, advisory circulars and policy notices.

The FSIMS Web site, http://fsims.faa.gov, includes links to several training aids that will help users learn how to search and navigate through the system. One of the aids is an audio/visual "quick tour" available at http://fsims.faa.gov/help_pw/quicktour/fsims.html.

CUSTOMS WANTS MANIFESTS FOR PRIVATE AIRCRAFT

September 19, 2007

What's at Issue

The Customs and Border Protection (CBP) agency has proposed to require detailed passenger and crew manifest data for all private aircraft arriving in or departing from the United States.

Why It's Important

The rule would impact all international operations by private aircraft and places a significant burden on those operators. The rules provide no exceptions for small aircraft or flights to rural locations.

Major Provisions

The Notice of Proposed Rulemaking (NPRM) from the CBP is intended to enhance and replace the existing requirement to provide the agency with a notice of arrival. However, the CBP is restricting the methods for providing the notice of arrival and is imposing new requirements.

The NPRM essentially seeks to impose the existing manifest requirements for commercial operations on private aircraft, with some minor differences. For more details on the commercial aircraft manifest requirements.

Affected Operations:

The new manifest data requirement would apply to all private aircraft operations departing from or arriving in the United States. There are no exceptions or special provisions for Canada/Mexico border crossings or for small aircraft.

Data Required:

The manifest data required to be submitted is substantial. However, because all U.S. border crossings now require a passport, the data should be relatively easy to obtain. In addition to detailed identifying information on the passengers and crew, numerous data points on the aircraft (tail number, owner's name/address, color) and itinerary are also required.

Timing of Submission:

The NPRM states that all data would be required to be transmitted to the CBP no later than 60 minutes prior to the proposed departure time. This differs from the timing for commercial manifest submissions. Today, commercial manifests are required 15 minutes prior to departure. Beginning in February 2008, commercial manifests must be submitted at least 30 minutes prior to the securing of the aircraft doors.

Method of Submission:

Although operators with larger aircraft and/or fleets may be able and willing to take advantage of specialized equipment for submission of manifests, the vast majority of operators will be using the CBP's Electronic Advance Passenger Information System (eAPIS). This system is widely used by the on-demand air charter industry to meet its commercial manifest requirements.

Use of the eAPIS system requires an Internet connection. There is no provision in the NPRM for alternate submission methods (such as telephone or fax) if the departure is from an area without Internet access, other than the CBP permits the pilot to authorize another party to submit data on his or her behalf. While this may partially address problems, the pilot still must somehow obtain the acknowledgement that his or her flight is approved by the CBP either by receiving the CBP email or by communication with the person(s) submitting the manifest at the pilot's behest.

CBP Response to Manifests:

Following successful transmission of the manifest data, two steps must occur prior to the actual aircraft departure. First, the CBP will send an acknowledgement (via email) that the manifest data was received. Second, the CBP will notify the pilot that the departure is authorized. If the flight will be arriving in the United States, the communication will indicate if landing rights have been granted for the intended airport or if another airport must be used.

The above assumes all passenger and crews are successfully cleared by the agency. In the case of a non-approved result for a passenger, the CBP response will indicate that the person is either "selectee" or "no fly". It is unclear precisely what steps would need to be taken by the pilot when such results are received. But the agency indicates that certain steps could be taken to clear a passenger subsequently.

The CBP also seeks to require a 24-hour point of contact. This could be quite problematic for the individual flying solo to remote areas.

NATA Position

NATA understands the CBP's desire to improve their understanding of persons crossing Unites States borders. However, the association is concerned with the impact on the smallest of operators and the lack of flexibility offered to private operations.

Status

The CBP Notice of Proposed Rulemaking appeared in the Federal Register on September 18, 2007.

Staff Contact:

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CURRENT LIST OF CUSTOMS USER FEE AIRPORTS AVAILABLE

Many airports used by air charter operators conducting international operations are designated as Customs User Fee Airports. User fee airports are those airports which, while not qualifying for designation as international or landing rights airports, have been approved by the Commissioner of Customs and Border Protection (CBP) to receive, for a fee, the services of CBP officers for the processing of aircraft entering the United States, and the passengers and cargo of those aircraft.

