

121-159

Thursday
June 19, 1980

Federal Register

Part III

Department of Transportation

Federal Aviation Administration

Operations Review Program

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25, 121 and 127

[Docket No. 17897; Amdt. Nos. 25-53, 121-159 and 127-39]

See correction
Operations Review Program:
Amendment No. 8

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments update and improve certain requirements for the certification and operation of domestic, flag, and supplemental air carriers and commercial operators of large aircraft, for the certification and operation of scheduled air carriers with helicopters, and for the airworthiness standards for transport category airplanes. These amendments are part of the Operations Review Program and are based on a compilation of proposals discussed at the Operations Review Conference.

EFFECTIVE DATE: August 31, 1980. Compliance dates for certain provisions are different from the effective date.

FOR FURTHER INFORMATION CONTACT: Mr. Norman C. Miller, Regulatory Review Branch, AVS-22, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone: (202) 755-8714.

SUPPLEMENTARY INFORMATION:

History

This amendment is issued as part of the Operations Review Program. The following amendments have previously been issued as part of this program:

Title and Federal Register (FR) Citation

Amendment No. 1: Clarifying and Editorial Changes (41 FR 47227; October 28, 1976).

Amendment No. 2: Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977 and 42 FR 32531; June 27, 1977).

Amendment No. 2A: Special Federal Aviation Regulation No. 36, Development of Major Repair Data (43 FR 3084; January 23, 1978).

Amendment No. 3: Airspace, Air Traffic, and General Operating Rules (44 FR 15654; March 15, 1979).

Amendment No. 4: Miscellaneous Amendments (43 FR 22636; May 25, 1978).

Amendment No. 5: Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft (43 FR 22643; May 25, 1978, 43 FR 28403; June 29, 1978, and 44 FR 25201; April 30, 1979).

Amendment No. 6: General Operating and Flight Rules and Related Airworthiness Standards and Crewmember Training (43 FR 46230; October 5, 1978).

Amendment No. 10: Airworthiness, Equipment, and Operating Rules (44 FR 61323; October 25, 1979).

These amendments are based on three notices of proposed rule making: Notice 78-7 (43 FR 20448; May 11, 1978), Notice 78-7A (43 FR 33158; August 10, 1978), and Notice 75-31 (40 FR 29410; July 11, 1975). Interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and the reasons for their adoption are the same as those contained in Notices 78-7, 78-7A, and 75-31. Several comments were received which discussed matters not proposed in the notice. These comments are beyond the scope of the notice and cannot be considered without further notice and public participation.

Discussion of Comments

Airworthiness Review Program

The proposal to add a new § 25.819 (Proposal 8-40) was deferred from Airworthiness Review Program Amendment No. 8, Cabin Safety and Flight Attendant Amendments, and is included in this amendment with other cabin safety rules.

New § 25.819 establishes a level of safety for occupants of lower deck service compartments equivalent to that now provided for occupants of the main deck. To do this, § 25.819 requires several things: (1) Two emergency evacuation routes (one at each end of each lower deck service compartment or two having sufficient separation within the compartment); (2) Automatic emergency illumination for each lower deck service compartment; (3) Two-way voice communication between the flight deck and each lower deck service compartment; and (4) An emergency alarm system and a public address system. Specific safety requirements are

adopted for the powered lift system and for other safety related features. The rule provides design requirements that assume occupancy of the lower deck service compartment during taxi and flight. Under § 25.819, occupancy of the compartment is not allowed during takeoff or landing.

Several wide-body airplanes have lower deck service compartments, located below the main cabin, which are used during flight for food service. One operator uses the compartment during taxi, but not during takeoff or landing. This amendment provides design criteria that would allow all operators to use the compartment during taxi if certain strict safety design standards are met during the certification process.

A commenter suggests that the heading of § 25.819 include the term "galley" because that word (with the words "service compartment") is used in the text. The term "service compartment" includes a galley, but for clarity, the parenthetical phrase "(including galleys)" is added to the heading of § 25.819 and the word "galley" is deleted in the text of § 25.819.

