OFFICE OF MANAGEMENT AND BUDGET

FLIGHT LIMITATIONS BRIEFING

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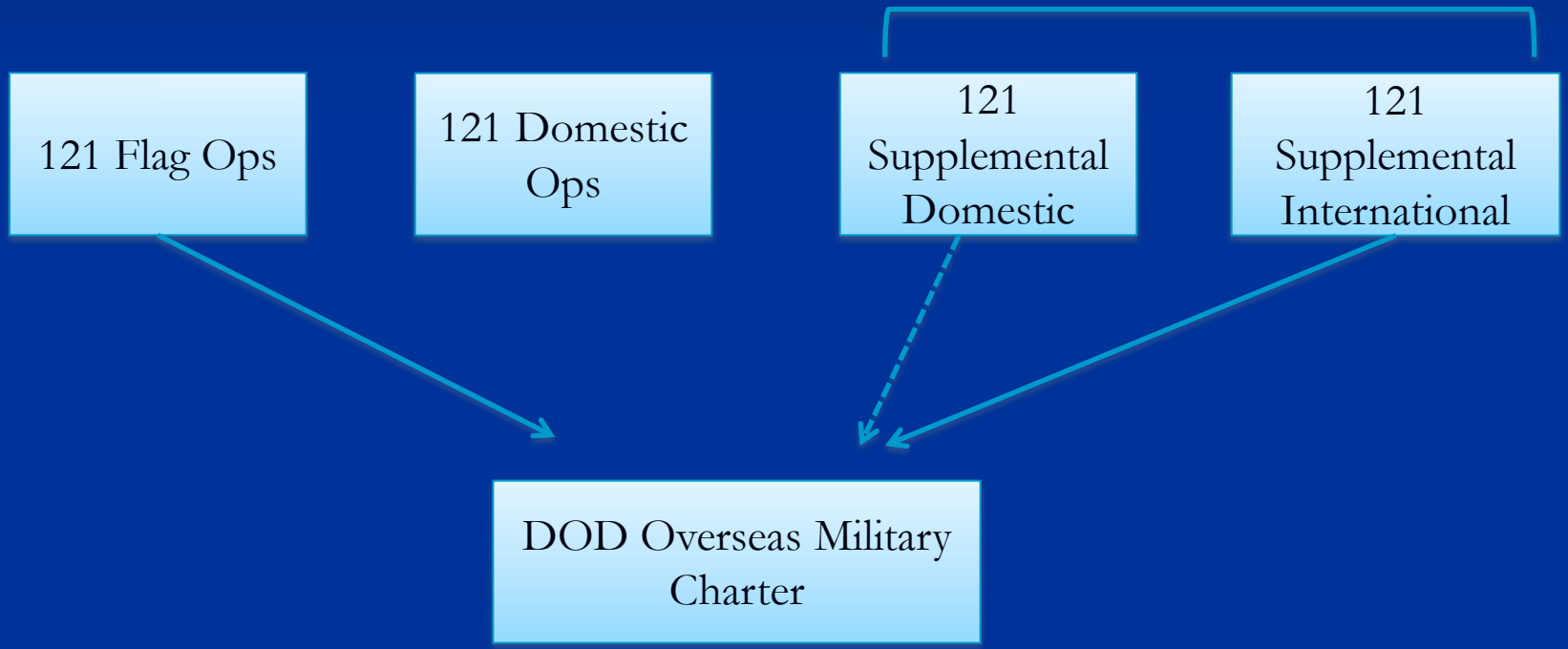
- Flight Limitation Rules – 60 years old
- ICAO, U.S. Congress and NTSB have mandated modern rules based on science
- NPRM was based on current sleep science.
- A committee of sleep scientists that were provided by industry, labor and FAA provided scientific knowledge on which NPRM is based

One Level of Safety

- Not a matter of convenience
- "one size does not fit all"
  - True for multiple types of operations
  - Not true for pilot physiology
- The facts:
  - Supplemental Ops = 103 accidents in last 20 years
  - 27 of 103 between midnight and 6 am
  - Oversight/supervision of flight differences

FAR 121 "Supplemental" Operations

- No Dispatcher Required
- Operator can "choose" which rule to apply



- Competitive/ Safety Oversight Differences
  - Crew rest needs
  - Duty day
  - Supplemental can "choose"- Others cannot

DoD Concerns

- Special consideration for DoD
  - FAR 119.57 deviation from rules in emergency
  - NPRM 117.31 can exceed limits when operating into unsafe areas
  - NPRM 117.7 – FRMS
- In time of need, DoD missions will not be impacted

OMNI Example

- ATL – Kuwait City
- 15+ hour flight time
- 4 pilots – no rest facility
- Non-flying pilots in coach seats
- Loophole current supplement regs - allows over 12 hour flights – no rest facility

We understand OMNI removed rest facilities from recent A/C purchase

NPRM would allow flight with installation of first-class seats at modest cost

- ARROW Air Flt. 1285 Crash (12/12/1985)
  - 248 Troops and 8 crew killed

- CASB majority report said:

  "... In the 12 days leading up to the accident, the flight crew had been consistently exposed to work patterns and fatigue-inducing factors which were highly conductive to the development of chronic fatigue. These factors included short layovers, night departures, multiple time-zone travel, and a flight-hour accumulation of almost 57 hours in the previous 10 days."

“The Board estimates that, at the completion of this flight, the crew would have accumulated about 15 flight hours in the 24 hours commencing with departure from Cologne.”

NPRM Costs

Overall Economics
(Will they *really* go out of business?)

- There have been rule changes and interpretations over past 30 years that extracted the same response - but didn't force anyone out of business
  - Reserve Rest
  - Whitlow Interpretation (Domestic duty day)
  - Stage 3 Noise
- Carriers adopted new practices and continued to operate with little or no additional cost
- We expect the same result with NPRM
  - FRMS
  - Optimization

NPRM Costs

- Industry Analysis
  - Fix three items and 93.6% of costs are eliminated*
  - ALPA agrees that these should be addressed to comply with ARC recommendations
  - When "fixed"– "Massive" economic effect is eliminated
- EASA Comparison
  - Flawed comparison- rules are in similar stage with comment period on-going
  - Region, marketplace and labor are dissimilar

*ATA Oliver Wyman report- Section 17.2

DoD Concerns

As the AFIT study said:

"These findings suggest that the airlines are currently running optimally. They run as close to the maximum limitations as possible to increase profit. As the limitations change, it would be assumed they would again find the optimum solution to continue the missions." -- AFIT Study

Conclusion

- Traveling public and DoD personnel deserve one level of safety
- NPRM will not cause some airlines to cease business- History of "crying wolf"
- NPRM will not adversely affect DoD
  - Troops will get moved—*strictly* an unproven economic argument for certain airlines—*not* a safety or mission effectiveness argument
  - FRMS will allow airlines to establish fatigue schemes for their unique operation
- NPRM will significantly reduce risk of future fatigue related aircraft accidents and incidents
- ***Bottom Line- The rule should be implemented based on safety, not on certain carrier's desire to maintain a competitive advantage due to archaic rules with no basis on science or operational experience***