

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

1100.160

5/18/00

SUBJ: DELEGATION OF AUTHORITY – “FAST TRACK HARMONIZATION”

1. PURPOSE. This order delegates to the Manager, Transport Airplane Directorate, Aircraft Certification Service, the authority to issue certain rulemaking documents, including final rules, developed under the “Fast Track Harmonization Program.”
2. DISTRIBUTION. This order is distributed to the director level in the Offices of Rulemaking, Aviation Policy and Plans, and the Chief Counsel in the Washington headquarters; branch level in the Aircraft Certification Service; all Aircraft Certification Directorates; all Aircraft Certification Offices; to the Aircraft Certification Branch at the FAA Academy at the Aeronautical Center; the Regulatory Support Division in the Flight Standards Service; to the Brussels Aircraft Certification Division; and to all Aircraft Certification Field Offices.
3. BACKGROUND.
 - a. On September 8, 1999, the Rulemaking Management Council (RMC) approved a Rulemaking Project Record (RPR) #ANM-99-356-A, entitled “Fast Track Harmonization Program.” [The RMC is a standing committee composed of Washington headquarters director-level managers with rulemaking responsibilities and a representative from the Office of the Secretary of Transportation (Office of the General Counsel, C-1).] This RPR was initiated to expedite the completion of a longstanding rulemaking objective to harmonize regulatory differences between the FAA’s design standards for transport category airplanes, set forth in Title 14 Code of Federal Regulations (14 CFR) part 25, and the counterpart standards of the European Joint Aviation Authorities (JAA), set forth in Joint Aviation Requirements (JAR) 25. [The RPR, including a list of projects, is available in FAA’s Aviation Rulemaking CyberDOCS system (as document #8777).]
 - b. The goal of the harmonization effort is to ensure, where possible, that regulations affecting both domestic and foreign parties do not require parties to operate or manufacture to different standards for each country involved. Additionally, safety standards adopted must be mutually acceptable to the FAA and the foreign aviation authorities. These goals have been broadly supported by industry, as well as by the authorities.
 - c. As detailed in the RPR, the Fast Track Harmonization Program entails the FAA’s revision of approximately 114 sections of 14 CFR part 25 to harmonize them with their counterpart sections of JAR 25. These revisions will be based largely on information and recommendations submitted by the Aviation Rulemaking Advisory Committee (ARAC).

Distribution: A-W (RM/PO/GC)-1; A-W(IR)-3; A-X(CD)-3;
A-FAC-0(ALL); AMA-220 (25 copies);
AFS-600 (3 copies); AEU-100

Initiated by: ANM-100

In most cases, these revisions are not expected to be controversial and should result in a net reduction of costs to industry, without adversely affecting the existing level of safety. Because of the large scope of this program and because of the relatively minor nature of most of these changes, the RPR describes an expedited "fast track" process for development of notices of proposed rulemaking (NPRM) and final rules.

d. As described in the RPR, as part of this process, the RMC must determine whether each individual rulemaking project is "significant" for purposes of applicable departmental and executive orders. For those rules that are "nonsignificant," the RPR states that authority to issue the NPRM's and final rules may be delegated to the Manager of the Transport Airplane Directorate.

e. Paragraph 2-1 of Order 1100.2C, Organization - FAA Headquarters, provides that the Administrator issues FAA rules and regulations, or authorizes their issuance pursuant to delegations of authority. Paragraph 59-4 of Order 1100.2C provides that the authority to issue NPRM's on subjects relevant to the "Fast Track Harmonization Program" RPR is delegated to the Director, Aircraft Certification Service, and may not be redelegated. Therefore, this order is necessary to accomplish the delegation contemplated by the RMC for the Fast Track Harmonization Program. This delegation of authority will be included in the revision to Order 1100.2C.

4. SCOPE. For those rules that are determined to be significant, the existing delegations and coordination procedures for significant rules continue to apply. This order also does not affect the existing authority of the Office of Aviation Policy and Plans as the organization responsible for developing regulatory analyses and evaluations associated with rulemaking documents.

5. DELEGATION OF AUTHORITY.

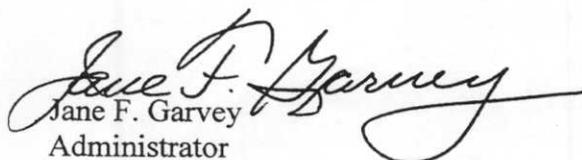
a. For those rulemaking projects identified in RPR #ANM-99-356-A that the RMC determines to be nonsignificant, the Manager, Transport Airplane Directorate, Aircraft Certification Service, is delegated authority to:

- (1) Issue, amend, extend, or withdraw notices of proposed rulemaking.
- (2) Issue final rules.

b. If, at any time, the RMC reconsiders and determines that a rulemaking project is "significant," this delegation is withdrawn for that project.

c. If any changes to a regulation, significant or not, create or delete a public information requirement, the Transport Airplane Directorate, Aircraft Certification Service, will coordinate the regulation with the Standards and Information Division in the Office of Performance Management to ensure compliance with the Paperwork Reduction Act.

6. INFORMATION CURRENCY. Any deficiencies found, clarifications needed, or improvements to be suggested regarding the content of this order should be forwarded to the Aircraft Certification Service, Transport Airplane Directorate, Transport Standards Staff, ANM-110, for consideration. Your assistance is welcome. Federal Aviation Administration Form 1320-19, Directives Feedback Information, is located on the last page of this order for your convenience. If an interpretation is urgently needed, you may call the Transport Standards Staff, ANM-110, at 425-227-1255, or FAX: 425-227-1320, for guidance, but you should also use Form 1320-19 as a followup to verbal conversation.


Jane F. Garvey
Administrator