A commenter suggest that § 25.819 should apply to airplanes having a service compartment that is located above (as well as below) the main deck. Section 25.819 addresses the unique aspects of lower deck service compartments. Existing rules are adequate for the safe design of other service compartments.

Several commenters object to allowing (in the lead-in sentence of § 25.819) occupancy of the lower deck service compartments "during taxi." They contend that flight attendant occupants of these compartments during taxi are subject to injury because they cannot see outside the compartment and they may not be able to evacuate the compartment if an accident occurs. The provisions of § 25.819 are specifically designed to warn occupants of any emergency and to ensure their safe evacuation to the main deck. As part of the warning system, the rule requires a two-way voice communication system, an emergency alarm system, and a public address system. Main deck flight attendants cannot always see outside and the FAA is unaware of data which shows a correlation between the ability to see outside and the potential for flight attendant injury. To assure that occupants of the lower deck service compartment can get out in an emergency, § 25.819(a) is changed and requires two emergency evacuation routes (one at each end of each lower deck service compartment or two having sufficient separation within the compartment) which can be used under

normal and emergency lighting conditions.

Several commenters contend that flight attendants should be stationed on the main deck during taxi operation so they are available to perform safety functions if an accident occurs. New § 121.391 (see the discussion of proposal 8-4) provides that required flight attendants remain seated at their assigned station during taxi except to perform safety related functions. Thus, flight attendants in the lower deck during taxi would not affect the demonstrated emergency evacuation of the airplane.

A commenter recommends that § 25.819(a) include a requirement that the evacuation escape route be designed to minimize the possibility of blockage which might result from "persons standing on top of or against escape routes." The possible blockage of evacuation escape routes (hatches and other cabin openings) by persons standing on top of or against them is examined during airplane type certification. The comment has merit and § 25.819(a) is revised to include this recommendation as a design requirement.

A commenter suggests that § 25.819(b) be revised by substituting the words "a two-way voice communication system to and from" for the words "two-way voice communication between," to clarify the need for communication between occupants of the various compartments covered. The language in § 25.819(b) is clear in this respect.

Two commenters suggest clarification of the term "emergency alarm system" in § 25.819(c). They observe that this term could be interpreted to call for a visible signal, an audible signal, or even an intercommunication system. The comment has merit and § 25.819(c) is revised to require an aural emergency alarm system. A commenter suggests that the emergency alarm system in § 25.819(c) should be "suitable for inflight audibility" at all required locations. This comment has merit and § 25.819(c) is revised to require that the aural emergency alarm system be audible during normal and emergency conditions.

A commenter suggests that there might be some overlap between § 25.819(b) and Proposal 7-45 in Airworthiness Review Notice No. 7 (40 FR 24810; June 10, 1975). Section 25.819(b) deals with emergency evacuation of lower deck service compartments to the main passenger deck. Proposal 7-45 deals with emergency evacuation of passenger compartments. Thus, there is no overlap.

A commenter points out that on wide-body airplanes there are frequently more flight attendant seats than the required number of flight attendants. The commenter suggests the word "required" should be inserted before the phrase "main deck flight attendant stations" in § 25.819(c). In response to this comment, the amendment is changed to read "required floor level exit" instead of "main deck flight attendant stations." This change will provide an adequate aural emergency alarm system to alert occupants of each lower deck service compartment, by requiring that an aural emergency alarm system be located at each required floor level emergency exit. Since new § 121.391 provides that required flight attendants remain seated at their assigned stations during taxi, locating the alarm systems at required floor level emergency exits will insure that they are readily available to required flight attendants to alert occupants of lower deck service compartments if an emergency occurs.

A commenter suggests that the emergency alarm system described in § 25.819(c) should require that crew occupants of each compartment be capable of alerting crew occupants of each other compartment that an emergency condition exists. This requirement was proposed as Proposal 7-53 in Airworthiness Review Notice No. 7 (40 FR 24812; June 10, 1975). In Airworthiness Review Amendment No. 7 (43 FR 50578; October 30, 1978), that proposal was withdrawn because there was not enough information to specify intercommunication equipment requirements appropriate for all transport category airplanes.

