

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 61, 63, 65, 108, 121, and 135**

[Docket No. 25804, Amendment No. 61-98, 63-30, 65-39, 108-13, 121-250, 135-57]

RIN 2120-AF00

Advanced Qualification Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA establishes a new termination date for Special Federal Aviation Regulation (SFAR) No. 58 (55 FR 40275; Oct. 2, 1990), which provides for the approval of an alternate method (known as "Advanced Qualification Program" or "AQP") for qualifying, training and certifying, and otherwise ensuring the competency of crewmembers, aircraft dispatchers, other operations personnel, instructors, and evaluators who are required to be trained or qualified under parts 121 and 135 of the FAR. This action will establish a new termination date, of October 2, 2000, for SFAR 58 to allow time for the FAA to complete the rulemaking process that will incorporate SFAR 58 into the Federal Aviation Regulations (FAR).

EFFECTIVE DATE: September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. John Allen, Advanced Qualification Program Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, P.O. Box 20027, Dulles International Airport, Washington, D.C. 20041-2027; telephone (703) 661-0260.

SUPPLEMENTARY INFORMATION:**Background**

On August 16, 1995, the FAA issued a notice of proposed rulemaking proposing to extend the expiration date of SFAR 58 [60 FR 42764]. The comment period closed on September 5, 1995; two comments were received. The Air line Pilots Association and the Regional Airline Association both supported the extension of SFAR 58 until October 2, 2000. The amendment is adopted as proposed.

Good Cause Justification for Immediate Adoption

The reasons which justified the original issuance of SFAR 58 still exist. Therefore, it is in the public interest to establish a new expiration date for SFAR 58 of October 2, 2000. If the FAA publishes a final rule incorporating

SFAR 58 into the regulations before this expiration date, SFAR 58 will be rescinded concurrently. In the meantime, the continuation of SFAR 58 is necessary to permit continued training under this program and to avoid the confusion that would result if the program were discontinued.

For this reason, and because as a voluntary program the AQP imposes no additional burden on any person, the FAA finds that the amendment should be made effective immediately upon issuance. However, interested persons are invited to submit such comments as they desire regarding this amendment. Comments should identify the docket number and be submitted in duplicate to the address above. All communications received on or before the close of the comment period will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket.

Benefit/Cost Analysis

AQP is not mandatory. Consequently, those operators who choose to participate in the program would do so only if it was in their best interest. Enough operators have found it in their best interest that AQP has become an important means for meeting the requirements for air carrier training programs. As of March 1995, 18 carriers and 2 manufacturers have either applied to participate or are already participating in the program. AQP gives air carriers flexibility in meeting the safety goals of the training programs in parts 121 and 135 without sacrificing any of the safety benefits derived from those programs. Thus, extending AQP for another 5 years would not impose any additional costs nor decrease the present level of safety. Because this extension—(1) is extending an existing program; (2) is voluntary; and (3) has become an important means for some operators to comply with the training requirements, the FAA finds that a full detailed regulatory evaluation is not necessary.

International Trade Impact Analysis

The amendment would not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services into the United States. Since air carriers will not participate in AQP unless it was in their best interest, they likewise will not participate if it would impose a competitive disadvantage on them.

Also, the concept of AQP is being embraced by foreign operators as well.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a rule will have "significant economic impact on a substantial number of small entities." FAA Order 2100.14A outlines the FAA's procedures and criteria for implementing the RFA. Since this action would extend what has become an important means for some air carriers to comply with training requirements, the extension will not impose costs above those that air carriers are already incurring, and certainly not above what they would incur from adopting a part 121 or part 135 training program. Thus, the rule if issued, will not impose a significant economic impact on a substantial number of small entities.

Federalism Implications

The regulation amended herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, it is determined that this regulation does not have federalism implications warranting preparation of a Federalism Assessment.

Conclusion

The FAA has determined that this document involves an amendment that imposes no additional burden on any person. Accordingly, it has been determined that the action does not involve a major rule under Executive Order 12291. Moreover, it is not significant under DOT Regulatory Policies and Procedures (44 FR 11304; February 26, 1979).

List of Subjects**14 CFR Part 61**

Air safety, Air transportation, Aviation safety, Safety.

14 CFR Part 63

Air Safety, Air transportation, Airmen, Aviation safety, Safety, Transportation.

14 CFR Part 65

Airman, Aviation safety, Air transportation, Aircraft.

14 CFR Part 108

Airplane operator security, Aviation safety, Air transportation, Air carriers, Airlines, Security measures, Transportation, Weapons.

14 CFR Part 121

Aircraft pilots, Airmen, Aviation safety, Pilots, Safety.

14 CFR Part 135

Air carriers, Air transportation, Airmen, Aviation safety, Safety, Pilots.

The Amendment

In consideration of the foregoing, SFAR 58 (14 CFR parts 65, 108, 121, and 135) of the Federal Aviation Regulations is amended as follows:

1. The authority citation for part 61 is revised to read as follows:

Authority: 49 U.S.C. 106(g); 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

2. The authority citation for part 63 is revised to read as follows:

Authority: 49 U.S.C. 106(g); 40108, 40113, 40114, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

3. The authority citation for part 65 is revised to read as follows:

Authority: 49 U.S.C. 106(g); 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

4. The authority citation for part 108 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 45103, 40113, 40119, 44701–44702, 44705, 44901–44905, 44907, 44913–44914, 44932, 44935–44936, 46105.

5. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40105, 40113, 44701–44702, 44704–44705.

6. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1153, 40101, 40105, 44113, 44701–44705, 44707–44717, 44722, 45303.

7. In part 121, SFAR 58 is amended by revising paragraph 13 to read as follows:

Special Federal Aviation Regulation No. 58—Advanced Qualification Program

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13. *Expiration.* This Special Federal Aviation Regulation terminates on October 2, 2000, unless sooner terminated.

Issued in Washington, DC on September 27, 1995.

David R. Hinson,
Administrator.

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