The fees charged at user fee airports are paid by each person using the customs services at the airport and are established to offset the expenses incurred by the CBP in providing customs services. Generally, the airport authority agrees to pay a flat fee to CBP for which the users of the airport are to reimburse the airport/airport authority. The airport/airport authority agrees to set and periodically review the charges to ensure that they are in accord with the airport's expenses.

When planning to use a User Fee airport in lieu of an international or landing rights airport, the applicable fees may be obtained in advance by contacting the airport directly.

Below is the current listing of Customs User Fee Airports:

Location	Name
Addison, Texas	Addison Airport
Ardmore, Oklahoma	Ardmore Industrial Airpark
Bakersfield, California	Meadows Field Airport
Bedford, Massachusetts	L.G. Hanscom Field
Broomfield, Colorado	Jefferson County Airport
Carlsbad, California	McClellan-Palomar Airport
Daytona Beach, Florida	Daytona Beach International Airport
Decatur, Illinois	Decatur Airport
Egg Harbor Township, New Jersey	Atlantic City International Airport
Englewood, Colorado	Centennial Airport
Fort Worth, Texas	Fort Worth Alliance Airport
Fresno, California	Fresno Yosemite International Airport
Gypsum, Colorado	Eagle County Regional Airport
Hillsboro, Oregon	Hillsboro Airport
Johnson City, New York	Binghamton Regional Airport
Leesburg, Florida	Leesburg Regional Airport
Lexington, Kentucky	Blue Grass Airport
Manchester, New Hampshire	Manchester Airport
Mascoutah, Illinois	MidAmerica St. Louis Airport
McKinney, Texas	Collin County Regional Airport
Melbourne, Florida	Melbourne Airport
Mesa, Arizona	Williams Gateway Airport
Midland, Texas	Midland International Airport
Morristown, New Jersey	Morristown Municipal Airport
Moses Lake, Washington	Grant County International Airport
Myrtle Beach, South Carolina	Myrtle Beach International Airport
Orlando, Florida	Orlando Executive Airport
Palm Springs, California	Palm Springs International Airport

Continued current listing of Customs User Fee Airports	
Location	**Name**
Riverside, California	March Inland Port Airport
Rochester, Minnesota	Rochester International Airport
Rogers, Arkansas	Rogers Municipal Airport
Roswell, New Mexico	Roswell Industrial Center
San Bernardino, California	San Bernardino International Airport
Santa Maria, California	Santa Maria Public Airport
Sarasota, Florida	Bradenton International Airport
Scottsdale, Arizona	Scottsdale Airport
Sugar Land, Texas	Sugar Land Regional Airport
Trenton, New Jersey	Trenton Mercer Airport
Victorville, California	Southern California Logistics Airport
Waterford, Michigan	Oakland County International Airport
Waukegan, Illinois	Waukengan Regional Airport
West Chicago, Illinois	Dupage County Airport
Wheeling, Illinois	Chicago Executive Airport
Wilmington, Ohio	Airborne Air Park Airport
Yoder, Indiana	Fort Wayne International Airport
Ypsilanti, Michigan	Willow Run Airport

ETOPS RULE IMPACTS PART 135

What's at Issue

New regulations issued by the Federal Aviation Administration (FAA) impose limitations on long-range international flights conducted under Part 135.

Why It's Important

The regulations establish a limit on the range an airplane may be from an "adequate airport" at 180 minutes. Any flight beyond that limit is considered Extended Operations (ETOPS) and requires compliance with numerous training, flight planning, maintenance and equipment requirements.

Major Provisions
New Definitions:

► ETOPS: Extended Operations. For Part 135, ETOPS is defined as those flight operations conducted beyond 180 minutes from an adequate airport. ETOPS restrictions and requirements apply to passenger airplanes regardless of the number of engines (i.e. it applies to both two- and three-engine airplanes). ETOPS rules do not apply to all-cargo flights conducted in airplanes with three or more engines.

► Adequate Airport: For Part 135 ETOPS operations, an adequate airport is one listed by the operator and approved by the FAA that meets the landing limitation of §135.385 or an active and operational military airport.