Another commenter asks whether the emergency alarm system described in § 25.819(c) should be connected to the electrical system emergency bus bar. The emergency bus bar is reserved for those electrical loads essential for safe flight and landing if a power interruption occurs. The emergency alarm system is not essential for safe flight and landing under emergency conditions. The alarm system should not be connected to the emergency bus bar.

A commenter recommends that § 25.819(d) be revised to require a means readily detectable by occupants of upper, main, and lower deck service compartments to indicate when seat belts should be fastened. This is unnecessary. Present § 25.791 requires passenger information signs in all passenger compartments. Section 25.819(d) requires the same signs in the lower service compartment.

A commenter suggests that § 25.819(e) require that a public address system be

installed with speakers suitable for inflight audibility. Section 121.318 requires a public address system for airplanes engaged in passenger operations under Part 121. Under § 121.318(b)(4), this public address system must be audible at each flight attendant seat. Requiring the installation of the public address system as a condition for type certification under Part 25 is inappropriate since some of the certificated airplanes will not be operated in passenger operations under Part 121. Thus, Part 121 all-cargo operators and persons who do not operate under Part 121 would be required to bear the cost of an expensive installation that is not required for their operation.

A commenter points out that, since the lower deck service compartment would not be occupied during takeoff and landing, the seat prescribed in § 25.819(f) need not be limited to forward or aft facing. The FAA issued an Airworthiness Directive on February 23, 1976 (41 FR 8766) which stated that injuries have been experienced in sideward facing seats during relatively mild incidents of turbulence. Since the seat may be occupied during flight, safety of the occupant requires that the seat be forward or aft facing and meet the requirements of § 25.785(c). The commenter also states that the seat should only be designed to flight loads, and to loads that might occur during taxi, rather than to the emergency landing loads of § 25.561. Since § 25.785(a) applies only to seats that may be occupied during takeoff and landing, the seats prescribed by § 25.819(f) need not comply with the emergency landing conditions specified in § 25.561, but must be able to withstand maximum flight loads when occupied.

Another commenter suggests that § 25.819(f) be revised to require that both supplemental and portable oxygen systems be immediately available to each occupant of the lower deck service compartment. Section 25.1447(c)(4) requires that portable oxygen equipment must be immediately available for each cabin attendant. Section 25.1447 also contains oxygen system requirements that apply to all occupants, wherever located on the airplane. These rules are sufficient.

One commenter objects to the phrase "if the lift is occupied" in § 25.819(g)(1) stating that the language obviously implies occupancy by a person. The commenter asks how the lift knows whether it is occupied by a person or a cart. To design a system to distinguish between a person and a cart would

unnecessarily complicate the design of the lift control system. The commenter further states that the rule would also prohibit the operation of an empty lift. The commenter's points are valid and the phrase "if the lift is occupied" is deleted from § 25.819(g)(1).

In response to another commenter, the control switch must prevent activation of the lift if either the hatch in § 25.819(g)(4) or the lift door in § 25.819(g)(1) or both are open. Section 25.819 is revised to make this clear.

A commenter objects to § 25.819(g)(2) as unclear. The commenter contends that the requirement to provide an alternate method of operating the lift (after failure of its primary power source) would unnecessarily complicate the system. Section 25.819(g)(3) requires an alternate means for evacuating persons from an inoperative lift, with the lift in any position. Accordingly, proposed § 25.819(g)(2) is withdrawn, and proposed §§ 25.819(g)(3) and (g)(4) are redesignated §§ 25.819(g)(2) and (g)(3), respectively.

A commenter suggests that the words "evacuating persons from the lift" in § 25.819(g)(3) be replaced with the words "evacuation which is of the size and shape to safely remove persons from the lift." The suggested language would not add to or improve the requirement.

