

eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent main rotor blade (blade) separation due to failure of a tension-torsion (TT) strap, accomplish the following:

(a) Before further flight,

(1) Create a component log card or equivalent record for each TT strap.

(2) Review the history of the helicopter and each TT strap. Determine the age since initial installation on any helicopter (age) and the number of flights on each TT strap. Enter both the age and the number of flights for each TT strap on the component log card or equivalent record. Where the number of flights is unknown, multiply the number of hours time-in-service (TIS) by 5 to determine the number of flights.

(3) If the number of flights and age cannot be determined, remove the TT strap from service.

(4) Remove any TT strap from service that has either accumulated 25,000 or more flights or is equal to or greater than 180 months of age.

(b) When a TT strap age is equal to or greater than 120 months and less than 180 months and the number of flights on the TT straps are less than 25,000, inspect the TT strap in accordance with paragraph 2.B.2 of the "Accomplishment Instructions," Eurocopter Deutschland GMBH Alert Service Bulletin MBB-BK 117 No. ASB-MBB-BK 117-10-120 (ASB), Revision 1, dated August 31, 1999, according to the following:

(1) If the age is greater than or equal to 120 months but less than 132 months and has less than 22,000 flights, inspect the TT strap within the next 6 weeks. If the number of flights equals or exceeds 22,000, inspect the TT strap before further flight.

(2) If the age is greater than or equal to 132 months but less than 144 months and has less than 19,000 flights, inspect the TT strap within the next 5 weeks. If the number of flights equals or exceeds 19,000, inspect the TT strap before further flight.

(3) If the age is greater than or equal to 144 months but less than 156 months and has less than 16,000 flights, inspect the TT strap within the next 4 weeks. If the number of flights equals or exceeds 16,000, inspect the TT strap before further flight.

(4) If the age is greater than or equal to 156 months but less than 168 months and has less than 13,000 flights, inspect the TT strap within the next 3 weeks. If the number of flights equals or exceeds 13,000, inspect the TT strap before further flight.

(5) If the age is greater than or equal to 168 months but less than 180 months and has less than 10,000 flights, inspect the TT strap within the next 2 weeks. If the number of flights equals or exceeds 10,000, inspect the TT strap before further flight.

Remove any TT strap from service before exceeding the allowable number of flights or 180 months, whichever occurs first.

(c) If a defect is found as a result of the inspection, remove the TT strap from service prior to further flight.

(d) If no defect is found as a result of the inspection in paragraph (b), a maximum of 500 flights is permitted on a one-time basis

before the TT strap must be replaced, provided the limits of paragraphs (a)(4) and (b) are not exceeded.

(e) TT straps, part number (P/N) 2604067 or J17322-1, are not eligible for installation. Prior to installation, P/N 2604067 or J17322-1 must be re-identified according to paragraph 2.B.1 of the "Accomplishment Instructions" of the ASB, Revision 1, dated August 31, 1999.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(g) Special flight permits may be issued for up to five flights in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(h) The inspections and re-identification of TT straps shall be done in accordance with the "Accomplishment Instructions," paragraph 2.B.1 and 2.B.2, of Eurocopter Deutschland GMBH Alert Service Bulletin MBB-BK 117 No. ASB-MBB-BK 117-10-120, Revision 1, dated August 31, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on January 28, 2000.

**Note 3:** The subject of this AD is addressed in Luftfahrt-Bundesamt (LBA), Federal Republic of Germany, AD 1999-284, dated August 6, 1999.

Issued in Fort Worth, Texas, on January 5, 2000.

**Henry A. Armstrong,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 00-721 Filed 1-12-00; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-192-AD; Amendment 39-11510; AD 2000-01-12]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 200) series airplanes, that currently requires repetitive inspections to detect cracks of a certain bulkhead web of the fuselage at certain locations, and repair, if necessary. This amendment revises the repetitive inspection intervals for certain airplanes, and requires modification or repair, as applicable. This amendment is prompted by the development of a modification that will adequately address the identified unsafe condition. The actions specified by this AD are intended to detect and correct fatigue cracking, which could result in uncontrolled depressurization of the airplane and/or reduced structural integrity of the fuselage.

**DATES:** Effective February 17, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 17, 2000.

**ADDRESSES:** The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** George Duckett, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York

11581; telephone (516) 256-7525; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97-14-11, amendment 39-10082 (62 FR 38206, July 17, 1997), which is applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 200) series airplanes, was published in the **Federal Register** on November 9, 1999 (64 FR 61039). The action proposed to continue to require repetitive inspections to detect cracks of a certain bulkhead web of the fuselage at certain locations, and repair, if necessary. The action also proposed to revise the repetitive inspection intervals for certain airplanes, and require modification or repair, as applicable.

### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

### Change to Service Bulletin Citation

The FAA has revised paragraphs (a) and (b) and NOTE 4 of the final rule to correctly specify that Appendix 2 is included in Canadair Regional Jet Service Bulletin 601R-53-047. This appendix was incorrectly associated with Canadair Regional Jet Alert Service Bulletin A601R-53-045 in the proposed rule.

### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

### Cost Impact

There are approximately 77 airplanes of U.S. registry that will be affected by this AD.

The inspection that is currently required by AD 97-14-11 takes approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required inspection on U.S. operators is estimated to be \$9,960, or \$120 per airplane, per inspection cycle.

The repair that is required by this AD will take approximately 300 work hours

per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$1,828. Based on these figures, the cost impact of the repair on U.S. operators is estimated to be \$19,828 per airplane.

The modification that is required by this AD will take approximately 212 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$935. Based on these figures, the cost impact of the modification on U.S. operators is estimated to be \$13,655 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that the manufacturer has committed previously to its customers that it will bear the labor costs associated with the repair and modification associated with accomplishing the actions required by this AD. Additionally, the manufacturer has indicated that warranty remedies may be available to defer the cost of the replacement parts also associated with accomplishing the actions required by this AD.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-10082 (62 FR 38206, July 17, 1997), and by adding a new airworthiness directive (AD), amendment 39-11510, to read as follows:

**2000-01-12 Bombardier, Inc.** (Formerly Canadair): Amendment 39-11510. Docket No.98-NM-192-AD. Supersedes AD 97-14-11, Amendment 39-10082.

*Applicability:* Model CL-600-2B19 (Regional Jet Series 100) series airplanes, serial numbers 7003 through 7185 inclusive; certificated in any category; except those airplanes on which Canadair Regional Jet Service Bulletin 601R-53-046, Revision 'B,' dated December 22, 1997, or Canadair Regional Jet Service Bulletin 601R-53-047, Revision 'D,' including Appendix 1 and Appendix 2, dated December 22, 1997, has been accomplished.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the underfloor pressure bulkhead of the fuselage, which could result in uncontrolled depressurization of the airplane and/or reduced structural integrity of the fuselage, accomplish the following:

#### Detailed Visual Inspections

(a) Perform a detailed visual inspection to detect cracks at FS409+128 of the bulkhead web drawing number 601R32208-123 of the fuselage, in accordance with Canadair Regional Jet Alert Service Bulletin A601R-53-045, Revision 'D,' including Appendix 1, dated December 22, 1997, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable, until accomplishment of paragraph (b) or (c) of this AD, as applicable.

(1) For airplanes that have accomplished a detailed visual inspection in accordance with AD 97-14-11 prior to the effective date of this AD: Perform a subsequent detailed visual inspection prior to the accumulation of 1,000 total flight hours, or within 100 flight hours after the immediately preceding inspection accomplished in accordance with AD 97-14-11, whichever occurs later. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours.

(2) For airplanes that have not accomplished a detailed visual inspection in accordance with AD 97-14-11 prior to the effective date of this AD: Perform a detailed visual inspection within 20 flight hours after the effective date of this AD. Perform a subsequent detailed visual inspection prior to the accumulation of 1,000 total flight hours, or within 100 flight hours after accomplishment of the immediately preceding inspection, whichever occurs later. Thereafter, repeat the inspection at intervals not to exceed 100 flight hours.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required."

**Note 3:** Accomplishment of the inspection required by paragraph (a) of this AD, prior to the effective date of this AD in accordance with Canadair Regional Jet Alert Service Bulletin A601R-53-045, dated June 25, 1997; Revision 'A,' including Appendix 1, dated June 26, 1997; Revision 'B,' including Appendix 1, dated June 27, 1997; or Revision 'C,' including Appendix 1, dated July 2, 1997; is considered acceptable for compliance with the applicable action specified by this AD.

#### Modification

(b) For any airplane on which no cracking has been detected during any inspection required by paragraph (a) of this AD: Within 9 months after the effective date of this AD, modify FS409+128 of the bulkhead web drawing number 601R32208-123 of the fuselage in accordance with Canadair Regional Jet Service Bulletin 601R-53-047, Revision 'D,' including Appendix 1 and Appendix 2, dated December 22, 1997. Accomplishment of this modification terminates the requirements of this AD.

**Note 4:** Any modification accomplished prior to the effective date of this AD in accordance with Canadair Regional Jet Service Bulletin 601R-53-047, including Appendix 1 and Appendix 2, dated July 18, 1997; Revision 'A,' including Appendix 1 and Appendix 2, dated July 31, 1997; Revision 'B,' including Appendix 1 and Appendix 2, dated August 22, 1997; or Revision 'C,' including Appendix 1 and Appendix 2, dated October 7, 1997; is considered acceptable for compliance with the applicable actions required by this AD.

