



U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

The Inspector General

Office of Inspector General  
Washington, D.C. 20580

June 11, 1996

The Honorable William F. Clinger, Jr.  
Chairman, Committee on Government Reform  
and Oversight  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is our response to your letter of April 26, 1996, regarding the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) on Flight Crewmember Duty Period Limitations, Flight Time Limitations and Rest Requirements. As requested, we met with representatives of affected interests; however, due to the time allotted and the difficulty in setting up meetings, we were unable to meet with the Air Transport Association and National Aeronautics and Space Administration (NASA) Ames Fatigue Countermeasures Program personnel. In accordance with our discussion with Kevin Sabo, a member of the Committee staff, it was agreed that we would respond by June 10, 1996, with the information obtained to date.

We discussed the NPRM with the Regional Airline Association, Air Line Pilots Association, and World Airways. They indicated concern in four areas. First, from a safety perspective, they see no measurable increase in safety from the proposed rule. Second, it will create a significant economic hardship. For example, World Airways currently anticipates that to comply with the proposed rule and maintain its current schedule, it will require the addition of 90 crewmembers at an estimated cost of about \$100 million over 15 years. Third, there are insufficient "real life" crewmember studies in an operational environment to support the proposed rule. For instance, the NPRM allows 10 hours of flight deck time for two person flight crews in technologically advanced aircraft such as Boeing's 777. The increase in flight deck time combined with new rest requirements for at least international flights could provide a negative effect and increase fatigue. Fourth, the unique operations associated with regional, shorthaul, and longhaul carriers have been overshadowed by FAA's attempt to clarify and simplify the existing rule. We also discussed the NPRM with a

representative of the National Transportation Safety Board who indicated the proposed rule did not adequately address circadian rhythms.

FAA stated that the NPRM was initiated because of the availability of scientific data, problems with interpretation of current regulations, safety recommendations from the National Transportation Safety Board, rulemaking petitions, and fatigue related issues addressed by the Aviation Rulemaking Advisory Committee. As stated in the NPRM, the proposal is a preventive measure and is not based on specific accidents but rather on extensive data which show a relationship between fatigue and a decrement in performance.

With regard to scientific data, cognizant FAA officials indicated the proposed rule is based on the information contained in NASA's Technical Memorandum, "Principles and Guidelines for Duty and Rest Scheduling in Commercial Aviation." This technical memorandum was prepared by a working group of scientists actively involved in examining these issues in aviation settings. FAA applied its "operational expertise" to the scientific principles and guidelines where necessary.

However, there are no specific references to support the principles and guidelines in the technical memorandum. FAA, as well as the affected interests, do not know the specific scientific references used to formulate the NASA principles, guidelines, and recommendations. NASA intends to issue a second document which will include the specific references and focus on the scientific considerations related to the issues. Also, FAA officials indicated that they did not have any scientific analyses, empirical studies, or any other type assessments to conclude the proposed rule will reduce pilot/crewmember fatigue.

*Due to the lack of documentation available to date and the due date of your request, we cannot offer an opinion on the relevancy of the scientific data used in formulating the proposed rule. In order to provide adequate opportunities to review and comment on this NPRM, FAA should identify, and make available to the public, all scientific references and studies that support NASA's Technical Memorandum, "Principles and Guidelines for Duty and Rest Scheduling in Commercial Aviation" used as a basis for the proposed rule. Then, FAA should extend the comment period for this regulatory action to provide interested parties with sufficient time to review and submit comments on the scientific data.*

If I can answer any questions or be of any further assistance, please feel free to call me on (202) 366-1959, or my Deputy, Mario A. Lauro, Jr., on (202) 366-6787.

Sincerely,



A. Mary Schiavo  
Inspector General