Key Requirements:

► ETOPS flights are limited to no more than 240 minutes from an adequate airport.

► A new Appendix G to Part 135 establishes numerous training, flight planning, maintenance and equipment requirements that must be complied with in order to obtain ETOPS approval and conduct ETOPS flights.

► Appendix G does not apply to airplanes with three or more engines

► In general, all aircraft currently capable of conducting an ETOPS flight can continue to do so indefinitely. This "grandfathering clause" applies to all aircraft manufactured up to eight years after the final rule (i.e. February 2015).

► The exception to the grandfathering clause is that in some cases the Airplane Flight Manual (AFM) does not provide information on time-limited systems, including the fire suppression system. Those airplanes lacking the necessary AFM information may not conduct ETOPS operations after February 15, 2015. (see Appendix G, 135.2.5(d))

► Compliance with the new Appendix G rule is delayed for one year, until February 15, 2008. The delay is provided to allow airplane manufacturers time to produce the performance data, specifically engine-inoperative cruise speeds, operators require in order to meet the ETOPS rules.

Polar Operations:

Although not defined as ETOPS, the FAA also established a new regulation, §135.98, pertaining to flights conducted in the North Polar Area. Any operations in the North Polar Area (except for Alaskan intrastate operations) require compliance with several special planning and equipment requirements, including a passenger recovery plan for any passenger-carrying flights due to the extreme weather in this area and limited landing facilities. Compliance with § 135.98 is required after February 15, 2008.

NATA Position

NATA submitted detailed comments to the FAA regarding this rule when it was proposed. The association is pleased that the agency largely agreed with the areas that presented the greatest concern to the association. In particular, the grandfather clause for existing aircraft was expanded and should make transition to the new requirements less burdensome.

NATA appreciates that the FAA delayed compliance with the regulation for one year in hopes that will provide manufacturers sufficient time to compile and distribute the engine-inoperative cruise speeds. Unfortunately, until that data is available the true number of airplanes and operations impacted by the new ETOPS rules cannot be known.

Status

The final rule was published in the Federal Register on January 16, 2007.

[Download the final rule.](#)

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Pilot and Flight Crew Procedures During Taxi Operations

STOP! READ BEFORE TAXI

Conduct Pre-Taxi Planning

- Study airport diagram BEFORE taxi
- Identify complex intersections
- Plan timing of checklists
- Listen to and copy ATIS

Write Down Taxi Instructions

- Write down complex taxi instructions to reduce pilot's vulnerability to forgetting or making a mistake

Maintain Situational Awareness

- Know where you are and where you are going!
- Monitor ATC instructions to other aircraft
- Look TWICE before crossing intersecting taxiways or runways
- Be vigilant if given "position and hold" clearance
- Use extra caution at night or during reduced Visibility
- Be extremely cautious when using a runway as a taxiway
- "Heads UP" exiting the runway if exit intersects another runway

Coordinate Crew Communications

- On taxi instructions for takeoff
- On landing and hold short clearance
- On ATC instructions to parking
- On identifying runway intersections
- Before crossing hold short lines
- Identifying the correct departure runway and course
- On performing "Heads DOWN" tasks

Maintain the Communication Loop

- Maintain a "sterile cockpit"
- Use standard ATC phraseology
- Focus on what ATC is instructing
- Read-back all hold short and crossing ATC instructions
- Always clarify any and ALL misunder-standing or confusion concerning ATC instructions or clearances

REMEMBER WHO IS PILOT IN COMMAND!

Federal Aviation Administration

NTSB ADVISORY

NATIONAL TRANSPORTATION SAFETY BOARD

Washington, DC 20594
October 2, 2007

**NTSB Investigating Incident Involving Corporate
Jet Taking off from Closed Runway at Dulles Airport**

The National Transportation Safety Board is investigating an incident involving an aircraft taking off from a closed runway at Washington Dulles International Airport.