#### Repair

(c) For any airplane on which any cracking is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, determine the extent of the cracking as specified in Part A of paragraph 2.B. of the Accomplishment Instructions of Canadair Regional Jet Alert Service Bulletin A601R-53-045, Revision 'D,' including Appendix 1, dated December 22, 1997, and accomplish the requirements of paragraph (c)(1) or (c)(2), as applicable.

(1) If the cracking is within the limits specified by Part A of paragraph 2.B. of the Accomplishment Instructions of the alert service bulletin, accomplish the requirements of paragraphs (c)(1)(i) and (c)(1)(ii) of this AD at the time specified in those paragraphs.

(i) Repeat the detailed visual inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 100 flight hours; and

(ii) Within 6 months after the effective date of this AD, or within 3 months after the initial date the crack was detected, whichever occurs later: Repair the affected area in accordance with Canadair Regional Jet Service Bulletin 601R-53-046, Revision 'B,' dated December 22, 1997. Accomplishment of this repair terminates the requirements of this AD.

**Note 5:** Any repair accomplished prior to the effective date of this AD in accordance with Canadair Regional Jet Service Bulletin 601R-53-046, dated June 27, 1997, or Revision 'A,' dated July 2, 1997, is considered acceptable for compliance with the applicable actions specified by this AD.

(2) If the cracking is outside the limits specified by Part A of the Accomplishment Instructions of the alert service bulletin, prior to further flight, perform a high frequency eddy current (HFEC) inspection to detect cracks of the forward side of the web of fuselage FS409+128 bulkhead web drawing number 601R32208-123, along the upper edge of the horizontal angle part number 601R32208-73, in accordance with Part B of paragraph 2.B. of the Accomplishment Instructions of the alert service bulletin.

(i) If, during any HFEC inspection required by paragraph (c)(2) of this AD, any cracking is detected that is within the limits specified by Part B of paragraph 2.B. of the Accomplishment Instructions of the alert service bulletin, accomplish the requirements of paragraphs (c)(2)(i)(A) and (c)(2)(i)(B) of this AD at the times specified in those paragraphs.

(A) Repeat the HFEC inspection required by paragraph (c)(2) of this AD thereafter at intervals not to exceed 50 flight hours, and repeat the detailed visual inspection required by paragraph (a) of this AD thereafter at interval not to exceed 100 flight hours; and

(B) Within 6 months after the effective date of this AD, or within 3 months after the initial date the crack was detected, whichever occurs later: Repair the affected area in accordance with Canadair Regional Jet Service Bulletin 601R-53-046, Revision 'B,' dated December 22, 1997. Accomplishment of this repair terminates the requirements of this AD.

(ii) If, during any HFEC inspection required by paragraph (c)(2) of this AD, any

cracking is detected that is outside the limits specified by Part B of paragraph 2.B. of the Accomplishment Instructions of the alert service bulletin, prior to further flight, determine the extent of the cracking as specified in paragraph 1.D. ("Compliance") of Canadair Regional Jet Service Bulletin 601R-53-046, Revision 'B,' dated December 22, 1997, and accomplish the requirements of paragraph (c)(2)(i)(A) or (c)(2)(i)(B) of this AD, as applicable.

(A) If the cracking is within the limits specified by paragraph 1.D. ("Compliance") of the service bulletin, prior to further flight, repair in accordance with the service bulletin. Accomplishment of this repair terminates the requirements of this AD.

(B) If the cracking is outside the limits specified by paragraph 1.D. ("Compliance") of the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, New York Aircraft Certification Office (ACO).

#### Alternative Methods of Compliance

(d)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 97-14-11, amendment 39-10082, are approved as alternative methods of compliance for this AD.

**Note 6:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

#### Special Flight Permits

(e) Special flight permits may be issued in accordance with sections §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

#### Incorporation by Reference

(f) Except as provided by paragraph (c)(2)(i)(B) of this AD, the actions shall be done in accordance with Canadair Regional Jet Alert Service Bulletin A601R-53-045, Revision 'D,' including Appendix 1, dated December 22, 1997; Canadair Regional Jet Service Bulletin 601R-53-047, Revision 'D,' including Appendix 1 and Appendix 2, dated December 22, 1997; and Canadair Regional Jet Service Bulletin 601R-53-046, Revision 'B,' dated December 22, 1997; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street,

Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 7:** The subject of this AD is addressed in Canadian airworthiness directive CF-97-11R2, dated December 22, 1997.

(g) This amendment becomes effective on February 17, 2000.

Issued in Renton, Washington, on January 6, 2000.

**Donald L. Riggin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 00-720 Filed 1-12-00; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 61, 67, 141, and 142

[Docket No. FAA-1998-4518-1; Amendment Nos. 61-105, 67-18, 141-11, & 142-3]

RIN 2120-AG66

#### Licensing and Training of Pilots, Flight Instructors, and Ground Instructors Outside the United States

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Disposition of comments on final rule.

