



## **NATIONAL TRANSPORTATION SAFETY BOARD**

Office of Aviation Safety  
Washington, D.C. 20594

February 23, 2015

### **Addendum 1 – FAA Responses (2)**

# **OPERATIONAL FACTORS**

**DCA13RA081**

# NATIONAL TRANSPORTATION SAFETY BOARD

**Subject:** Accident / Incident Investigation Support Request  
**To:** Federal Aviation Administration, Accident Investigation Division

**From:** NTSB, Name and Office: David Lawrence AS30

**Request Number:** 15-021 **Date:** 10/28/2014

**Event:** National Airlines B747-400 accident, Bagram AFB Afghanistan 4/29/2013

## DESCRIPTION OF SUPPORT REQUESTED

1. Per the FAA response to NTSB request 13-622, "FAA inspectors conduct ATOS performance inspections (PAs) to confirm an air carrier's operating systems produce intended results, including mitigation or control of hazards and associated risks."

The NTSB has learned through interviews with the NAL POI and PMI that certain items, like enroute inspections and cargo operations inspections, can be classified as "non-resourced" due to the inability to accomplish those items. How many "non-resourced" items of a particular element are allowed (i.e. per month/quarter/year), and how long are non-resourced items allowed to accumulate before additional action by the FAA?

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NTSB Contact / Telephone David  
Lawrence 202-314-6356

FAA Coordinator/IIC: Eric West

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**This is in response to the NTSB's request for information regarding "non-resourced" Air Transportation Oversight System (ATOS) performance inspections (PAs).**

**NTSB 15.021:** Per the FAA response to NTSB request 13-622, "FAA inspectors conduct ATOS PAs to confirm an air carrier's operating systems produce intended results, including mitigation or control of hazards and associated risks."

The NTSB has learned through interviews with the National Airline (NAL) Principal Operations Inspector (POI) and Principal Maintenance Inspector (PMI) that certain items, like enroute inspections and cargo operations inspections, can be classified as "non-resourced," due to the inability to accomplish those items. How many "non-resourced" items of a particular element are allowed (i.e. per month/quarter/year), and how long are non-resourced items allowed to accumulate before additional action by the FAA?

**FAA Response:**

When resources are insufficient to perform all of the planned inspection items, the POI and PMI must make a determination based on risk as to where resources should be allocated. Notice 8900.261 provided additional information in the recording of resource shortfalls and how tracking of the shortfalls should occur. The notice provides guidance for both ATOS and the National Program Guidelines (NPG). The Notice also emphasized the need to base surveillance on risk and not resources. The Notice amended Order 8900.1, Volume 10, Chapter 2, Section 3, Paragraph 10-150. This Notice also provides direction and guidance on the documentation required by Front Line Managers (FLM) when a shortfall in resources affects the risk based surveillance plan. The POI should provide sufficient rationale to justify his/her actions to include safety and security issues.

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8900.261

National Policy

Effective Date:  
4/8/14

Cancellation Date:  
4/8/15

**SUBJ:** Resources Not Available for ATOS and National Work Program Guidelines  
Surveillance

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- 1. Purpose of This Notice.** This notice reinforces the Air Transportation Oversight System (ATOS) Resources Not Available (RNA) policy and revises National Work Program Guidelines (NPG) policy to more accurately identify Federal Aviation Administration (FAA) surveillance activities that are not accomplished due to lack of resources.
- 2. Audience.** The primary audience for this notice is Flight Standards Service (AFS) personnel who perform or manage surveillance oversight activities using ATOS or the NPG. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters (HQ).
- 3. Where You Can Find This Notice.** You can find this notice on the MyFAA employee Web site at [https://employees.faa.gov/tools\\_resources/orders\\_notices](https://employees.faa.gov/tools_resources/orders_notices). Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this information on the FAA's Web site at <http://fsims.faa.gov>. This notice is available to the public at [http://www.faa.gov/regulations\\_policies/orders\\_notices](http://www.faa.gov/regulations_policies/orders_notices).
- 4. Explanation of Policy Changes.** This notice accomplishes the following:
  - Establishes an NPG Planned Surveillance Work Activity (P-item) cancellation procedure,
  - Revises the current NPG Required Surveillance Work Activity (R-item) cancellation procedure,
  - Emphasizes the NPG R-item termination procedure (Work Program Management Process (WPMP)) using inspector analysis,
  - Requires quarterly field office NPG accomplishment meetings, and
  - Revises ATOS RNA procedures.
- 5. Background.** Current ATOS policy requires the use of RNA to identify surveillance activities that are not accomplished and current NPG policy requires cancellation of R-items if resources are not available. The ATOS and NPG policies are not being followed consistently to identify surveillance activities that are not accomplished because resources are not available. In addition, the current NPG policy does not address the cancellation of P-items, which comprise the

majority of NPG work programs. It is essential to accurately report surveillance activities not performed due to a lack of resources; therefore, the current reporting process needs revision.