Concurrently with this amendment, the FAA is issuing Operations Review Notice No. 8A for reasons explained in the preamble of that notice. The notice proposes that all flight attendants remain seated during taxi, except to perform duties related to the safety of the airplane and its occupants. The notice also requests commenters to submit specific data on flight attendant injuries during taxi. If the proposal in the notice is adopted as proposed, operations requiring occupancy of the lower lobe during taxi as allowed under new § 25.891 may be severely limited.

Public Address System

Amendment 25-46 (43 FR 50578; October 30, 1978) amended § 25.1411 to require at least one public address system microphone intended for flight attendant use to be positioned at each floor level exit and to be readily accessible to a flight attendant seated in any seat adjacent to that exit. Amendment No. 121-149 (43 FR 50578; October 30, 1978) amended § 121.318 to require compliance, after December 1, 1980, with the new public address system microphone requirements.

Since publication of Amendments 25-46 and 121-149, it has come to the attention of the FAA that these rules inadvertently failed to refer to only

required floor level exits. Sections 25.1411(a)(2) and 121.318(b)(2) are revised to provide that each public address system microphone intended for flight attendant use must be positioned adjacent to a flight attendant seat that is located near each required floor level emergency exit in the passenger compartment and be readily accessible to the seated flight attendant.

Amendment 121-149 allows a compliance date of 2 years, until December 1, 1980, for installation of the public address system. Approximately 18 months have passed since the issuance of the amendment, during which the operators have not fully complied with Amendment 121-149 because of the ambiguity in the rule. Recognizing that the operators have already initiated compliance with the rule, the compliance date for § 121.318(b)(2) is extended 1 year to December 1, 1981, to allow the intended 2-year compliance period.

With these amendments, §§ 25.1411(a)(2) and 121.313(b)(2) continue to require: (1) Installation of a public address system microphone at a seat located near each floor level exit that is designated for use by a required flight attendant; (2) That only one public address system microphone need be installed for arrangements in which more than one required flight attendant is seated near the same required floor level exit; and (3) That the public address system microphone need not be usable by the required flight attendant while standing next to a required floor level exit.

Since these amendments are clarifying in nature and do not impose a burden on the public, notice and public procedure are unnecessary and these changes are adopted as noted.

Operations Review Program

The following discussions are keyed to like-numbered proposals contained in Notice 78-7.

Proposal 8-1. No unfavorable comments were received on § 121.177(b) that requires corrections to be made for the effective runway gradient when determining takeoff limitations. Section 121.177(b) is adopted without substantive change.

Proposal 8-2. This proposed revision of § 121.311(b) would require passengers to have their seat belts fastened during flight time and allow them to leave their seats only for physiological needs or when authorized by a crewmember. The majority of the many commenters strongly oppose what they consider unnecessary regulatory restrictions on passengers. Many believe that a passenger should retain the right to

decide whether or not to fasten the seat belt after being properly informed of potential risks involved. Several commenters support the requirement to keep the seat belt fastened while seated but object to requiring a passenger to obtain a crewmember's permission to leave the seat. Many commenters point out that they customarily keep their seat belt fastened while seated. Others state that adoption of this regulation would dilute the present procedure for mandatory fastening of seat belts (such as on landing, takeoff, or when flying through turbulent air) and would result in confusion and possible compromise of safety.

In light of these comments, the FAA has determined that current §§ 121.571(a)(2) and 121.317(b) provide sufficient advisory information to the passengers. Executive Order 12044 and the Department of Transportation Regulatory Policies and Procedures are intended to reduce unnecessary burdens on the public. Accordingly, the FAA concludes that this rule would impose unnecessary burdens on passengers, industry, and the FAA not commensurate with an increase in safety. Accordingly, the proposal to amend § 121.311(b) is withdrawn. A proposal to amend § 127.109 in a similar manner (Proposal 8-23) is withdrawn for the same reasons.