On September 12, 2007, about 3:13 a.m. EDT, the Dulles tower controller cleared a Learjet 35 for takeoff from a closed unlit runway. Earlier in the evening, runway 19R was closed for surveying and the runway lights were turned off. The tower controller instructed the Lear to taxi into position and hold, then cleared it for takeoff. The departure controller at Potomac Terminal Radar Approach Control, located in Warrenton, Virginia, noticed the radar target depart runway 19R and asked the tower controller if the runway was open, and was told no.

The closure was advertised on the automated terminal information service and the tower controller placed an X on the tower's ground radar display as a reminder of the closure. The closure also was annotated on the tower status display.

There were no injuries or damage to the aircraft.

At the time of the incident, there was one tower controller in the cab; the second controller assigned to the shift was on break.

The FAA has classified the incident as an operational error. This is considered a runway incursion as defined by the International Civil Aviation Organization.

NATIONAL TRANSPORTATION SAFETY BOARD

PUBLIC MEETING OF OCTOBER 2 , 2007

(Information subject to editing)

Report of Aviation Accident
Runway Overrun and Collision, Southwest Airlines flight 1248
Boeing 737-7H4, N471WN
Chicago, Midway International Airport,
Chicago, Illinois, December 8, 2005
NTSB/AAR-07/06

This is a synopsis from the Safety Board's report and does not include the Board's rationale for the conclusions, probable cause, and safety recommendations. Safety Board staff is currently making final revisions to the report from which the attached conclusions and safety recommendations have been extracted. The final report and pertinent safety recommendation letters will be distributed to recommendation recipients as soon as possible. The attached information is subject to further review and editing.

EXECUTIVE SUMMARY

On December 8, 2005, about 1914 Central Standard Time, Southwest Airlines (SWA) flight 1248, a Boeing 737-7H4, N471WN, ran off the departure end of runway 31C after landing at Chicago Midway International Airport, Chicago, Illinois. The airplane rolled through a blast fence, an airport perimeter fence, and onto an adjacent roadway, where it struck an automobile before coming to a stop.

A child in the automobile was killed, one automobile occupant received serious injuries, and three other automobile occupants received minor injuries. Eighteen of the 103 airplane occupants (98 passengers, 3 flight attendants, and 2 pilots) received minor injuries, and the airplane was substantially damaged. The airplane was being operated under the provisions of 14 Code of Federal Regulations Part 121 and had departed from Baltimore/Washington International Thurgood Marshall Airport, Baltimore, Maryland, about 1758 Eastern Standard Time. Instrument meteorological conditions prevailed at the time of the accident flight, which operated on an instrument flight rules flight plan.

The National Transportation Safety Board determined that the probable cause of this accident was the pilots' failure to use available reverse thrust in a timely manner to safely slow or stop the airplane after landing, which resulted in a runway overrun. This failure occurred because the pilots' first experience and lack of familiarity with the airplane's autobrake system distracted them from thrust reverser usage during the challenging landing.

Contributing to the accident were Southwest Airlines' 1) failure to provide its pilots with clear and consistent guidance and training regarding company policies and procedures related to arrival landing distance calculations; 2) programming and design of its on board performance computer, which did not present critical assumption information despite inconsistent tailwind and reverse thrust assessment methods; 3) plan to implement new autobrake procedures without a familiarization period; and 4) failure to include a margin of safety in the arrival assessment to account for operational uncertainties. Contributing to the severity of the accident was the absence of an engineering materials arresting system, which was needed because of the limited runway safety area beyond the departure end of runway 31C.

The safety issues discussed in this report include the flight crew's decisions and actions, the clarity of assumptions used in on board performance computers, SWA policies, guidance, and training, arrival landing distance assessments and safety margins, runway surface condition assessments and braking action reports, airplane-based friction measurements, and runway safety areas.

CONCLUSIONS

The pilots were properly certificated and qualified under Federal regulations. No evidence indicated any medical or behavioral conditions that might have adversely affected their performance during the accident flight. There was no evidence of flight crew fatigue.

The accident airplane was properly certificated and was equipped, maintained, and dispatched in accordance with industry practices.

No evidence indicated any failure of the airplane's powerplants, structures, or systems that would have affected the airplane's performance during the accident landing.

The pilots had adequate initial and updated meteorological information throughout the flight.

