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(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on September 23, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. FAA-2008-0938; Amendment Nos. 61-128, 91-324, 141-15, and 142-7]

RIN 2120-AJ18

Pilot in Command Proficiency Check and Other Changes to the Pilot and Pilot School Certification Rules; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correcting amendment.

SUMMARY: The FAA is correcting a final rule published on August 31, 2011 (76 FR 54095). In that rule, the FAA amended its regulations to revise the pilot, flight instructor, and pilot school certification requirements. In particular, the FAA expanded the obligation for a pilot-in-command (PIC) proficiency check to pilots of all turbojet-powered aircraft. This expansion included single-pilot turbojet-powered aircraft and, with some exceptions, also included turbojet-powered experimental aircraft. The FAA intended, and those that commented on the proposed rule expected, a period that would allow pilots of these aircraft sufficient time to come into compliance with the new PIC requirement. This document corrects the final rule to establish this period for initial compliance.

DATES: The effective date of this technical correction is October 31, 2011.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this final rule contact Jeffrey Smith, Airman Certification and Training Branch, General Aviation and Commercial Division, AFS-810, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 385-9615; e-mail Jeffrey.Smith@faa.gov. For legal questions concerning this final rule contact Michael Chase, Esq., Office of Chief Counsel, AGC-240, Regulations Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3110; e-mail Michael.Chase@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 2011 (76 FR 54095), the FAA published a final rule that amended the pilot, flight instructor, and pilot school certification requirements. The FAA is now issuing a technical amendment to correct the failure to include a period of time to allow the regulated entities to come into compliance with the final rule.

Correction

As part of the final rule, the FAA revised § 61.58 to extend the requirements for PIC proficiency checks. Prior to the final rule, this section only required PIC proficiency checks for pilots acting as PIC in aircraft that were type certificated for more than one pilot flight crewmember. In the Notice of Proposed Rulemaking (NPRM) published on August 31, 2009 (74 FR 44779), the FAA proposed to extend the § 61.58 PIC proficiency check requirements to pilots acting as PIC of any turbojet powered aircraft. The FAA received a significant amount of comments opposing the proposed rule as written due to the impact it would have on pilots operating experimental jets. Based on the comments, the FAA intentionally included the § 61.58 PIC proficiency check requirements for pilots operating experimental turbojet-powered aircraft. However, pilots operating experimental aircraft that possessed only one seat through original design or through modification were excepted from these requirements, and pilots of other experimental turbo-jet powered aircraft were given several alternative means of compliance with the § 61.58 proficiency check requirements.

In contrast to the comments regarding experimental jets, the FAA did not receive any comments during the NPRM phase expressing resistance to § 61.58

PIC proficiency checks for pilots of standard category, single-piloted turbojet-powered aircraft. In fact, several of the commenters expressed the opinion that the proposal was appropriate for standard category aircraft that are type certificated to be flown by a single pilot. The FAA intentionally included the § 61.58 PIC proficiency check requirements for pilots that operate a standard category turbojet aircraft to receive proficiency.

Prior to the final rule, pilots of these aircraft were not required to comply with the provisions of § 61.58; however, the final rule did not include the intended and necessary transition period for these pilots to come into compliance. The final rule becomes effective on October 31, 2011, and, without this correction, does not provide adequate time for compliance with the § 61.58 PIC proficiency check requirements. This correction to the final rule will allow pilots operating these aircraft 1 additional year, until October 31, 2012, to complete an initial § 61.58 PIC proficiency check.

The FAA believes that some pilots that operate turbojet-powered aircraft undergo annual training and testing in order to satisfy insurance requirements. While the training and testing may be sufficient in scope to complete a § 61.58 PIC proficiency check going forward, prior to the final rule these pilots may not have been able to complete a § 61.58 PIC proficiency check. The FAA intended for there to be sufficient transition period for these pilots to complete a § 61.58 PIC proficiency check within their normal annual training cycle. The intended transition period of 1 year will allow training providers sufficient time to adjust their training program as necessary in order to include a § 61.58 PIC proficiency check as a part of their offered courses. The transition period will also allow pilots not currently receiving annual training the ability to make arrangements to complete a § 61.58 PIC proficiency check. This correction provides this transition period by establishing the initial compliance date for a § 61.58 PIC proficiency check for those pilots not previously subject to the provisions of this section.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 2. Amend § 61.58 by adding paragraphs (j) and (k) to read as follows:

§ 61.58 Pilot-in-command proficiency check: Operation of aircraft requiring more than one pilot flight crewmember.