Proposal 8-3. Several commenters favor § 121.317(b) which requires that a fasten seat belt sign be affixed to each seat back as a reminder to passengers to fasten their seat belts when they return to their seats.

One commenter objects and states that if § 121.317(b) means that passengers should remain in their seats with seat belts fastened at all times, then leaving the present seat belt sign lighted at all times would accomplish that end. The sign required by § 121.317(b) reminds passengers to fasten their seat belts when they return to their seats. The present seat belt sign is used during landings, takeoffs, turbulent air, or emergency conditions and passengers must remain in their seats and fasten their seat belts when that sign is used.

Another commenter objects to the cost of installing the signs, to the lack of specifications for installing them, and to the passenger confusion that would result in trying to comply with two fasten seat belt signs (the lighted sign and the seat back sign). The signs will enhance safety by reducing injuries from inflight turbulence. This offsets any minimal increase in cost. Specifications were not proposed to allow operators maximum flexibility in designing and installing the signs. Passenger confusion

would be reduced because the briefing required by § 121.571(a) will include an explanation to passengers of the purpose of both signs. The proposal is adopted without substantive change.

None of the comments received addressed the time needed to comply with § 121.317(b). Under this requirement, the certificate holder must install a sign for each passenger seat. There are more than 3,250 airplanes operated under Part 121 with an average seating configuration in excess of 100 seats. The FAA estimates that it will take several months to design and obtain the over 325,000 signs needed to comply with the rule. Based on the number of seats and airplanes involved, the FAA estimates that installation of the signs will take several more months. The required installations can be accomplished during routine scheduled maintenance. Based on these facts, the FAA concludes that 1 year is needed to comply with § 121.317(b) and that section takes effect 1 year after the effective date of these amendments.

The amendment to § 127.115 (Proposal 8-24) is adopted for the same reasons.

Proposal 8-4. Section 121.391(d) requires flight attendants, required by Part 121, to be seated with seat belts and shoulder harnesses fastened during taxi except to perform safety related duties. The majority of the commenters favor adoption of § 121.391(d). Their reasons include personal safety of flight attendants, flight attendant availability at duty locations during emergencies requiring evacuation, and passenger reaction to observing flight attendants moving freely about the cabin. Many flight attendants cite injuries occurring when they are thrown about the cabin during sudden turns or stops while taxiing. One commenter objects to allowing flight attendants to perform duties related to safety since that may be harmful to the flight attendants' personal safety. This objector fails to recognize that the duties enumerated are essential to passenger safety. Flight attendants must brief passengers to ensure their safe evacuation as well as perform other safety-related functions.

Three commenters object to § 121.391(d). Based on limited research, one commenter could find no instance of passenger fatalities or serious injuries during taxi. A search of FAA accident/incident records and NTSB files for a 7-year period shows 18 instances of airplane evacuation during taxi which resulted in 71 passenger and 4 flight attendant injuries. As an example, a flight attendant was thrown down the stairs and hospitalized for at least 48 hours by a sudden stop of a Boeing 747 airplane while taxiing for takeoff in

Honolulu, Hawaii, on February 2, 1980. One commenter states that flight attendants receive adequate notice to enable them to return to their required stations before an emergency evacuation. However, notice cannot always be provided and if the flight attendant is not at the station when an emergency occurs, precious seconds may be lost during an evacuation.

This commenter also says that the rule is vague as to what safety related duties are. Duties related to the safety of the airplane and its occupants include the checking of seat belts and seat backs, preflight briefings, directing an emergency evacuation, responding to a cabin emergency, or aiding a passenger or crewmember who requires emergency assistance.

This commenter also points out that the rule makes it virtually impossible to offer the passengers any form of refreshment service while on the ground. Requiring flight attendants to be seated during taxi may result in a reduction of refreshment service. The safety benefits of having the required flight attendants at their assigned stations and ready to execute an emergency evacuation far outweigh the customer service benefits derived from early refreshment service. Also, refreshment service is not allowed during takeoff and landing because of its possible impact on safe evacuation if an emergency occurs. Another commenter states that a flight attendant moving through the aisle and returning passenger belongings during taxi-in helps ensure that passengers remain in their seats. Although this comment may have some merit, the overall safety of passengers and flight attendants is more important than the possible benefit to be received by allowing required flight attendants to return passenger belongings during taxi.

