transition training is currently successful for hundreds of thousands of pilots and that this should be reason enough to exclude them from the proposed rule.

Alaska Airlines is against the inclusion of transitioning pilots in the proposed rule because they believe that a transitioning pilot is very experienced in an employer's routes and procedures. Because of this overall experience, transitioning to a new airplane type is not that difficult and should not be subject to any crew pairing limitations.

Two commenters address the proposed rule's deviation authority. AMR Eagle, Inc. says that deviation authority should be designed so that carriers can adjust crew pairing guidelines to the complexity of the operation while insuring schedule reliability and safety. AMR recommends that an additional condition be allowed for deviation authority: Operations during the day, VMC where no critical flight conditions are expected.

RAA says that the conditions for deviation authority presented in §§ 121.438 (b)(1) through (b)(3) are too limiting and recommends that a fourth paragraph be added which states: "The certificate holder identifies circumstances not covered in (1), (2) or (3) which are acceptable to the Administrator in granting a deviation to these requirements."

Finally, Boeing requests that the deviation applicability be extended to manufacturers.

FAA Response

The FAA believes that the increased level of safety attained in this final rule is accomplished through the combination of its requirements (i.e., strengthening initial operating experience requirements, requiring a 100-hour knowledge and skill consolidation period for both SICs upgrading to PIC and PICs transitioning to new or different types of airplanes; requiring PICs, when paired with SICs with fewer than 100 hours of pilot flight time in that aircraft type, to make all takeoffs and landings under certain conditions; and the 75-hour pilot pairing restriction) rather than any one single requirement.

Requiring 75 hours of pilot experience in the type aircraft being flown for either the PIC or the SIC provides an additional level of crew qualification experience. By including transitioning pilots in this rule the FAA establishes that the most important aspect of pilot pairing is total pilot flight experience in the airplane rather than requiring seat-specific experience. Also, rather than experience in the air carrier's

procedures or route structure, the purpose of this pairing restriction is to ensure a minimum number of hours of combined pilot experience in that specific type aircraft.

The FAA believes that total pilot crew experience required to meet the 75-hour pilot pairing restriction as proposed and adopted in this rule, in combination with the other requirements contained in this rule and the various pilot training and checking requirements contained in subpart N of part 121, accomplish the FAA's objective of increased safety while not being overly burdensome on the affected certificate holders.

As stated in § 121.438(b), the Administrator may authorize, upon application by the certificate holder, deviations from the pairing requirement that would allow certificate holders to use aircraft manufacturers' pilots to assist in the introduction of new aircraft types into the certificate holder's fleet under certain conditions.

Effective Date

The FAA proposed a 30-day period after issuance of the final rule for carriers to plan and implement a system for scheduling flight crews to meet the new requirements. However, the FAA, in the NPRM, recognized that 30 days may be insufficient and invited comments on a realistic effective date.

Five comments were received on the date. Four commenters say that 30 days is inadequate and recommend a 120-day period. RAA says that the complexity of training programs and crew scheduling warrant additional time to implement changes. ATA says that revisions in crew scheduling software, personnel training, and policy manuals would require a minimum of 120 days. United Airlines recommends a 90-day period between issuance of the final rule and its effective date.

FAA Response

The FAA agrees that a 30-day effective date would not allow enough time for certificate holders to comply with the requirements of this rule. The final rule is effective 120 days after the date of publication in the **Federal Register**.

Response to Comments

Northwest Airlines states that the FAA assumed that including transitioning pilots in the NPRM added no cost to airlines. It presents data showing its costs would amount to \$3.7 million for transitional pilots and \$380,000 for initial pilots. Northwest's additional costs come from scheduling constraints and from union

requirements to pay a previously scheduled pilot who is displaced by a pilot in training.

FAA Response

The FAA estimated the cost of not pairing two inexperienced pilots, transitional or initial, would be the expense of developing an enhanced scheduling computer program. The FAA estimated the cost of developing this program to be \$92,000. The FAA contends that through more efficient scheduling via enhanced scheduling software, the industry can avoid paying for displaced pilots.

Alaska Airlines states that it would face higher costs to meet qualification requirements because of its older fleet. It argues that additional training in a simulator or in an aircraft (where modern simulation is unavailable) would require that "operators have earlier vintage visual or phase I simulators for their older aircraft types. This will automatically create higher costs to fulfill these requirements."

FAA Response

The NPRM did not require a different training level for older fleets. Obtaining the additional operating experience and consolidation time should not vary significantly from company to company. However, the FAA did not account for each airline's cost structure when costing the proposed rule. The analysis assumed an average cost. If Alaska Airlines had significantly higher training costs, it incurred these costs not as a result of the NPRM, but from other corporate business decisions.

The Airline Pilots Association (ALPA) states that the FAA did not present the assumptions it used to estimate costs. Also, ALPA believes that airlines could minimize costs through efficient scheduling.

FAA Response

The FAA included a list of assumptions it used to estimate the costs of the NPRM in an appendix in detailed regulatory evaluation. The FAA agrees with ALPA that airlines can reduce the cost of the NPRM through efficient scheduling.

Miscellaneous Comments

ATA comments that the objectives of the proposed rule are identical to those contained in FAR 121.652 (High Minimums). ATA says that this rule is obsolete and that if the proposed rule is implemented, then § 121.652 should be rescinded.