**a. Current NPG Policy.** The current policy addresses the cancellation of R-items in FAA Order 1800.56N, National Flight Standards Work Program Guidelines, Appendix A, subparagraph 5c, for resource shortfalls.

**b. Current ATOS Policy.** The current policy for ATOS resource shortfalls is found in FAA Order 8900.1, Flight Standards Information Management System (FSIMS), Volume 10, Chapter 2, Section 3, Design and Performance Assessment Resource Management.

**6. RNA Policy and Guidance.** It is vital that NPG work programs and the ATOS Comprehensive Assessment Plans (CAP) reflect the oversight necessary for a vigorous, all-inclusive, and effective oversight program. This means those programs should be constructed based on those safety considerations and not on resources available. If the resources are not available to complete the NPG or CAP and the regions cannot provide additional resources, then the process for identifying and accurately reporting those shortages will be followed. Manipulating the oversight programs or the reporting process so as to present an inaccurate or distorted oversight program picture prevents senior management from addressing those shortages and potentially acquiring additional resources for AFS because the data is not accurate. Regional division managers and their staffs must support this philosophy and convey the importance of oversight program data integrity and accuracy to their field offices. It is highly recommended that regional division managers meet with their Flight Standards District Office (FSDO)/Certificate Management Team (CMT)/certificate management office (CMO)/International Field Office (IFO)/International Field Unit (IFU) managers from time to time to assure a common understanding of this policy. AFS surveillance resource shortfall policy found in Order 1800.56N and Order 8900.1, Volume 10, Chapter 2, Section 3 is revised as described in subparagraphs 6a and 6b.

**a. Order 1800.56N, NPG Changes.** AFS personnel should note the following changes to Order 1800.56N:

(1) Cancellation of R-Items and P-Items Due to RNA. Under certain circumstances, the FAA may cancel R-items and P-items if resources are not available to accomplish the work.

(a) Field offices that need additional resources to accomplish R-items or P-items will contact their Regional Office (RO) and request the resources needed to accomplish the work. At the time of the request, the field office will change the Program Tracking and Reporting Subsystem (PTRS) record “Status” field to “O” (Open) for the affected R-item or P-item that are proposed for cancellation. In the “Miscellaneous” field, enter one of the following abbreviations:

<b>PTRS Miscellaneous Field Entry/Code</b>	<b>RNA Reason Code Definition</b>
RNAP	Resource Not Available - Personnel Shortages
RNAQ	Resource Not Available - Personnel Qualifications
RNAF	Resource Not Available - Funds Unavailable
RNAS	Resource Not Available - Security Restricted

(b) Regions must make every effort to resolve RNAs before requesting national resources or authorization for cancellation. Regions unable to provide necessary resources will forward the field office resource request via email to: 9-AMC-AVS-AFS-NPG@faa.gov. The Flight Standards National Field Office (AFS-900) will provide authorization in writing to cancel the R-item or P-item and notify the Director, Flight Standards Service (AFS-1); Deputy Director, Flight Standards Field Operations (AFS-2F); or Deputy Director, Flight Standards Policy Oversight (AFS-2P), as appropriate.

(c) The transmittal for the R-item or P-item will remain open until resources are provided to accomplish the surveillance or closed when AFS-900 provides authorization to cancel the R-item or P-item (result field = X and status field = C). These PTRS entries will allow for the tracking of annual resource deficiencies. Document the rationale for cancelling the R-item or P-item in the comments section of the PTRS record. The documentation should be clear and detailed so that someone unfamiliar with the cancellation can easily understand the rationale.

**Note:** Open R-items and P-items identified for cancellation may remain open from quarter to quarter but should not be left open until the end of the fiscal year (FY) for AFS-900 authorization for cancellation and closing.

**Note:** Regions must submit requests for authorization for cancellation to AFS-900 no later than the beginning of the FY 4th quarter. The R-item and P-item cancellation procedure in subparagraph 6a(1) replaces the information found in Order 1800.56N, appendix A, subparagraph 5c(2).