In printing the text of the proposed sentence to be added to § 121.391(d), the Federal Register inadvertently changed the wording proposed by the FAA and documented in public docket number 17897. As published in the Federal Register, the sentence began: "During taxi, required by this section, flight attendants must * * *". As transmitted to the Federal Register, the sentence began: "During taxi, each flight attendant required by this section must * * *". The language the FAA proposed would impose the rule on required flight attendants only. As adopted, the sentence reflects the original language that FAA proposed.

Section 121.391(d) as already noted is based upon FAA accident/incident records and NTSB files that include 18 emergency evacuations during taxi over a 7-year period which resulted in 71

passenger and 4 flight attendant injuries. When conducting the emergency evacuation demonstration required under § 121.291(a) for a particular airplane, a required number of flight attendants is established. Section 121.397 specifies that the required crewmembers, which includes flight attendants, be assigned functions to be performed in an emergency evacuation. If an evacuation is necessary because of an emergency during taxi it is important that the required flight attendants be seated at their assigned duty stations to assist in the evacuation. Should they be up and injured or unable to reach their assigned station by passengers blocking the aisle, the time required to evacuate the airplane could be increased, the evacuation process itself possibly impeded, and passengers and crewmembers subjected to a higher probability of injury. For this reason, § 121.391(d) applies to required flight attendants who must be seated at their duty station during taxi and be able to perform their safety related duties if necessary. Thus, § 121.391(d) is adopted with the typographical errors corrected.

Concurrently with this amendment, the FAA is issuing Operations Review Notice No. 8A for reasons explained in the preamble to that notice. The notice proposes to extend applicability of § 121.391(d) to all flight attendants by requiring that they remain seated during taxi, except to perform duties related to safety. The notice also requests commenters to submit specific data on injuries to flight attendants.

Proposal 8-5. Several commenters object to the words "except for length" in § 121.434(e). They argue that cabin training devices should simulate actual cabin length so flight attendant trainees experience proper distance to emergency exits under simulated emergency conditions. Some commenters want to add the word "realistic" following "full-scale" to assure the certificate holder provides adequate training. Simulated cabin training realistically duplicates the actual cabin training and is equivalent to or better than the training that is received in an actual airplane. Before the FAA approves a training program, the certificate holder must show that the device realistically duplicates cabin duties and emergencies. Therefore, the suggested changes are not made.

One commenter wants to include training time accomplished in a parked aircraft to reduce flight attendant operating experience under § 121.434(e). A parked aircraft may be used as a training device if approved as part of the training program, but that is no

substitute for experience gained in a line operation. Another commenter wants to reduce flight attendant operating experience based upon the number of additional takeoffs and landings (as for flight crewmembers). Based on experience gained under § 121.434(e), the FAA has determined that the present requirement of 5 hours of operating experience in an airplane and the proposed revision to allow the substitution of 50 percent of the operating experience for training conducted in an approved training device, is the minimum requirement for flight attendants.

Proposed § 121.434(e) should have used the words "training device" rather than "simulator." Accordingly, § 121.434(e) is adopted with this change.

Proposal 8-6. Several commenters object to § 121.441(a) because pilots qualified and serving in more than one type of airplane would have to complete an unnecessary number of qualifying proficiency checks and simulator training courses. The intent of the proposal was to clarify that the proficiency check requirements of § 121.441 should not be fulfilled in an airplane other than the type in which the person is to serve. However, if adopted as proposed, § 121.441 would require a pilot in command qualified in more than one type airplane to take a proficiency check and a simulator course of training in each type of airplane during a 12-month period. The FAA did not intend to place these additional requirements on a pilot in command qualified in more than one type of airplane and the current rule adequately ensures safety of flight. The elimination of this unnecessary proposal is consistent with Executive Order 12044 and the Department of Transportation Regulatory Policies and Procedures which are intended to reduce unnecessary burdens on the public. The FAA concludes that § 121.441(a) would impose burdens not commensurate with the increase in safety and § 121.441(a) is withdrawn.