Chicago Midway Airport personnel monitored runway conditions and provided appropriate snow removal service on the night of the accident.

The Chicago Midway Airport air traffic control tower controller did not follow Federal Aviation Administration guidance when he did not provide all of the required braking action report information.

Because the pilots did not use the more critical braking action term (poor) during their arrival landing distance assessment (which, combined with the associated tailwind limitation, would have required them to divert), they were not in compliance with Southwest Airlines' policies.

If the pilots had been presented with stopping margins associated with the input winds or had known that the stopping margins calculated by the on board performance computer for the 737-700 already assumed credit for the use of thrust reversers, the pilots may have elected to divert.

If Boeing's recommended airplane performance data were used in Southwest Airlines' on board performance computer calculations, the resulting negative stopping margins for even fair braking action conditions would have required the pilots to divert.

Presentation of the on board performance computer assumptions upon which landing distance calculations are based is critical to a pilot's decision to land.

Southwest Airlines did not provide its pilots with clear and consistent guidance and training regarding company policies and procedures in several areas, including interpretation of braking action reports and the assumptions affecting landing distance assessments.

The pilots' would have been able to stop the airplane on the runway if they had commanded maximum reverse thrust promptly after touchdown and maintained maximum thrust to a full stop.

The pilots' delay in deploying the thrust reversers cannot be attributed to mechanical or physical difficulties.

The pilots' first use of the airplane's autobrake system during a challenging landing situation led to the pilots' distraction from the otherwise routine task of deploying the thrust reversers promptly after touchdown. Had Southwest Airlines implemented an autobrake familiarization period in advance, such a period would have allowed pilots to become comfortable with the changed sequence of landing tasks.

The implementation of procedures requiring thrust reverser status confirmation immediately after touchdown may prevent pilots from inadvertent failure to deploy the thrust reversers after touchdown.

Because landing conditions may change during a flight, preflight landing assessments alone may not be sufficient to ensure safe stopping margins at the time of arrival; arrival landing distance assessments would provide pilots with more accurate information regarding the safety of landings under arrival conditions.

Although landing distance assessments incorporating a landing distance safety margin are not required by regulation, they are critical to safe operation of transport-category airplanes on contaminated runways.

Guidance on braking action and contaminant type and depth reports would assist pilots, air traffic control, operator dispatch, and airport operations personnel in minimizing the subjectivity and standardization shortcomings of such reports.

Using the most conservative interpretation of runway braking action or surface condition reports from mixed or conflicting reports (for example, a fair-to-poor braking action report or a pilot braking action report that conflicts with a runway friction measurement) would increase the landing safety margin.

An adequate safety margin would account for operational variations and uncertainties when factored into arrival landing distance assessments.

Establishment of a means of correlating the airplane's braking ability with the runway surface condition would provide a more accurate assessment of the airplane's basic landing performance capability.

Development of an operationally feasible, airplane-based, airplane braking ability/runway surface condition measurement and communication system would provide high value information to subsequent landing airplanes; the benefits of such a system during inclement weather would likely meet or exceed all existing runway surface condition reporting systems, with no resultant interruption to traffic operations.

The absence of an engineering materials arresting system (EMAS) installation in the limited overrun area for runway 31C contributed to the severity of the accident; even a nonstandard EMAS installation would have safely stopped the airplane before it left airport property.

PROBABLE CAUSE

The National Transportation Safety Board determines that the probable cause of this accident was the pilots' failure to use available reverse thrust in a timely manner to safely slow or stop the airplane after landing, which resulted in a runway overrun. This failure occurred because the pilots' first experience and lack of familiarity with the airplane's autobrake system distracted them from thrust reverser usage during the challenging landing.

Contributing to the accident were Southwest Airlines' 1) failure to provide its pilots with clear and consistent guidance and training regarding company policies and procedures related to arrival landing distance calculations; 2) programming and design of its on board performance computer, which did not present inherent assumptions in the program critical to pilot decision-making; 3) plan to implement new autobrake procedures without a familiarization period; and 4) failure to include a margin of safety in the arrival assessment to account for operational uncertainties. Also contributing to the accident was the pilot's failure to divert to another airport given the reports that included poor braking action and a tailwind component greater than 5 knots. Contributing to the severity of the accident was the absence of an engineering materials arresting system, which was needed because of the limited runway safety area beyond the departure end of runway 31C.