(2) Field Office NPG Planning. The annual work program is based on risk alone. Developing P-items based on risk is the primary driver of the program and not staffing or budget. AFS field offices must meet quarterly to review their work programs to identify any R-items or P-items that require cancellation.

**Note:** New P-items may be generated quarterly to address new risks identified during this review.

(3) Inspector Analysis for the Termination of R-items. Inspectors may continue to use the Safety Performance Analysis System (SPAS) WPMP to terminate R-items based on low risk or make other adjustments to air carrier/air operator/air agency work program, as described in Order 1800.56N, appendix A, subparagraph 5c(1)(a).

**Note:** Inspector analysis using SPAS WPMP to terminate R-item surveillance based on low risk should not be confused with cancelling R-item or P-item surveillance due to resource shortfalls.

**b. Order 8900.1, Volume 10, ATOS Changes.** AFS personnel should note this is reflected in the following changes to Order 8900.1, Volume 10, Chapter 2, Section 3, paragraph 10-150:

**10-150 DOCUMENT REASONS WHY WORK WAS NOT ASSIGNED.** The Front Line Manager (FLM) assigns work based on the CAP priorities for a given quarter until no resources remain. The CAP is a risk-based plan created by the principal inspector (PI), independent of the

resource function. If resources are not available to complete the entire CAP, the FLM documents why he or she did not assign the remaining work. The CAP should not be modified to accommodate resource shortfalls. The FLM will use the “Not Assigned Reason” dropdown to identify the reason. The dropdown options are: “Training,” “Budget,” “Staffing,” and “Other.” Use the “Comment” text box to document why the work is not assigned. The PI and FLM should consider the work not assigned in future planning and resource management cycles.

**7. Disposition.** We will incorporate the policy information in this notice into Order 8900.1, FAA Order 1800.56O, and other applicable FAA guidance. Direct questions concerning the information in this notice to the AFS-900 Continual Improvement Program Office via email to: 9-AMC-AVS-AFS-NPG@faa.gov.

ORIGINAL SIGNED by

/s/ John S. Duncan  
Director, Flight Standards Service

# NATIONAL TRANSPORTATION SAFETY BOARD

**Subject:** Accident / Incident Investigation Support Request  
**To:** Federal Aviation Administration, Accident Investigation Division

**From:** NTSB, Name and Office: David Lawrence AS30

**Request Number:** 15-022 **Date:** 10/28/2014

**Event:** National Airlines B747-400 accident, Bagram AFB Afghanistan 4/29/2013

## DESCRIPTION OF SUPPORT REQUESTED

Request responses to the follow questions:

1. What is the FAA legal definition of a "load supervisor" in cargo operations for 14 CFR 121 and 14 CFR 121 Supplemental.
2. Is a "load supervisor" considered "other operational personnel" per 14 CFR 121.400? Why/why not?
3. What are the training and procedure requirements (based on the CFRs) of a "load supervisor"?
4. Are "load supervisors" required to comply with any duty time or rest requirements?
5. Does the POI or the PMI have oversight responsibility for a "load supervisor"?
6. What is the specific guidance used by the POI/PMI for oversight of a "load supervisor" related to their training and procedures.

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NTSB Contact / Telephone David  
Lawrence 202-314-6356

FAA Coordinator/IIC: Eric West

- - - - - For Federal Aviation Administration Use - - - - -

This is in response to the NTSB's request for information regarding National Airlines B747-400 accident, Bagram AFB Afghanistan on April 29, 2013

**NTSB Question:** What is the FAA legal definition of a "load supervisor" in cargo operations for 14 CFR 121 and 14 CFR 121 Supplemental?

**FAA Response:** Title 14 of the Code of Federal Regulations (14 CFR) parts 1-199, do not define the term "Load Supervisor". However, this term could describe the person who has the duty of supervising the loading of aircraft and preparing the load manifest forms as specified in 14 CFR section 121.665 which states:



*“Each certificate holder is responsible for the preparation and accuracy of a load manifest form before each takeoff. The form must be prepared and signed for each flight by employees of the certificate holder **who have the duty of supervising the loading of aircraft and preparing the load manifest forms** or by other qualified persons authorized by the certificate holder.”*

We assume the purpose of this request concerns cargo loading operations and therefore we focus our responses, primarily, to the person who has the duty of supervising the loading of aircraft.

**NTSB Question:** Is a “load supervisor” considered “other operational personnel” per 14 CFR section 121.400? Why/why not?

