NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

Attachment 20- FAA Part 61.58 Letter

OPERATIONAL FACTORS

DCA11MA075

A. ACCIDENT

Operator:	Omega Aerial Refueling Services, Inc.
Location:	Point Mugu Naval Air Station, California
Date:	May 18, 2011
Airplane:	Boeing 707-321B, Registration Number: N707AR

B. NATIONAL TRANSPORTATION SAFETY BOARD (NTSB) OPERATIONS GROUP

Captain David Lawrence - Chairman
Senior Air Safety Investigator
National Transportation Safety Board
490 L'Enfant Plaza East S.W.
Washington, DC 20594

Captain John Banitt
B707 Flight Standardization Officer
Omega Air Refueling
700 N. Fairfax Street, Suite 306
Alexandria, Virginia 22314

Mr. Tony James
Air Safety Investigator
Federal Aviation Administration (FAA)
800 Independence Ave. S.W.
Washington, DC 20591

Mr. Michael Coker
Senior Safety Pilot
The Boeing Company
P.O. Box 3707 MC 20-95
Seattle, Washington 98124-2207

C. SUMMARY

On May 18, 2011, at approximately 1727 pm local time (0027 UTC), Omega Air flight 70, a Boeing 707-321B (N707AR), crashed on takeoff at the Point Mugu Naval Air Station[1], Point Mugu, California. The airplane impacted beyond the departure end of runway 21 and was destroyed by post-impact fire. All three flight crewmembers aboard escaped with minor injuries.

[1] Naval Base Ventura County.

D. Part 61.58 Letter from FAA to Pan Am Training

U.S. Department
of Transportation
Federal Aviation
Administration

800 Independence Ave., SW.
Washington, DC 20591

Mr. Greg McGowan
Vice President-Operations
FlightSafety International
8972 Trinity Boulevard
Hurst, TX 76053

Dear Mr. McGowan:

Thank you for your letter of April 7 in which you express several concerns including: a lack of standardization by principal operations inspectors, in-flight observations required by Title14 of the Code of Federal Regulations (14 CFR) part 142, and a Federal Aviation Administration (FAA) policy prohibiting the use of a level A simulator to conduct proficiency checks. We're sorry our busy schedules did not allow us to meet with you earlier. We are pleased that you were able to meet with John McGraw, Deputy Director of the Flight Standards Service, on April 22 and John Allen, Director of the Flight Standards Service, on June 10. We acknowledge you also requested a legal interpretation and filed a Consistency and Standardization Initiative about these same concerns.

We are concerned about standardization issues in our field offices. The FAA takes steps to promote standardization, including the development of inspector procedures, weekly communication between FAA headquarters and regional field offices, and twice-yearly conferences with training center program managers. Personnel from FAA headquarters also provide guidance in response to specific requests and perform ad-hoc visits as requested by regional and field offices.

Existing regulations require an air carrier to prepare and keep current a written training program curriculum for each aircraft and for each crewmember required for each type of aircraft. The FAA does not agree it is necessary or appropriate to change this requirement and remove responsibility for the development of an air carrier's training program from the air carrier itself and to place this responsibility on a training center.

While we understand the difficulties you have encountered in scheduling in-flight training observations, the FAA values the practical experience provided to instructors by actual observation of line operations. We understand that you have agreed to identify the aircraft you believe should be eligible for line observation simulation scenarios. The Flight Standards Service has agreed to further discuss the issues surrounding these aircraft with you, your training center program manager, and the Air Carrier Training and Part 142 Training Center Branch. We believe this coordination will resolve this issue.

Finally, your understanding that 14 CFR section 61.58(e)(3) permits the completion of a proficiency check in a flight simulator not otherwise qualified and approved for landings is correct. As the rule states, this is permitted if the pilot holds a type rating in the airplane

represented by the simulator and the pilot has completed at least three takeoffs and landings (one to a full stop) as the sole manipulator of the flight controls in the type airplane for which the pilot-in-command proficiency check is sought. As you know, this only relates to proficiency checks required by section 61.58 and does not apply to checking requirements under parts 121, 135, 91K, 125, 133, and 137. We still encourage the use of the highest level of simulation (level C or above) where critical maneuvers can be demonstrated.

The FAA is committed to continuous improvement. We thank you for your letter and the opportunity to review your concerns.

Sincerely,

Margaret Gilligan
Associate Administrator for Aviation Safety

cc:
AVS-1 (10-0415-56902-MJEN)
AFS-1
AFS-200
AFS-201A