(j) A pilot-in-command of a turbojet powered aircraft that is type certificated for one pilot does not have to comply with the pilot-in-command proficiency check requirements in paragraphs (a)(1) and (a)(2) of this section until October 31, 2012.

(k) Unless required by the aircraft's operating limitations, a pilot-in-command of an experimental turbojet-powered aircraft does not have to comply with the pilot-in-command proficiency check requirements in paragraphs (a)(1) and (a)(2) of this section until October 31, 2012.

Issued in Washington, DC, on October 4, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 110620344–1586–01]

RIN 0694–AF28

Addition of Certain Persons on the Entity List; Implementation of Entity List Annual Review Change; and Removal of Persons From the Entity List Based on Removal Requests

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by adding two persons to the Entity List. The persons who are added to the Entity List have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. These persons will be listed under the destination of Hong Kong on the Entity

List. In addition, this rule amends the Entity List on the basis of the annual review of the Entity List conducted by the End-User Review Committee (ERC) for entities located in Hong Kong. The ERC conducts the annual review to determine if any entities on the Entity List should be removed or modified. This rule removes one person located in Hong Kong on the basis of the annual review.

Lastly, this rule removes three persons from the Entity List consisting of one person located in Hong Kong and two persons located in New Zealand. These three persons are being removed from the Entity List as a result of requests for removal submitted by each of these three persons, a review of information provided in the removal requests in accordance with BIS regulations, and further review conducted by the ERC.

The Entity List provides notice to the public that certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require a license from the Bureau of Industry and Security and that availability of license exceptions in such transactions is limited.

DATES: This rule is effective October 12, 2011.

FOR FURTHER INFORMATION CONTACT:

Karen Nies-Vogel, Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, E-mail: ERC@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Entity List provides notice to the public that certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require a license from the Bureau of Industry and Security (BIS) and that the availability of license exceptions in such transactions is limited. Entities are placed on the Entity List on the basis of certain sections of part 744 (Control Policy: End-User and End-Use Based) of the EAR.

The ERC, composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, when appropriate, the Treasury, makes all decisions regarding additions to, removals from or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

This rule implements decisions of the ERC to add two additional persons located in Hong Kong to the Entity List and to remove two persons located in Hong Kong from the Entity List (one removal on the basis of a determination made under the annual review of the Entity List and the other removal on the basis of a removal request submitted by the listed person). The additions are described under Additions to the Entity List and the removals are described under Removals from the Entity List. This rule also removes two listed persons from the Entity List located in New Zealand on the basis of a removal request submitted by the listed persons.

Additions to the Entity List

This rule implements the decision of the ERC to add two persons to the Entity List on the basis of section 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The two entries added to the Entity List are Hang Tat Electronics Enterprises Co., an electronic components trading company, and Cho-Man Wong, an employee of Hang Tat, both located in Hong Kong.

The ERC reviewed section 744.11(b) (Criteria for revising the Entity List) in making the determination to add these persons to the Entity List. Under that paragraph, persons for which there is reasonable cause to believe, based on specific and articulable facts, that the persons have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such persons may be added to the Entity List pursuant to section 744.11. Paragraphs (b)(1)–(b)(5) include an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States. These two persons are believed to have been involved in activities described under paragraphs (b)(4) and (b)(5) of section 744.11. Specifically, Hang Tat Electronics Enterprises Co., an electronic components trading company located in Hong Kong, and Cho-Man Wong, an employee of Hang Tat, have been complicit in violations of the EAR involving the shipment of items from the United States to China through Hong Kong. BIS has determined that Hang Tat and Cho-Man Wong (hereafter collectively, “Hang Tat”) purchased certain items subject to the EAR from