**FAA Response:** No, the FAA added “Other operations personnel” to 14 CFR section 121.400(a) in the June 7, 1973 final rule. The purpose was to “require certificate holders under those parts to establish means for training personnel who have duties and responsibilities for the carriage and handling of dangerous articles and magnetized materials.” Based on the discussion in the Notice of Purposed Rulemaking (NPRM) and final rule, the purpose of the amendment to 14 CFR section 121.400(a) was only to require the training specified in section 121.433(a) to ensure “ground personnel having duties and responsibilities for the carriage and handling of dangerous articles and magnetized materials are adequately trained to properly perform those duties and responsibilities.”

On October 7, 2005, the FAA published the Hazardous Materials Training Requirements Final Rule. This final rule eliminated hazardous materials training requirements from part 121 subparts N and O and moved them to a new 14 CFR part 121 subpart Z, Hazardous Materials Training Program. The October 7, 2005 final rule deleted the June 7, 1973 amendment to 14 CFR section 121.401(a)(1) and removed section 121.433(a) entirely.

**NTSB Question:** What are the training and procedure requirements (based on the CFRs) of a “load supervisor”?

**FAA Response:** The 14 CFR’s do not specify any training requirements for load supervisor.

**NTSB Question:** Are “load supervisors” required to comply with any duty time or rest requirements?

**FAA Response:** On January 4, 2012, the FAA published a final rule entitled “Flightcrew Member Duty and Rest Requirements” (77 FR 330). In that rule, the FAA created CFR part 117, which replaced the existing flight, duty, and rest regulations for CFR part 121 passenger operations. As such, this part prescribes flight and duty limitations and rest requirements for all flightcrew members and certificate holders conducting passenger operations under part 14 CFR 121. As part of this rulemaking, the FAA applied the new 14 CFR part 117 to certain part 91 operations, and it permitted all-cargo operations operating under CFR part 121 to voluntarily opt into the part 117 flight, duty, and rest regulations.

Although 14 CFR part 117 applies to “Flightcrew members”, it extends applicability to Flight attendants in 14 CFR section 117.467. The definition in 14 CFR part 1 defines Flightcrew member as, “*Flightcrew member means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.*” Therefore, the response to the question regarding whether load supervisors are required to comply with any duty time or rest requirement is “no”.

**NTSB Question:** Does the POI or the PMI have oversight responsibility for a “load supervisor”?

**FAA Response:** The FAA does not delineate oversight responsibility for the duty of supervising the loading of aircraft to a specific position such as Principal Operations Inspector (POI) or Principal Maintenance Inspector (PMI). Rather both operations and airworthiness Aviation Safety Inspectors (ASIs), who possess various degrees and types of expertise and experience, and have oversight responsibility of supervising the loading of aircraft.

**NTSB Question:** What is the specific guidance used by the POI/PMI for oversight of a “load supervisor” related to their training and procedures?

**FAA Response:** Operations and airworthiness inspectors use FAA Notice 8900.1, Inspector Handbook, (N8900.1) and Air Transportation Oversight System (ATOS) tools, such as Safety Attribute Inspections (SAIs) and Element Performance Inspections (EPIs) for oversight and performing surveillance.

The FAA is in the process of implementing the use of a risk based Safety Management System (SMS) and the Safety Assurance Program (SAS). SMS is the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of safety risk controls. It includes systematic procedures, practices, and policies for the management of safety risk. The FAA is in the process of transitioning from ATOS to the Safety Assurance Program (SAS). SAS is the new FAA oversight system to be used for oversight of certificate holders under 14 CFR parts 121, 135, and 145.

At the time of the accident, the following guidance applied to the oversight of supervising the loading of aircraft, however, they are currently under revision:

- N8900.1 Volume 3, Chapter 47, Section 1 provides guidance for evaluating Parts 91K, 121, 125 and 135 (10 or more and turbine-powered aircraft) operator’s Weight and Balance Control Program
- N8900.1 Volume 6, Chapter 2, Section 5 provides guidance for surveillance when conducting ramp inspections on cargo loading for parts 121, 125, 135, and 91 subpart k inspections
- ATOS Data Collection Tools
  - SAI 3.1.8 Carriage of Cargo (OP),
  - SAI 1.3.25 Cargo Handling Equipment, Systems and Appliances (AW),
  - EPI 3.1.8 Carriage of Cargo (OP) and
  - EPI 1.3.25 Cargo Handling Equipment, Systems and Appliances (AW)