Proposal 8-7. No unfavorable comments were received on the proposal to revise § 121.443, except one objection to § 121.443(b). The commenter claims that the word "ensures" is unnecessary and is subject to misinterpretation. The commenter argues that airlines accept full responsibility by providing crew training and appropriate information for flight operations. Thus, there should be no requirement to ensure knowledge and the ability to use that knowledge. The certificate holder is responsible for the training program. The certificate holder

also is responsible (through that training program) to ensure that the pilot in command has adequate knowledge of, and the ability to use, the information provided for the flight.

The commenter also suggests deleting "holding procedures" in § 121.443(b)(6) and "Notices to Airmen" in § 121.443(b)(8). Information on holding procedures and notices to airmen must be provided to ensure that the pilot in command has all available information necessary for the safety of each flight. Finally, the commenter suggests substituting "appropriate" for "all" in § 121.443(b)(6). The word "authorized" better describes the instrument approach procedures that must be provided under § 121.443(b)(6). The word "all" could require that information to be provided on procedures which are unnecessary. Section 121.433(b)(6) is revised by substituting "authorized" for the word "all."

Proposal 8-8. One commenter wants § 121.445(b)(2) changed to allow the use of "other" than pictorial means, but does not say what they are. Without a specific alternative, the FAA cannot evaluate this comment. This commenter also states that the ceiling requirements of § 121.445(c) are not specific enough and need clarification. The commenter suggests that the "altitude prescribed for the instrument approach" means the "initial approach altitude." The comment has merit and the words "initial approach altitude" are used in § 121.445(c).

The commenter also has difficulty with the "special area" qualification in § 121.445(d) which requires either a qualification flight or approved training every 12 calendar months. The commenter argues that a pilot who is qualified with the special type of cockpit navigation in one area also is qualified in any other area. This comment has merit and § 121.445(d) is revised to allow a pilot to meet the qualification requirement by using the special type of cockpit navigation over any route or area within the preceding 12 calendar months. In addition, the word "route" is added to "area" so that possible single routes requiring specialized navigation systems are included as well as specific areas (such as the Minimum Navigation Performance Systems over the Atlantic Ocean).

Proposal 8-9. No unfavorable comments were received on deleting § 121.447 on pilot and airport qualifications and the section is deleted.

Proposal 8-10. One commenter objects to § 121.563 because insignificant, non-safety, mechanical irregularities would be entered in the

maintenance log book and then "cleared" at both maintenance and nonmaintenance stations, causing increased costs and unnecessary delays. Section 121.563 does not require maintenance log book entries to be cleared any differently than the existing rule does. This rule requires mechanical irregularities to be entered in the maintenance log at the next place of landing. The rule is particularly appropriate with the increasing complexity of aircraft systems and the minimum equipment lists.

The FAA proposed to delete the last sentence of § 121.563 because this requirement is covered in other sections of Part 121. Further study reveals that the requirement for a pilot in command to ascertain the status of the airplane before each flight is not covered elsewhere. Therefore, the last sentence is not deleted from § 121.563 as proposed.

Proposal 8-11. This change to § 121.571(a)(2) proposed to require an announcement after takeoff that all passengers must keep their seat belts fastened as required by Proposal 8-2. Since Proposal 8-2 is withdrawn, this proposal also is withdrawn.

Proposal 8-12. No unfavorable comments were received on § 121.574(a)(4) requiring the written statement of medical need by the doctor to be kept in the possession of the person using the oxygen equipment. It is adopted as proposed.