SAFETY RECOMMENDATION

As a result of the investigation of this accident, the National Transportation Safety Board makes the following recommendations:
To the Federal Aviation Administration:

1. Require all 14 Code of Federal Regulations Part 121 and 135 operators to ensure that all on board electronic computing devices they use automatically and clearly display critical performance calculation assumptions.

2. Require all 14 Code of Federal Regulations Part 121 and 135 operators of thrust reverser-equipped airplanes to incorporate a procedure requiring the non-flying (monitoring) pilot to check and confirm the thrust reverser status immediately after touchdown on all landings.

3. Require all 14 Code of Federal Regulations Part 121 and 135 operators to provide clear guidance and training to pilots and dispatchers regarding company policy on surface condition and braking action reports and the assumptions affecting landing distance/stopping margin calculations, to include use of airplane ground deceleration devices, wind conditions and limits, air distance, and safety margins.

4. Require all 14 Code of Federal Regulations Part 121, Part 135 and Part 91 subpart K operators to accomplish arrival landing distance assessments before every landing based on a standardized methodology involving approved performance data, actual arrival conditions, a means of correlating the airplane's braking ability with runway surface conditions using the most conservative interpretation available, and including a minimum safety margin of 15 percent.

5. Immediately require all 14 Code of Federal Regulations Part 121, part 135 and Part 91 subpart K operators to conduct arrival landing distance assessments before every landing based on existing performance data, actual conditions, and incorporating a minimum safety margin of 15 percent. (Classified "Open—Unacceptable Response" and "Urgent." Supercedes Safety Recommendation A-06-16.)

6. Develop and issue formal guidance regarding standards and guidelines for the development, delivery, and interpretation of runway surface condition reports.

7. Establish a minimum standard for 14 Code of Federal Regulations Part 121 and 135 operators to use in correlating an airplane's braking ability to braking action reports and runway contaminant type and depth reports for runway surface conditions worse than bare and dry.

8. Demonstrate the technical and operational feasibility of outfitting transport-category airplanes with equipment and procedures required to routinely calculate, record, and convey the airplane braking ability required and/or available to slow or stop the airplane during the landing roll. If feasible, require operators of transport-category airplanes to incorporate use of such equipment and related procedures into their operations.

PREVIOUSLY ISSUED RECOMMENDATIONS RESULTING FROM THIS ACCIDENT INVESTIGATION AND CLASSIFIED IN THIS REPORT

To the Federal Aviation Administration (on January 27, 2006):

Immediately prohibit all 14 Code of Federal Regulations Part 121 operators from using reverse thrust credit in landing performance calculations. (A-06-16)

This recommendation (previously classified "Open—Unacceptable Response" on May 8, 2007) is classified "Closed—Unacceptable Action/Superceded" by Safety Recommendation [5] in section 2.3 of this report.

Accident animation:

http://www.ntsb.gov/events/2007/Chicago-Midway-IL/AnimationDescription.htm

INFORMATION FOR OPERATORS (InFO)

Each issue of the *NATA Safety 1st Flitebag* includes a review of the latest InFOs. If you have not read previous issues, please review all InFOs by clicking here.

An InFO contains valuable information for operators that should help them meet certain administrative, regulator or operational requirements with relatively low urgency or impact on safety. InFOs contain information or a combination of information and recommended action to be taken by the respective operators identified in each individual InFO.

07020 (PDF)	InFO 07020 Flight Attendant Certification
07019 (PDF)	InFO 07019 Flight Standards Information Management System (FSIMS)—Open for Business

Safety Alert for Operators (SAFOs) – Maintain Currency

Each issue of the *NATA Safety 1st Flitebag* includes a review of the latest SAFOs. If you have not read previous issues, please review all SAFOs by clicking here.

What is a SAFO?

A SAFO contains important safety information and may include recommended action. SAFO content should be especially valuable to air carriers in meeting their statutory duty to provide service with the highest possible degree of safety in the public interest.

