

14 CFR Part 121

[Docket Nos. 14779 and 14324; Amdt. No. 121-157]

Flight Attendant Seats

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment to § 121.311(j)(2) of the Federal Aviation Regulations (FAR) extends until July 7, 1980, the date by which a Part 121 certificate holder must submit an acceptable schedule of compliance to justify a request for extension of the compliance period for § 121.311(f) pursuant to the extension procedure in § 121.311(j).

DATES: Effective date: May 6, 1980. Comments by July 7, 1980.

ADDRESS: Comments on this proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204); Docket Nos. 14779 and 14324, 800 Independence Avenue SW., Washington, D.C. 20591,

or delivered in duplicate to:

Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket Nos. 14779 and 14324. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Norman C. Miller, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background Information

On February 4, 1980, the FAA promulgated Cabin Safety and Flight Attendant Amendments to the FAR. These amendments, in part, require Part 121 certificate holders operating transport category airplanes to meet new equipment requirements for seats, berths, safety belts, and harnesses (Amendment Nos. 25-51 and 121-155; 45 FR 7750; February 4, 1980). New § 121.311(f) requires that after March 6, 1980, no person may operate an airplane under Part 121 unless each flight attendant seat in the passenger compartment used during takeoff and landing meets the airworthiness requirements of revised § 25.785.

Under § 121.311(j), certificate holders may obtain from the Director of Flight

Operations an extension of up to 1 year (to March 6, 1981) of the compliance date in § 121.311(f). To get an extension, certificate holders must: (1) Show that due to circumstances beyond their control, they cannot comply by March 6, 1980; and (2) submit by March 6, 1980, a schedule of compliance acceptable to the Director of Flight Operations, indicating that compliance will be achieved at the earliest practicable date.

After the issuance of these amendments, numerous Part 121 operators advised the FAA that they were having difficulty in submitting a schedule of compliance with the equipment requirements contained in the rule since the information necessary to justify the extensions was not yet available from the appropriate equipment manufacturers and suppliers. Accordingly, on March 6, 1980, the FAA, pursuant to § 121.311(j), extended the compliance dates of § 121.311(f), to March 6, 1981, for operators who requested an extension by March 6, 1980, and showed that due to circumstances beyond their control they could not comply by the specified compliance dates. Each extension was contingent upon each operator submitting an acceptable schedule of compliance to the Director of Flight Operations by May 6, 1980. Although the date of submittal for compliance schedules has already been extended from March 6, 1980, to May 6, 1980, several operators have indicated that the information necessary for them to submit an acceptable schedule of compliance is still not available from the manufacturers. Thus, they stated that they could not meet the May 6, 1980 deadline.

On April 16, 1980, the Air Transport Association of America (ATA) submitted a petition for rule making, in accordance with Part 11 of the FAR, to amend § 121.311(j). This petition has been filed in Docket No. 20289 and is available for inspection in the Rules Docket. The ATA petition contends that all ATA member airlines have requested and received a compliance time extension to March 6, 1981. ATA states its members are unable to provide acceptable schedules of compliance by May 6, 1980, due to uncertainties in the interpretation of the regulation and a lack of information on hardware availability. ATA believes that this information will be available from the manufacturers and that its members can submit meaningful schedules of compliance by July 7, 1980. ATA states that in some cases airlines will require additional time to comply beyond March 6, 1981. The amendment ATA requests

would authorize the Director of Flight Operations to issue extensions of the compliance date for § 121.311(f) until not later than March 6, 1982, but would still require compliance at the earliest practicable date. FAA action upon ATA's petition to amend the compliance period in § 121.311(f) will be processed in accordance with the provision of Part 11 of the FAR.

Need for This Regulatory Change

Based upon an analysis of the number of airplanes to which this rule applies applicable to, the unavailability of the hardware needed to complete the required modifications, and the as yet undetermined time required to design, manufacture, and install the necessary equipment on all seats, the FAA recognizes that it will be impossible for many operators to submit realistic compliance schedules by May 6, 1980. In addition, the large variations in hardware changes required by the rule and the lead-times required for the manufacture of that hardware present circumstances beyond the control of individual operators. Therefore, the FAA will extend the date by which compliance plans must be submitted to obtain an extension of the compliance date pursuant to § 121.311(j).

The Amendment

This amendment to § 121.311(j)(2) extends until July 7, 1980, the date by which a Part 121 certificate holder must submit an acceptable schedule of compliance to justify a request for extension of the compliance period of § 121.311(f) pursuant to the extension procedure in § 121.311(j). The amendment requires a certificate holder who wishes an extension of the compliance period for § 121.311(f) to submit a schedule of compliance acceptable to the Director of Flight Operations by July 7, 1980. Consistent with the intent of Amendment 121-155, the FAA reaffirms its policy that any extension granted under this amendment will be based upon FAA judgment as to the completeness of the extension request and the earliest date on which compliance is possible. FAA application of this policy will be guided by the high priority which the agency places upon improving the cabin safety environment for the traveling public and the flight crews and flight attendants serving the public. It must be emphasized that this amendment only affects the date by which extensions may be requested; it does not extend any individual carrier's compliance date. This amendment does not affect denials of extensions already issued under this rule, nor does it apply to any

(As published in the Federal Register (45 FR 31057) on May 12, 1980).

fold-down flight attendant seats mounted on galley partition.

Need for Immediate Adoption

In view of the demonstrated inability of affected operators to submit acceptable schedules of compliance by May 8, 1980, and the consequent ineligibility for compliance period extensions pursuant to § 121.311(j), there is an urgent need for effecting this amendment as soon as possible. Accordingly, I find that notice and public procedure are impracticable and contrary to the public interest.

Comments Requested

Interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date for comments specified above will be considered by the Administrator and these amendments may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this invitation to comment must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Nos. 14779 and 14324." The postcard will be date/time stamped and returned to the commenter.

Adoption of the Amendment

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended effective May 8, 1980, as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising § 121.311(j)(2) to read as follows:

§ 121.311 Seats, safety belts, and shoulder harnesses.

* * * * *

(j) * * *

(2) Submits by July 7, 1980, for paragraph (f) and by March 8, 1981, for paragraphs (e) and (h) a schedule for compliance acceptable to the Director of Flight Operations, indicating that compliance will be achieved at the earliest practicable date.

* * * * *

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that the expected impact of the regulation is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on May 6, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-14478 Filed 5-9-80; 8:45 am]

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