

# United States Senate

WASHINGTON, DC 20510

July 11, 2003

The Honorable John McCain  
Chairman  
Senate Commerce, Science &  
Transportation Committee  
255 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Ernest Hollings  
Ranking Democratic Member  
Senate Commerce, Science &  
Transportation Committee  
560 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Trent Lott  
Chairman  
Aviation Subcommittee  
Senate Commerce, Science &  
Transportation Committee  
426 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable John D. Rockefeller  
Ranking Democratic Member  
Aviation Subcommittee  
Senate Commerce, Science &  
Transportation Committee  
516 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairmen McCain and Lott and Ranking Members Hollings and Rockefeller:

We are writing to express our support for Section 420 of the Century of Aviation Reauthorization Act (Flight 100) (H.R. 2115), which was adopted by the House of Representatives on June 11<sup>th</sup>. Section 420 of H.R. 2115 deals with a critical aviation safety issue: the availability of maintenance information.

Although language relating to the availability of maintenance data was not included in the Aviation Investment and Revitalization Vision Act (AIR-V) (S. 824), as conference negotiations on the next multi-year aviation bill proceed, we urge you to ensure that the language of Section 420 is included in the conference report.

Currently, Section 21.50(b) of the Federal Aviation Regulations (FARs) requires aviation design approval holders (i.e., manufacturers) to prepare and provide maintenance manuals (called "instructions for continued airworthiness" or ICAs) to any person required to comply with the regulations, including repair stations, airlines and others certificated by the Federal Aviation Administration (FAA) to perform maintenance on civil aviation products.

The ICAs are critical to aviation safety because they contain basic maintenance information needed to service aircraft and their components. Indeed, certificated repair stations are required by FAA regulations to possess current manufacturer maintenance manuals and, in most cases, to perform work in accordance with them.

Despite this requirement, some manufacturers have refused to make their manuals available to maintenance providers. Others have charged prices so high that they render

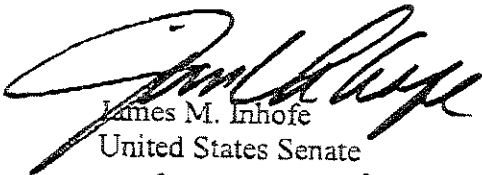
the manuals effectively unavailable, particularly for small companies. Unfortunately, the FAA has been unwilling to intervene and enforce this critical regulation. As a result, aviation maintenance providers are not assured of proper access to the most current safety information for the products they service. It should be noted that this problem has been particularly acute when it comes to obtaining maintenance data for safety critical components such as engine fuel controls, propeller governors, landing gear, collision avoidance systems and other cockpit instruments.

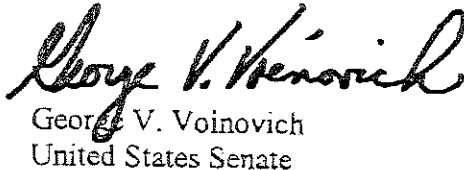
Section 420 of H.R. 2115 would help resolve this dilemma. As passed by the House, it would, codify the FAA's regulation in 14 CFR section 21.50(b) requiring that design approval holders prepare the manuals and make them available to anyone required to comply with their terms. It would also define the terms "design approval" and "make available" to remove any doubt about who must create the information and ensure that it is made available for a fair and reasonable price. Finally, it would require the FAA to conduct a rulemaking process to define the term "essential to continued airworthiness;" consider whether major repairs and alterations are design approvals that should be covered by the ICA rules; consider whether maintenance manuals for older products should be made available; and require manufacturers that have failed to comply with their obligations under 21.50(b) to do so within one year.

It is important to note that Section 420 has been written to ensure that aviation manufacturers' proprietary information is protected. The bill states explicitly that proprietary information need only be made available if it is essential to continued airworthiness.

The current language in Section 420 represents a balanced, reasonable, and common sense approach to solving the ICA problem. Given the crucial nexus between basic safety information, properly maintained aircraft and aviation safety, we request that the Senate conferees on the aviation reauthorization bill recede to the House position and include the language of Section 420 of H.R. 2115 in the conference report.

Sincerely,

  
James M. Inhofe  
United States Senate

  
George V. Voinovich  
United States Senate

  
Lisa Murkowski  
United States Senate