

September 8, 2020

Federal Aviation Administration
800 Independence Ave SW
Washington, DC 20591

RE: NBAA Comments to Docket No. FAA-2020-0661; Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: General Operating and Flight Rules FAR 91 and FAR 107

The National Business Aviation Association (NBAA) represents the interests of over 12,000 member companies. Many organizations use aircraft to improve business efficiency by moving employees or products around the country or the world with aircraft. While these organizations often go beyond minimum requirements to establish safety and maintenance best practices, from time to time, an aircraft part or component may become inoperative without a detrimental effect on safety. It is imperative that, in these circumstances, organizations may continue operations at home and abroad through the use of a Minimum Equipment List (MEL). As such, NBAA offers the following comments in support of the FAA's information collection activities.

Similar to comments NBAA submitted for draft Advisory Circular 91-67A, these comments focus on three areas; compliance with international standards; clarity and simplification; and a data-driven and scalable solution.

International Compliance

As business and aviation become increasingly international endeavors, operators face a growing global patchwork of disconnected regulatory requirements. We encourage regulators, like the FAA, to leverage opportunities to reduce regulatory compliance complexity, where feasible, by adopting internationally accepted standards. Unfortunately, the European Aviation Safety Agency claims the FAA's D095 MEL process for Part 91 operators is not compliant with ICAO Standards. Regulators around the world must view any new MEL process as compliant. The FAA should use information collected to issue MEL approvals that accommodate the broader regulatory community, minimizing the US business aviation community's exposure to fines and problems when conducting business abroad.

Clarity and Simplification

Information needed for processing MEL LOA applications needs to be clear and detailed. Any descriptions of the information to be provided to the FAA should result in consistent interpretation by inspectors and operators throughout the aviation community.

The Information Collection Notice indicates the FAA will request operators to submit a list of nonessential furnishings and equipment (NEF), and NBAA believes the NEF is not essential for the FAA to evaluate a MEL LOA application. NBAA highlighted the contradictory guidance regarding approval of NEFs in comments to draft AC 91-67A submitted on February 28, 2020. The draft AC indicates "an operator is not required to submit its NEF program to the FAA, and the FAA is not required to review it."

Requiring review of the NEF lists will place additional burden on the FAA and delay the approval process. Instead, we support the guidance previously proposed in the AC that provides operators with instruction to construct the NEF list without specific review and approval during the D195 process. Furthermore, the AC guidance informs that "the FAA may conduct surveillance on an operator's NEF program at any time," which we believe provides an adequate level of oversight to ensure safety.

Data-Driven Scalability

FAA indicated a need to process 8500 applications in five years. This massive undertaking will require clear communication with industry and a process that scales the review of information provided by operators appropriately for the risk to the public. For example, operators will need clear directions for constructing the elements required for approval and for citing regulations.

The business aviation community supports collecting information to permit operations with inoperative equipment that does not materially affect the flight's safety. NBAA appreciates the FAA's effort to ensure operators receive clear guidance and are able to operate globally. We look forward to continuing to work with the FAA towards enhanced safety and optimization of aircraft operations.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Koester", with a long horizontal flourish extending to the right.

Brian Koester
Director, Flight Operations & Regulations
National Business Aviation Association