

capabilities. Certificate holders with existing approved programs may continue under that authority under this proposal. Sampling intervals may be adjusted according to system performance and fleet maturity. The Advisory Circular accompanying this proposal contains guidance for APU reliability and performance assessment.

(g) Maintenance Training

The certificate holder would have to develop additional ETOPS specific training that focuses on the special nature of ETOPS and is required for all personnel involved in ETOPS. This training would be in addition to the certificate holder's accepted maintenance training program to qualify individuals for specific airplanes and engines. This program may be incorporated into the accepted maintenance training curricula. The certificate holder would have to review the entire maintenance-training program with the CHDO to ensure that it adequately supports ETOPS training requirements. The goal of this program is to ensure that all personnel involved in ETOPS are provided the necessary training so that the ETOPS maintenance requirements are properly accomplished.

The program must establish a system to qualify ETOPS maintenance personnel. ETOPS qualified maintenance personnel are those who have successfully completed the certificate holder's ETOPS training program and who have satisfactorily performed extended range tasks under the direct supervision of an FAA certificated maintenance person who has had previous experience with maintaining the particular make and model aircraft being utilized under the certificate holder's maintenance program. For new aircraft introduction, the previous experience for training can be obtained from the manufacturers training program.

(h) Procedural Changes

Following approval of the maintenance and training procedures established to qualify for ETOPS; substantial changes to those procedures must be submitted to the CHDO and approved before they may be adopted. The determination of what constitutes substantial changes should be negotiated between the certificate holder and the CHDO. This is to allow some flexibility depending on the certificate holder's ETOPS experience and performance history. The CHDO may require submission of all changes for a new ETOPS operator or for an operator experiencing difficulties.

However, as experience is gained the CHDO may reevaluate what substantial changes it needs to approve.

(i) Reporting

The FAA proposes to require certificate holders to report the operating hours and cycles for each airplane and engine authorized for use in ETOPS on a quarterly basis to the CHDO and the respective manufacturers. These reports would allow the FAA and manufacturers to ensure safe operations and to anticipate potential problems.

Continuing Surveillance

As with all other operations, the CHDO may also monitor all aspects of the ETOPS operations it has authorized, to ensure that the levels of reliability achieved in ETOPS operations remain at acceptable levels, and that the operation continues to be conducted safely. In the event that an acceptable level of reliability is not maintained, if significant adverse trends exist, or if critical deficiencies are detected in the type design or in the conduct of ETOPS operations, the CHDO may initiate a special evaluation, impose operational restrictions, and ensure the operator adopts corrective actions in order to resolve the problems in a timely manner. The CHDO should alert the appropriate FAA Aircraft Certification Office and Aircraft Evaluation Group when problems associated with airplane design or operations are identified.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices (SARPS) that correspond to these proposed regulations. ICAO SARPS are currently being developed for ETOPS and we expect that this proposed rule and rules currently being developed in Europe would affect the ICAO SARPS. We expect that there will be some differences between the rule developed in the United States and the rules developed in Europe.

Economic Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal agency must 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 impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. sections 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 Act requires agencies to consider international standards and, where appropriate, that they be the basis for U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) 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.).

In conducting these analyses, FAA has determined this proposed rule: (1) Would have benefits that justify its costs, would be a “significant regulatory action” as defined in section 3(f) of Executive Order 12866, and would be “significant” as defined in DOT's Regulatory Policies and Procedures; (2) would not have a significant economic impact on a substantial number of small entities; (3) would not constitute a barrier to international trade; and (4) would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. The FAA has placed these analyses in the docket and summarized them as follows.

Cost Savings

The ability to fly the most direct route between two points results in time and fuel savings and thus reduces operating costs. The mileage savings for a two-engine ETOPS flight can be very significant. For example, a two-engine operator approved for 180 minutes flying the Great Circle Route, the shortest distance between two points on the earth, between Milan, Italy and Barbados would save over 1,300 nautical miles compared to a routing staying within 60 minutes of an adequate airport.

Part 121 operators of two-engine airplanes will elect to incur the costs associated with the higher ETOPS requirements based on their judgment of whether cost savings would exceed the cost of compliance. A new 2-engine ETOPS operator operating a single daily roundtrip is estimated to save 38 minutes per round trip. This timesaving is based on the reported timesaving of a current twin-engine Part 121 ETOPS