

United States Senate

WASHINGTON, DC 20510

DEPT. OF TRANSPORTATION
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Norman Y. Mineta
Secretary
United States Department of Transportation
400 Seventh Street SW, S-1
Washington, DC 20590

Re: Aviation Safety - Aircraft Used in Extended Flight Operations

Dear Secretary Mineta:

I am concerned about a recent Federal Aviation Administration (FAA) proposed rule on extended flight operations, or ETOPS, which fails to address the safety risks associated with dense, continuous smoke in aircraft flight decks. For the first time, the FAA is considering in a comprehensive manner safety requirements for all aircraft traveling long distances (routes which include points more than 3 hours from an adequate airport), regardless of the number of engines on the aircraft. While the proposed rule examines some causes of aircraft diversion from their intended destinations, it does not appear to adequately address the increased safety risks associated with smoke in the flight deck of an aircraft on an extended flight.

Aviation safety experts cite smoke as a cause of many aircraft diversions. In fact, former FAA Director of Flight Standards Nick Lacey notes in a report by aviation consulting firm Morten Beyer & Agnew *Adequacy of Standards, Systems, and Procedures—Smoke Elimination*:

FAA-certified aircraft have never demonstrated the ability to disperse dense continuous smoke. This has been a safety concern of airline pilot safety committees for over 30 years.

The proposed rule presents an opportunity to address this critical issue, and I offer several reasons why it should be addressed in this context.

First, while this risk - that flight crews are rendered unable to operate their aircraft due to heavy smoke, obscuring their view of vital instruments - is not inherent to aircraft involved in ETOPS, the risks are greater on these flights because: (1) smoke and fire events require immediate emergency landings, which are not possible during some segments of ETOPS operations, and (2) aircraft used for ETOPS flights are generally capable of carrying more passengers than equipment used in shorter-distance flights. Simply put, ETOPS flights involve a higher risk that dense, continuous smoke in the flight deck can lead to disaster before the crew can receive ground-based assistance, and,

in the unfortunate event of a crash, potential for more passenger fatalities than non-ETOPS flights.

I understand that FAA is well aware of the safety issues. The agency has taken steps to install corrective after-market cockpit smoke protection systems in its own fleet of aircraft. Additionally, the FAA recommends in *Advisory Circular No. 25.9a* that others do the same. It has even certified equipment which allows pilots to see vital instruments under dense and continuous smoke conditions.

Second, FAA does not limit this rulemaking solely to operational considerations of ETOPS. FAA recognizes in the proposed rule that additional airworthiness requirements, such as design requirements for electrical systems and engine oil tanks, are necessary for ETOPS. Thus this rulemaking provides a proper context to address safety requirements for any increased risks associated with ETOPS flights.

Third, the airworthiness design requirements which the FAA does choose to include in the proposed rule assume faulty electrical systems are the sole possible sources of smoke. However, there is ample evidence that smoke can be caused by other sources. For example, National Transportation Safety Board (NTSB) Report No. NTSB/AAR-97/06, concerning ValuJet Flight 592's crash on May 11, 1996, cites evidence that smoke in the flight deck likely emanated from a fire caused by oxygen canisters in the cargo deck, rather than a faulty electrical component. We must also consider terrorist acts which have resulted in smoke incidents, and the potential for terrorism in the future.

I understand that smoke protection systems are commercially available, and are currently in use in thousands of private aircraft, JetBlue Airlines, and select government VIP aircraft. However, the FAA does not require a means to operate aircraft in the event of dense, continuous smoke in the cockpit. This ETOPS rulemaking presents an opportunity to make air travel safer where the risks are higher and the traveling public has more at stake.

As such, I ask you to consider that ETOPS aircraft be required to have systems in place which enable a flight crew to continue to operate in the event of dense, continuous smoke in the flight deck. I feel this issue is important to the safety of the traveling public, as well as flight crews, and merits your careful attention.

Sincerely,

A handwritten signature in black ink, reading "Frank R. Lautenberg". The signature is written in a cursive, flowing style with a large, prominent "F" and "L".

cc: The Honorable Marion Blakey, Federal Aviation Administrator
FAA Docket (Docket No. FAA-2002-6717)