**SUMMARY:** This document is a summary and disposition of comments received on a final rule published by the Federal Aviation Administration (FAA) on October 5, 1998. That final rule removed language from Title 14 of the Code of Federal Regulations that restricted the licensing of foreign persons outside of the United States and that restricted the operation of pilot schools and training centers that are located outside of the United States.

**ADDRESSES:** The complete docket for the final rule titled "Licensing and Training of Pilots, Flight Instructors, and Ground Instructors Outside the United States" may be examined at the U.S.

Department of Transportation Dockets, Docket No. FAA-98-4518, 400 Seventh Street, SW, Washington, DC 20591, in Room Plaza 401 between 10:00 a.m. and 5:00 p.m. weekdays except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Warren Robbins, Certification Branch (AFS-840), General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8196.

**SUPPLEMENTARY INFORMATION:**

### Background

On October 5, 1998, the FAA published a final rule titled "Licensing and Training of Pilots, Flight Instructors, and Ground Instructors Outside the United States" (63 FR 53531). That final rule removed language from the FAA regulations that restricted the licensing of foreign pilots, flight instructors, and ground instructors outside of the United States. In addition, that final rule removed language from the FAA regulations that restricted the operation of pilot schools and training centers located outside of the United States. The FAA concluded that the restrictive language should be removed after it determined that the administrative concerns for the restrictive language were no longer applicable and after the restrictive language was identified during harmonization efforts between the FAA and the European Joint Aviation Authorities (JAA) as an obstruction to harmonization. The FAA determined that a failure to remove the restrictive language on licensing and training could be detrimental to FAA pilot schools and training centers seeking to train students from JAA member States. Further, the FAA removed the restrictive language as part of a commitment to reducing restrictions that are not safety driven.

This document addresses comments received on the above final rule.

### Discussion of Comments

The FAA received three comments on the final rule title "Licensing and Training of Pilots, Flight Instructors, and Ground Instructors Outside the United States" (the final rule). The three comments were from the Air Line Pilots Association (ALPA), Battle Creek Unlimited, Inc. (BCU), and the International Brotherhood of Teamsters Airline Division (IBT). ALPA and BCU support the final rule citing harmonization with the JAA and free trade. IBT opposes the final rule for the four reasons discussed below.

**IBT Comment—**First, IBT objects to the process by which the final rule was adopted, stating that there seems to be insufficient reason and a lack of urgency to issue the final rule without prior notice.

**FAA Response—**At the time of this rulemaking the FAA was facing the imminent implementation of new JAA regulations for European countries regarding flight crew licensing. The new JAA regulations included language that would restrict pilot training in the United States and would not permit the conversion of FAA pilot certificates to

JAA pilot licenses absent an arrangement (e.g. Bilateral Aviation Safety Agreement (BASA)). As a result, U.S. pilot schools and training centers that seek to continue to train foreign students from the JAA member states, both inside and outside of the U.S., could face economic losses. The JAA indicated that it might remove the restrictive language in the JAA regulations if the FAA removed the restrictive language in the FAA regulations. Accordingly, the FAA had to act expeditiously in order to implement a rule that would encourage a more favorable treatment of FAA pilot certificates and the training received at FAA pilot schools and training centers. After a review of the restrictive language in the FAA regulations, its original intent and purpose, the FAA determined that the restrictive language was no longer needed and its removal would have no unfavorable impact on U.S. pilots, pilot schools, or training organizations. Therefore, the FAA adopted the final rule without prior notice as it was determined to be unnecessary and impracticable.

On February 26, 1999, in response to the final rule, the JAA issued a Notice of Proposed Amendment (NPA) No. 10 that proposed, among other things, to remove some of the restrictions on pilot training outside of JAA member states. While the FAA cannot say whether NPA No. 10 will be adopted, this is a positive sign and the FAA stands ready to work with the JAA.

**IBT Comment—**Second, IBT raises concerns that the final rule "appears not to ensure that in application the FAA would restrict the licensing of foreign pilots to the organizations and countries discussed." IBT is concerned that the FAA will lose its ability to monitor and control the quality of training.

**FAA Response—**The final rule removes restrictive language concerning the licensing of foreign persons outside of the United States and the operation of U.S. pilot schools and training centers located outside of the United States. IBT is correct that the removal of the above restrictive language does not apply only to the licensing of pilots and the operation of U.S. pilot schools and training centers in JAA member states. The FAA may choose to allow the certification of pilots or the operation of U.S. training organizations anywhere. Regardless of the location, the certification of U.S. pilots, or training organizations providing training to pilots outside of the United States, requires approval from the FAA and oversight by the FAA to ensure quality control of licensing and training.