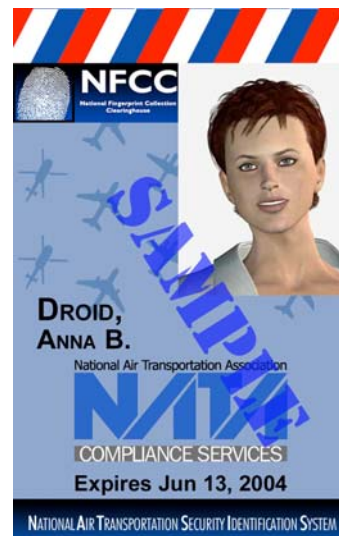| 07008 (PDF)	Cabin Fluorescent Light (Luminaire) Assembly (Fixtures)s
07007 (PDF)	Thrust Lever Position during Landing with One Deactivated Thrust Reverser on Airbus A318, A319, A320, A321 Series Airplanes

SkyGuard Badging System
National Air Transportation Security Identification System

In 2002, NATA Compliance Services developed a simple, cost-effect solution for ID badges issued by Airport Operators, Air Carriers, Charter Operators, FBOs, Repair Stations and other aviation and transportation related businesses. The backbone of any security and access system is to know who enters at any given time, and the ability to locate and positively identify all employees and visitors. The WEB-based SkyGuard Badging System requires no new hardware or software, and eliminates operations and maintenance costs. The SkyGuard Badging System integrates with Navigance, and many other access control systems. Badges are High Quality, Full Color, with user-defined features that employ standard technology for Proximity readers, bar codes and biometrics.

FEATURES:

- ► Completely WEB-enabled. Manage your operation's identification badges (and optional background checks via secured web-access.)
- ► Simple and Easy to use since 2002.
- ► Positive identification on premises
- ► Includes multiple levels of background checks defined by customer
- ► Ability to monitor compliance in one location
- ► Images of all personnel accessed via the WEB for instant badge verification
- ► Personnel can be verified against WEB system – badge photo and background check
- ► Integrates with any standard HID or Mifare Access Control Systems

  - ▷ Prox
  - ▷ Mifare
  - ▷ Biometric
  - ▷ 2D Bar Code
  - ▷ MAG Stripe

- ► Transportable from location to location (no need for duplicate badges for each facility)

SAFETY 1ST NATA

Yes, we want to sign up for the NATA SMS for Air Operators! We understand the following will be included in the price of our participation in the SMS:

- SMS Guide
- SMS Webcast Tutorials
- SMS Consultation by Telephone or email

- SMS Secure, Online Event Reporting Form
- SMS Quarterly Online Newsletter
- SMS Root Cause Analysis

Contact Information (please print legibly)

CEO/Owner _____ Email _____

Safety Manager _____ Email _____

Company _____

Street Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____ Email _____

Pricing

The prices below reflect the total number of pilots that conduct operations for your business and/or your part 135 certifcate. This number should include all your locations. Please note that we will correspond with one Safety Manager per company and will require additional company information once established in the program. Please check appropriate box below.

- ☐ $900 for NATA Members / Small Operator (1-19 pilots)
- ☐ $1,800 for NATA Members / Medium Operator (20-99 pilots)
- ☐ $2,700 for NATA Members / Large Operator (100 or more pilots)

Non-NATA Members please call for pricing. If you are currently a Ground SMS participant, you are eligible for a 25% discount on the Air Operators SMS.

Payment

- ☐ Check enclosed (Please make payable to Aviation Training Institute, LLC.)
- ☐ Please charge my ☐ MasterCard ☐ Visa ☐ American Express

Credit card number _____ Expiration _____

Signature_____Name on card_____

Fax to (703) 845-8176 or mail to NATA Safety 1st SMS, 4226 King Street, Alexandria, VA 22302

Agreement

As an SMS Air Operators participant, we agree to implement a company safety program consistent with the principles and tenets of the NATA Safety 1st® Management System Guide, conduct recurrent pilot training that meets or exceeds FAA requirements and undergo a NATA SMS audit upon completion of our company manual.

Signed this date_____CEO/Owner Signature_____