



March 13, 1996

To: ALL FedEx Pilots

From: FEDEX PILOTS ASSOCIATION Steering Committee

Subj: Notice of Proposed Rulemaking (NPRM) on duty period limitations, flight time limitations and rest requirements (Docket 28081)

It is imperative that ALL FedEx pilots understand the impact of the new NPRM which could become law under the Federal Aviation Regulations. As stated in the last issue of "Positive Rate", these proposed rule changes could adversely affect our lives as FedEx pilots because they do not adequately address "back side of the clock" flying. The FPA Steering Committee intends to petition the FAA for an extension to their March 19, 1996 deadline for receipt of comments on the current NPRM. This extension shall be used to insure that critical information be included in the creation of any rules pertaining to flight times and duty periods for night cargo pilots.

Recently, the FPA Steering Committee received a brief from FedEx Captain Howard Steinhauer (ex-ALPA member) who explained that the proposed FAA rule changes do not consider known, crucial information on the unusual stresses involved with flying night schedules. Captain Steinhauer has thoroughly studied both the "NASA/FedEx Sleep Study" and the NPRM as well as their implications toward the Federal Express operation. It became apparent that the draft of the proposed rules do not consider vital scientific information discovered at Federal Express on how "backside of the clock" flying differentiates night cargo operations from other air carriers.

Although a recent ALPA "Safety Alert" addressed this issue, it failed to point out that the FedEx/NASA Sleep Study was not included as a technical source document in preparing these rules. Upon researching the principle documents used by the FAA and NASA in preparing the current NPRM, the FPA Steering Committee has determined that while two studies involving long and short haul air carrier operations were referenced, the all important NASA sleep study conducted with FedEx pilots was excluded. This sleep study is officially titled "Crew Factors in Flight Operations VII: Psychophysiological Responses to Overnight Cargo Operations". We feel it is imperative that FedEx pilots, as individuals, petition the FAA to postpone the comment period deadline of March 19th so the "FedEx/NASA Sleep Study" may be considered in this crucial NPRM.

Attached is a form letter for petition. Please fill out all appropriate blocks, make triplicate copies and send to the FAA at the address printed on the back of the petition. If you prefer, the FAA will accept your comments via internet at the following address: (nprmcmts@mail.hq.faa.gov). Label comments with reference to **Docket 28081**. Your participation will make a difference.

Reference: Docket No. 28081

To: FAA Office of the Chief Counsel
Attn. Rules Docket (AGC 200), Rm. 915G
800 Independence Ave. SW
Washington, D.C. 20591

I, the undersigned Federal Express pilot, acting as an individual citizen/taxpayer respectfully request in the strongest terms possible, that the March 19, 1996 deadline for comments concerning the current NPRM (Docket 28081, Notice No. 95-18) be suspended and the hearings be reopened for the following reasons:

1. The NASA Technical Memorandum titled "Crew Factors in Flight Operations VII: Psycho-physiological Responses to Overnight Cargo Operations" (Sleep Study) was not included as evidentiary material in the development of this NPRM. The scientific material contained in the study specifically deals with the adverse and accumulative effects of fatigue as it relates to "back-side of the clock" flight operations. The exclusion of this material in the development of this NPRM could have detrimental effects on the safe conduct of these types of operations. I feel it is essential the information contained within the study be given the fullest consideration, as there are differences between daytime and nighttime flight operations, which have not been adequately addressed in this NPRM.

2. The NTSB Safety Study (SS-94/01) states: "The Safety Board cited errors by flightcrew members as causal or contributing factors in 124 (42.3%) of the 293 total (fatal and non-fatal) Part 121 air carrier accidents that occurred between 1978 and 1990. Flightcrew errors were cited in 29 (55.8%) of the 52 fatal Part 121 accidents during this period." Although the Safety Study did not come to any definitive conclusions regarding the issues of rest and fatigue as it relates to flightcrew errors, it does show there is a definite concern for these issues as evidenced by the following statement and recommendations: "On May 12, 1989, as a result of its review of and concern about the rising number of accidents in all modes of transportation attributable to human fatigue, the Safety Board issued the following recommendations to the U.S. Department of Transportation:"

1. "Expedite a coordinated research program on the affects of fatigue, sleepiness, sleep disorders, and circadian factors on transportation system safety. (I-89-1)

2. "Develop and disseminate educational material for transportation industry personnel and management regarding shift work; work and rest schedules; and proper regimes of health, diet, and rest." (I-89-2)

3. "Review and upgrade regulations governing hours of service for all transportation modes to assure that they are consistent and that they incorporate the results of the latest research on fatigue and sleep issues." (I-89-3)

In conclusion, I feel the intent of the first two recommendations has been met, by the aforementioned "Sleep Study", and the continuing improvement to the Cockpit Resource Management (CRM) classes that are a part of our recurrent training. However, it is my contention, the intent of recommendation (I-89-3) has not been met and will not be met, until the data contained in the aforementioned "Sleep Study" is fully considered in the formulation of this NPRM. Therefore, as previously stated, I respectfully request the deadline (March 19, 1996) for comments concerning this NPRM be suspended, and the hearings be reopened so this data can be evaluated and incorporated as necessary.

Respectfully Submitted

SIGNATURE _____ FEC EMP # _____

NAME _____ DATE _____