advisories can be issued to ensure a safe, orderly, and expeditious flow of traffic. By advising ATC as soon as possible that an RA has been received, the controller can evaluate the situation, determine the most appropriate and safe course of action, and issue alternate instructions if necessary.

ALPA states that the requirement to report a deviation from an ATC clearance as a result of an RA is stated in the Airman's Information Manual (AIM), FAA Advisory Circular 120–55, and each TCAS equipped aircraft flight operations manual. Consequently, the commenter believes this proposal is redundant and unnecessary.

The FAA acknowledges there are several FAA publications which explain and encourage pilots to communicate with ATC when deviating from a clearance upon receipt of a RA. However, the FAA has determined that safety within the NAS can only be maintained if pilots are required to advise controllers when a deviation from an ATC clearance has occurred as a result of an RA.

NATCA opposes this rule change due to concerns for the safety of persons operating in the NAS. However, NATCA does not provide specific instances of how or where safety is compromised, but merely reiterates their ongoing concern with the TCAS program.

The FAA has determined that pilot notification of a deviation from a clearance due to a TCAS RA enhances safety in the NAS. Air traffic controllers base their control and traffic management decisions on the expectation that pilots will comply with ATC-assigned routes, altitudes, and other clearances. If a pilot deviates from an ATC clearance, the controller must be given timely notification of that deviation so that appropriate instructions and/or advisories can be issued to ensure a safe, orderly, and expeditious flow of traffic. By advising ATC as soon as possible that an RA has been received, the controller can evaluate the situation, determine the most appropriate and safe course of action, and issue alternate instructions if necessary.

III. Resolution Advisory Maneuver—An Emergency?

One commenter contends that any deviation from an ATC clearance is an emergency; therefore, this rule change is not needed. The commenter believes the cause of the deviation need not be an emergency, but the mere fact that an aircraft is not following an ATC clearance should be considered an emergency. The commenter suggested the phrase "in an emergency" be deleted from the rule; thereby, any time an aircraft deviates from an ATC clearance, regardless of the reason, ATC will be notified.

The FAA disagrees that an RA maneuver is an emergency action. TCAS is designed to serve as a backup (safety net) to visual collision avoidance, application of "right of way rules", and air traffic separation services. Since its inception, TCAS has been considered by the FAA and industry to be a supplement to the ATC system that provides flight guidance to ensure adequate separation from other aircraft. Additionally, although the suggestion to remove the word "emergency" from the language of the regulations is outside the scope of this rulemaking, the FAA will consider the merits of the comment for possible future rulemaking.

Regulatory Evaluation Summary

Executive Order 12866 established the requirement that, within the extent permitted by law, a Federal regulatory action may be undertaken only if the potential benefits to society for the regulation outweigh the potential costs to society. In response to this requirement, and in accordance with Department of Transportation policies and procedures, the FAA has estimated the anticipated benefits and costs of this rulemaking action. The results are stated in this section. The FAA has determined that this rule change is not a "significant rulemaking action," as defined by Executive Order 12866 (Regulatory Planning and Review).

The FAA has determined that this rule will be cost-beneficial because it imposes no costs and would promote air safety. There will not be any changes in notification or reporting requirements for deviations from ATC clearances that are necessary to avoid potential collision hazards. This action codifies a previously announced policy that pilots who deviate from their assigned altitudes in response to a TCAS RA will provide timely notice, as soon as possible, to air traffic control. Such nonwritten, voice notification will give controllers an opportunity to resolve any conflicts resulting from a TCAS IIequipped aircraft being at other than the assigned altitude.

International Trade Impact Statement

This action will not impose a competitive disadvantage to either U.S. air carriers doing business abroad or foreign air carriers doing business in the United States. This assessment is based on the fact that this rule will not impose additional costs on either U.S. or foreign air carriers. **Regulatory Flexibility Determination**

In accordance with the Regulatory Flexibility Act of 1980, the FAA has determined that this action will not have a significant economic impact, positive or negative, on a substantial number of small entities. This assessment is based on the fact action will not impose any additional cost on aircraft operators.

Paperwork Reduction Act

There are no requirements for information collection associated with this action that would require approval from the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Federalism Implications

This regulation will 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. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with the U.S. obligations under the Convention on International Civil Aviation (ICAO), it is FAA policy to comply with ICAO Standards and Recommended Practices (SARP) to the maximum extent practicable. The FAA has determined that this action complies with the ICAO SARP.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not a "significant regulatory action" under Executive Order 12866. This regulation is not considered significant under DOT Order 2100.5, Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA certifies that this regulation 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.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Aviation safety.