



Follow Up - June 6th - NCT and PPC Meeting
Harry Driscoll to: LaDeana Peden

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Please respond to harry

Dear Joe:

Thanks for taking time to visit during the recent NCT-PPC meeting in OKC.

Please include the attached suggestions to FAA website on the subject as we've also sent them to the AWG.

Briefly our suggestions are simply to expanded and adapt the WebOPSS operator database and Agent For Service policy to Trust Agreements.

We use the FAA WebOPSS and Agent for Service programs routinely in our business with great success.

Other considerations we mentioned are: a Voluntary Disclosure Program for non-commercial operators; a process to purge bad trustees and procedures to identify and document the small aircraft NCT operator.

It's our hope some of these ideas will catch on with the AWG and FAA.

Thanks,

Harry

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HDA Submission to AWG-ICG 120613.docx

Harry Driscoll & Associates on NCT and PPC

SUMMARY - Harry Driscoll & Associates (HD&A) representatives attended the June 6th public meeting in Oklahoma City and offer suggestions that address the problems and meet the goals of the FAA, the AWG/ICG and members of industry. We propose using currently available processes already employed by the FAA and used by industry for collecting, storing and later retrieving operator information. The utility of the **WebOPSS** operator database and **Agent For Service** policy can be simply and easily integrated to Trust Agreements and applied to the issues discussed at the June 6th meeting. The solutions we propose are implemented daily in our business and found consistently effective. Additionally, there are other policy programs that, if approved by the FAA and implemented by industry, can further enhance safety and raise the level of compliance for the entire fleet of NCT operators.

COMMENTS - So as to fully appreciate our suggested solutions the reader may benefit from having a functional knowledge of the following:

FAA WebOPSS – The Web-based Operations Safety System (WebOPSS) is the database application used by the Flight Standards Service to collect data on operator activities, disseminate FAA policy to the operator and inspector communities, and generate and manage Authorizing Documents on behalf of the operator

FAA Agent For Service - The Agent for Service is that person or company designated by the operator upon whom legal notices, processes and orders, decisions, and requirements of the Department of Transportation (DOT), FAA, and National Transportation Safety Board (NTSB) shall be served. Once any of these documents has been served upon the operator's agent for service, the certificate holder cannot claim (legally) that it did not receive the documents.

Detailed explanations of the above are available on the FAA website and other industry resources.

SHARED GOALS – All of the parties engaged in the discussions at the June 6th meeting seem to agree that the shared goals are to provide:

1. Efficient access to operator information that will allow the United States to meet international treaty obligation involving US Registered aircraft operating outside US territory,
2. Prompt verification and enforcement for operators accessing Special Use Airspace in the US and internationally.
3. Long term durability of the Owner/Trustee to Operator/Beneficiary relationship as it exists today.
4. Clear means of compliance and enforcement derived from clarification of existing regulations, policy and procedures rather than development of new regulations.
5. Eventual identification and compliance for previous operators, large and small, to the standards of disclosure and accessibility

SUGGESTED SOLUTIONS - The proposed solutions stated below have proven to meet the goals of the FAA and NCT parties. These solutions are best used together by the FAA and NCT parties in order to have full benefit and effectiveness. These practical and easy to implement solutions use existing policy and procedures.

1. **Adapt/Expand WebOPSS** – A large body of WebOPSS documented operators and aircraft are non-commercial having LOA's issued for various Special Use Airspace access. It would be a small task to adapt and expand the use of WebOPSS to: (a) - include non-LOA (small) aircraft and operator data to be entered by the Registration Branch at the time a registration for NCT is made, and, (b) - provide access to stored WebOPSS information to authorized parties in the event the need for information emerges. This data entry could become a policy clarification and requirement for NCT Registrations, just as Trust Agreements are presented to the FAA for approval now.
2. **Adapt/Expand Agent for Service (AFS)** - Although, an AFS is known for use by commercial operators, the FAA and non-commercial operators have already adapted and expanded the use of AFS for non-commercial operator with N numbered aircraft residing outside US airspace. NCT/Beneficiary operators express eagerness to appoint an AFS as it facilitates their dealings with the FAA. The FAA welcomes the involvement of a qualified and responsive AFS as it enables them to have a reliable domestic contact for an otherwise difficult to reach operator.

Developing the necessary Trust Agreement language, Appendix Documents and "Policy Clarification" would best be left to the AWG and FAA attorneys. However, from a practical standpoint, all elements of the above suggestions already exist and are being implemented informally now.

ADDITIONAL POLICY SUGGESTIONS - Following are additional policy considerations in order to fully energize the industry and FAA to bring the NCT fleet into eventual compliance and conformity to the new policy.

1. **Provide Non-Commercial Voluntary Disclosure Reporting Program** - Commercial operators have available, an FAA Self-Disclose program to voluntarily disclose safety matters to the FAA. Voluntary disclosure by the operators may help them avoid enforcement action and the FAA enhances safety by bringing the operator into compliance more quickly. There is no such program for the non-commercial operator (including the non-commercial NCT beneficiary). It is believed the non-commercial operator, NCT's included, would be more likely to come forward if such a voluntary program existed for them. A Voluntary Disclosure Program for the non-commercial NCT would enhance safety and encourage non-compliant operators to come forward and correct their non-compliant practices.
2. **Purging Unqualified or Unresponsive Trustees** - The scope of this issue is not fully understood, but HD&A has encountered NCT Operators who, for one reason or other, have fallen victim to an unresponsive or defunct Owner/Trustee. While the Trustor's power to terminate a Trustee has been provided for in the body of recent discussions, a satisfactory mechanism of title conveyance might be lacking. The clarification of a clear mechanism by which a bad trustee could be easily replaced by a good trustee might enable many NCT operators to come forward and appoint a more reputable Owner/Trustee.

- 3. Research & Identify Small NCT Aircraft Operators** – Certain members of the aviation consulting community possess knowledge and resources that can identify and make contact with the many NCT operators that have reportedly dropped from sight. If such a consulting enterprises was provided with the incentives needed to effectively activate their resources and networks, they could bring much of this missing operator information to the attention of the FAA and NCT community.

HD&A BACKGROUND & CONTACT INFORMATION – HD&A provides operational compliance services to business aircraft operators. They help operators of privately owned and operated aircraft, including many NCT Beneficiaries, obtain LOA's for Special Use Airspace access in the US and internationally. HD&A also implements ICAO Annex 6 compliant Safety Management Systems (SMS) required for international jet operators. SMS is becoming more widely a requirement of aircraft lenders and insurance companies in order more effectively enforce operator participation in preserving asset value.

NCT Beneficiaries/Operators eagerly provide their operating qualifications, aircraft maintenance information, responsible contacts and operating base details. HD&A then works closely with FAA-IFO/IFU and FSDO offices around the country to help each operator obtain their operating approvals. HD&A uses the Agent for Service program to support the interests of the operator and the FAA to facilitate the issuance of the approved LOA's. All parties support HD&A as an Agent for Service (AFS) because there is an efficient and reliable avenue for communications between the operator and the FAA.

Performing all these practical functions has allowed HD&A to gained understanding of operator information content and flow within the FAA and NCT parties.

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