DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 63, 65, 108, 121, and 135

[Docket No. 25804, Notice No. 95–13]

RIN 2120–AF00

Advanced Qualification Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FAA proposes to establish 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 proposed extension is necessary to establish a new termination date 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). The current termination date for SFAR 58 is October 2, 1995.

DATE: Comments must be received on or before September 5, 1995.

ADDRESS: Send or deliver comments on this notice in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–10), Room 915G, Docket No. 25804, 800 Independence Avenue, SW., Washington, DC 20591. Comments must be marked Docket No. 25804. Comments may be examined in the Rules Docket between 8:30 a.m. and 5 p.m. on weekdays, except Federal holidays.

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, DC 20041–2027; telephone (703) 661–0260.

SUPPLEMENTARY INFORMATION:

Background

In 1975, the FAA began to address two issues in part 121 pilot training and checking. One issue was the hardware requirements needed for total simulation. The other issue was the redesign of training programs to deal with increasingly complex human factors problems and to increase the safety benefits derived from the simulation. At the urging of the air transportation industry, the FAA addressed the hardware issue first. This effort culminated in 1980 in the development of the Advanced Simulation Program, set forth in part 121, Appendix H.

Since then, the FAA has continued to pursue approaches for the redesign of training programs to increase the benefits of Advanced Simulation and to deal with the increasing complexity of cockpit human factors.

On August 27, 1987, FAA Administrator McArtor addressed the chief pilots and certain executives of many air carriers at a meeting held in Kansas City. One of the issues discussed at the meeting focused on flight crewmember performance issues. This meeting led to the creation of a Joint Government-Industry Task Force on flight crew performance. It was comprised of representatives from major air carriers and air carrier associations, flight crewmember associations, commuter air carriers and regional airline associations, and government organizations. On September 10, 1987, the task force met at the Air Transport Association's headquarters to identify and discuss flight crewmember performance issues. Working groups in three major areas were formed: (1) man/machine interface, (2) flight crewmember training, and (3) operating environment. Each working group submitted a report and recommendations to the Joint Task Force. On June 8, 1988, the recommendations of the Joint Task Force were presented to Administrator McArtor.

The major substantive recommendations to the Administrator from the flight crewmember training working group were the following: (1) Require part 135 commuters whose airplane operations require two pilots to comply with part 121 training, checking, qualification and record keeping requirements. (2) Provide for a Special Federal Aviation Regulation (SFAR) and Advisory Circular to permit development of innovative training programs. (3) Establish a National Air Carrier Training Program Office which provides training program oversight at the national level. (4) Require seconds-in-command to satisfactorily perform their duties under the supervision of check airmen during operating experience. (5) Require all training to be accomplished through a certificate holder's training program. (6) Provide for approval of training programs based on course content and training aids rather than using specific programmed hours. (7) Require Cockpit Resource Management Training and encourage greater use of Line-Oriented Flight Training. Specific recommendations were listed regarding regulatory changes and were separated into those changes which should be incorporated into the SFAR and those in an accompanying Advisory Circular.

In June of 1988, the National Transportation Safety Board (NTSB) issued a Safety Recommendation (A–88–71) on the subject of CRM training. The recommendation stemmed from an NTSB accident investigation of a Northwest Airline crash on August 16, 1987, in which 148 passengers, 6 crewmembers, and 2 people on the ground were killed.

The NTSB noted that both crewmembers had received single-crewmember training during their last simulator training and proficiency checks. In addition, the last CRM training they had received was 3.5 hours of ground school (general) CRM training in 1983. As a result of its investigation, the NTSB recommended that all part 121 carriers:

> Review initial and recurrent flightcrew training programs to ensure that they include simulator or aircraft training exercises which involve cockpit resource management and active coordination of all crewmember trainees and which will permit evaluation of crew performance and adherence to those crew coordination procedures.

In response to the recommendations from the Joint Task Force and from the NTSB, the FAA, in October 1991, published SFAR 58, *Advanced Qualification Program* (AQP), which addresses all of the above recommendations. The FAA also published an Advisory Circular on AQP which describes an acceptable methodology by which the provisions of the SFAR are achieved. Under SFAR 58 certificated air carriers, as well as training centers they employ, are provided with a regulatory alternative for training, checking, qualifying, and certifying aircrew personnel subject to the provisions of FAR parts 121 and 135.

Air carrier participation in AQP is entirely voluntary. Carriers electing not to participate may continue to operate under the traditional FAA provisions for training and checking. The long range advantages to participation, however, are numerous. The regulatory provisions of AQP offer the flexibility to tailor training and certification activities to a carrier's particular needs and operational circumstances. They encourage innovation in the development of training strategies. They

include wide latitude in choice of training methods and media. They permit the use of flight training devices for training and checking on many tasks which historically have been accomplished in airplane simulators. They provide an approved means for the applicant to replace FAA mandated uniform qualification standards with carrier proposed alternatives tailored to specific aircraft. They permit carriers, whose operations include a mixture of parts 135 and 121, to operate under a single regulatory set of requirements for training and checking. They permit the applicant to establish an annual training and checking schedule for all personnel, including pilots-in-command (PIC), and provide a basis for extending that interval under certain circumstances.

From an FAA perspective, the overriding advantage of AQP is quality of training. AQP provides a systematic basis for matching technology to training requirements and for approving training program content based on relevance to operational performance. The FAA's goal for this new program is to improve safety through improved training.

The initial goal of the SFAR was to improve flight crew performance by providing alternative means of complying with certain current provisions in the Federal Aviation Regulations which may inhibit innovative use of some modern technology that could facilitate the training of flight crewmembers. The SFAR has encouraged carriers to become innovative in their approach to training. Based on the aviation industry participation and enthusiasm in AQP, the extension of SFAR 58 is necessary until the rulemaking process codifies AQP as a permanent regulation.

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 proposal—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 proposed rule 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 proposal 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 regulations proposed 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 such a regulation does not have federalism implications warranting preparation of a Federalism Assessment.

Conclusion

The FAA has determined that this document involves a proposal 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; however, it is 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, 44710, 44712, 44714, 44716, 44717, 44722, 45303.

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, 44710, 44712, 44714, 44716, 44717, 44722, 45302, 46104.

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

Authority: 49 U.S.C. 106(g); 40113, 44701–44703, 44710, 44712, 44714, 44716, 44717, 447222, 45303.

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

Authority: 49 U.S.C. 106(g); 40108, 40113, 40114, 40119, 44701, 44702, 44705, 44712, 44714, 44716, 44717, 44722, 44901–44903, 44906, 44912, 44935–44938, 45302, 46104, 48107.

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. SFAR 58 is amended by revising the expiration date in paragraph 13.

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

Issued in Washington, D.C. on Friday, August 11, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

[FR Doc. 95–20406 Filed 8–14–95; 12:54 pm]

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