

from the fact that the maneuvers are well-known in advance; they may be well-practiced and over-learned by experienced pilots; and they may give no indication of the pilot's ability to perform them under particular levels of stress, fatigue, or unexpected decision-making requirements. Furthermore, the pass/fail nature of the testing program; the probable wide variability among testers; and the train-to-proficiency nature of these tests make them inadequate as a screening mechanism.

III(b). Class I Medical Certificates and Special Issuance Certificates

Some commenters state that part 121 pilots are required to hold FAA medical certificates, and that the medical certification process tests their medical fitness. Commenters also point out that the FAA issues waivers to pilots and permits them to fly with various medical conditions, including cardiovascular problems. They state that if such pilots can be evaluated, older pilots can too.

The question of operational privileges for aging pilots is not comparable to the question of assessment of younger airmen with specific medical conditions. Although individuals with known medical conditions have been returned to air carrier duties, their circumstances are not comparable with those of an individual who has reached an advanced age. For the person with known disease, the prognosis for the disease can normally be assessed and specific tests or evaluations identified to monitor the condition. Special issuance medical certificates are granted to airmen who have certain known medical conditions or static defects that are disqualifying under the established standards of the Federal Aviation Regulations. This practice does not compromise safety and does not demand similar consideration with respect to the Age 60 Rule. When a special issuance medical certificate is granted, the condition in question has been clearly identified, and the agency has been able to develop a means of assessment and surveillance specially designed to demonstrate the individual's capabilities and to identify any adverse changes. If that is not possible, certification is not granted. Such is not the case in aging, since there are no generally applicable medical tests that can, at this time, adequately determine which individual pilots are subject to incapacitation secondary to either acute cardiovascular or neurological events or to more subtle adverse conditions related to decline of cognitive functioning.

III(c). Suggested Protocol for Gathering Additional Data

One commenter states that data from actual part 121 pilots under 60 and over 60 are needed. The commenter suggested that a pilot group should be established that can fly over age 60. He believes that a cohort of over age 60 pilots can be identified with a quantifiable five year cardiovascular risk that is lower than the risk in the 50 to 59 year age group. Also this group can be tested by serial performance testing to ensure that there has not been subtle incapacitation. The kind of data that is needed to change the rule could then be collected and analyzed.

The commenter recommends that a consensus working group of experts, appointed by the Federal Air Surgeon, deliver a document that describes a battery of state-of-the-art testing to identify a group of age 60 or older pilots who have the attributes for continued safe flying. A second group of non-flying crew age 60 or older would also be considered. The document would include all testing, follow up, methodology, etc. The Federal Air Surgeon would then review the protocol, obtain additional expert help as needed, and produce the final protocol. Finally, the FAA would choose the sites for participants in the long term surveillance program.

FAA Response: While the FAA appreciates the proposed protocol that the commenter submitted, the FAA does not find it an acceptable basis for initiating a rule change at this time. The FAA's ANPRM in 1982 proposed identification of a select group of aged 60 and over pilots who would continue flying in part 121 operations to permit FAA to collect data. The FAA withdrew the ANPRM in 1984 because valid selection tests for the group did not exist. The FAA was concerned that, without valid selection tests, these pilots would create an unacceptable safety risk in part 121 operations. The commenter does not suggest any data that indicates that a group described would be able to identify any such tests. The FAA has the same concerns today.

IV. Financial Impact of the Age 60 Rule

IV(a). Costs

Some commenters stated that raising the age limit will reduce costs, while other commenters stated that raising the age limit will increase costs.

FAA Response: For the reasons discussed in this Disposition, the FAA has determined that an amendment to the Age 60 Rule should not be proposed at this time. Therefore, the FAA has not

evaluated the economic impact of a proposed change.

IV(b). Hiring of Pilots

Some commenters state that increasing the age limit would result in the hiring of fewer new pilots, while others state that there would be no change in hiring and no increase in furloughs because economic success rather than retirements determines hiring and furloughs. Commenters estimate that between 10 and 50 percent of pilots would continue to fly if the age limit is extended.

FAA Response: The FAA believes that the primary determinant of new pilot hiring and furlough is general economic conditions rather than retirements. The effects of increasing the age of mandatory retirement would depend on the number of pilots opting to delay their retirement, which may vary considerably among air carriers. Pilots with long tenures at a single carrier would be less inclined to delay their retirement than pilots who began their service at a relatively late age and may not have sufficient years of service at their present employer to qualify for full vesting in pension plans. In addition, the hiring and furlough plans of those air carriers that permit pilots over age 60 to serve as flight engineers would be less affected. Any effects on furlough and new hires would be temporary as retirements would not be delayed by more than the difference between the existing and the amended mandatory retirement age.

V. Other Comments

V(a). Original Promulgation of Age 60 Rule

Several commenters contend that the Age 60 Rule was promulgated for economic reasons in response to an improper personal request from the chairman of American Airlines to the Administrator of the FAA and question the FAA's recent actions in reviewing the rule.

FAA Response: When the Age 60 Rule was first promulgated in 1959, the FAA followed standard rulemaking procedures. Notices were published in the Federal Register (draft releases 59-4, 5, and 6, 24 FR 5249, 5248, and 5247, June 27, 1959), the public was given an opportunity to comment on the proposal, and then the final rule was issued. The rule was not issued to facilitate the operations of any air carrier. The rule was promulgated in order to maintain a high level of safety in part 121 operations, and that remains the FAA objective at the present time.