

resources than previously needed. The committee provides the FAA firsthand information and insight from interested parties regarding potential new rules or revisions of existing rules.

There are 73 member organizations on the committee, representing a wide range of interests within the aviation community. Meetings of the committee are open to the public, except as authorized by section 10(d) of the Federal Advisory Committee Act.

The ARAC establishes working groups to develop recommendations for resolving specific airworthiness issues. Tasks assigned to working groups are published in the **Federal Register**. Although working group meetings are not generally open to the public, the FAA solicits participation in working groups from interested members of the public who possess knowledge or experience in the task areas. Working groups report directly to the ARAC, and the ARAC must accept a working group proposal before ARAC presents the proposal to the FAA as an advisory committee recommendation.

The activities of the ARAC will not, however, circumvent the public rulemaking procedures; nor is the FAA limited to the rule language "recommended" by ARAC. If the FAA accepts an ARAC recommendation, the agency proceeds with the normal public rulemaking procedures. Any ARAC participation in a rulemaking package is fully disclosed in the public docket.

What Did the FAA Propose?

The FAA proposed to amend § 25.819 by incorporating the "more stringent" requirements of the current JAR standard. The proposed amendment would require that two-way voice communication systems between lower deck service compartments and the flightdeck remain available following loss of the normal electrical power generating system, and seats installed in the lower deck compartment meet the requirements of § 25.785(d).

What Other Options Have Been Considered and Why Were They Not Selected?

The FAA considered two alternatives to this proposal: (1) No change to the existing standards. The FAA did not select this option because it would mean that the standards would continue to be "unharmonized" and manufacturers would continue to meet two different sets of standards when certificating their airplanes, and (2) The JAA could unilaterally adopt the standards of part 25. The FAA did not seriously consider this option, however, because where the part 25 standards are

"less stringent," this could potentially mean adopting a lower level of safety.

The FAA considered the proposal, to be the most appropriate method of ensuring that the highest level of safety is achieved and fulfilling the objectives of harmonizing the U.S. and European standards.

Is Existing FAA Advisory Material Adequate?

The FAA does consider that current guidance on this subject is adequate and that additional advisory material is not necessary as a result of this amendment.

What Comments Were Received in Response to the Proposal?

Notice of Proposed Rulemaking (NPRM) 02-06, was published in the **Federal Register** on January 24, 2002 (67 FR 3456). The comment period closed on March 25, 2002. Only one commenter responded to the request for comments. That commenter states that they have no comments at this time.

What Regulatory Analyses and Assessments Has the FAA Conducted?

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531-2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Agreements Act also requires the consideration of international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more annually (adjusted for inflation).

The FAA has determined that this amendment has no substantial costs, and that it is not "a significant regulatory action" as defined in Executive Order 12866, nor "significant" as defined in DOT's Regulatory Policies and Procedures.

Further, this amendment does not have a significant economic impact on a substantial number of small entities, reduces barriers to international trade, and does not impose an Unfunded Mandate on state, local, or tribal governments, or on the private sector. The DOT Order 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If it is determined that the expected impact is so minimal that the amendment does not warrant a full evaluation, a statement to that effect and the basis for it is included in the amendment. Accordingly, the FAA has determined that the expected impact of this amendment is so minimal (no substantial costs) that the amendment does not warrant a full evaluation. We provide the basis for this determination as follows.

Currently, airplane manufacturers must satisfy both part 25 and the European JAR-25 standards to certificate transport category airplanes in both the United States and Europe. Meeting two sets of certification requirements raises the cost of developing a new transport category airplane often with no increase in safety. In the interest of fostering international trade, lowering the cost of airplane development, and making the certification process more efficient, the FAA, JAA, and airplane manufacturers have been working to create, to the maximum possible extent, a single set of certification requirements accepted in both the United States and Europe. As explained in detail previously, these efforts are referred to as "harmonization."

This amendment revises the FAA requirements for lower deck service compartments on transport category airplanes that are not certified to be occupied during takeoff and landing. As explained previously in this preamble, this amendment revises part 25 to include the following "more stringent" requirements of the JAR standards: (1) § 25.819(b), two-way voice communication systems between lower deck service compartments and the flightdeck remain available following loss of the normal electrical power generating system; and (2) § 25.819(f), seats installed in the lower deck compartment meet the requirements of § 25.785(d), which include safety belt and either a shoulder harness, and/or energy absorbing rest, and/or elimination of injurious objects in the head strike path.

This amendment results from the FAA's acceptance of recommendations made by ARAC. We have concluded that, for the reasons previously