Several commenters object to changing § 121.574(b) because the current minimum distance of 10 feet between a person who is smoking and a person using oxygen is adequate. Another commenter suggests that the distance be reduced. After review of the comments and a reexamination of this proposal, the FAA concludes that the current rule should be retained. The proposal is confusing and would be difficult to enforce. The definition of a row is not uniform and the distances are not readily measurable. The proposal to amend § 121.574(b) is withdrawn.

Proposal 8-13. Proposed § 121.579 would have revised the rules for minimum altitudes for the use of autopilots in approaches. Comments received from the Airline Pilots Association and Civil Aviation Authority of England on proposed § 121.579(b) reflect inconsistencies between the existing rule and supporting documents (Advisory Circular 25.1329-1A and Agency Order 8110.8) which proposed § 121.579(b) does not resolve. The comments received consisted of 24 pages of technical evaluations of the present rule, proposed rule, and Advisory Circular 25.1329-1A. After a

thorough review of the submitted material the FAA concludes that the commenters are correct and that a further review of the present operational and certification criteria is necessary to correct the problems and accordingly proposed § 121.579(b) is withdrawn.

Proposal 8-14. No unfavorable comments were received on § 121.583(a)(4)(iii) regarding the safe handling of hazardous materials and it is adopted without substantive change.

Proposal 8-15. Several commenters favor § 121.589. Many are flight attendants who deal directly with the problem associated with carry-on baggage on aircraft. They cite instances of being forced to stow baggage which cannot be properly stowed. This is because boarding agents allow passengers to board the aircraft carrying this baggage. These commenters also state that passengers who carry their baggage aboard often become irate and troublesome when a flight attendant attempts to take their baggage and stow it properly. The commenters argue that lack of adequate regulatory requirements puts the flight attendants in a position of opposing the passenger, the company, and the boarding agent when they try to deal with the baggage. Properly stowed baggage is important to safe emergency evacuation, and the burden of compliance more appropriately rests on the certificate holder.

One commenter suggests that certain articles of clothing in garment bags be allowed in open overhead racks. These bags cannot be allowed in open overhead racks because of the potential hazard from heavy or sharp items on or in the garment bags. Section 121.589(b) allows these articles to be stowed overhead if the overhead rack has approved restraining devices or doors.

One commenter objects to § 121.589(d) regarding sideward restraint of under seat baggage because it is unnecessary. The commenter argues standard airline operating procedures are effective. Current airline standard operating procedures are not effective. This is reflected in the comments of flight attendants who deal directly with carry-on baggage. Section 121.589(a) prevents baggage from coming aboard if it cannot be properly stowed. Sections 121.589(b) and (d) require that carry-on baggage be prevented from becoming dislodged from overhead racks and underseat stowage areas during hard or crash landings and inflicting injuries to passengers or hampering the emergency evacuation of the aircraft. Section 121.589(c) requires passengers to comply with crewmember instructions concerning stowage of carry-on baggage.

Passengers who fail to comply with these instructions are subject to a civil penalty. This rule lessens the number of problems crewmembers face and enables them to concentrate on their safety-related duties.

The commenter also objects to the high cost impact on the certificate holders and submits estimated aisle seat installation cost data for 17 airlines which vary from \$21.00 to \$150.40 for each aisle seat. The two largest operators' estimates indicate a cost of \$25.75 and \$31.50 for each aisle seat. These estimates are more in line with the FAA estimate of \$30.00 for each aisle seat. In view of these figures, the cost is not considered to be significant in comparison to the resulting safety benefits.

One commenter points out that § 121.589(d) requires a sideward restraint on each passenger seat. Sideward restraint now is provided on most non-aisle seats by the seat track attachments. Section 121.589 is changed to require sideward restraint only on each aisle seat.

Two commenters object to § 121.589(d) because an adequate period of time was not proposed to allow for the installation of sideward restraints. The Air Transport Association of America and Delta Airlines submitted data to support their contention that from 4 months to 7 years are needed to comply with the rule without special scheduling. Under § 121.589(d), the certificate holder must install sideward restraints on each aisle seat. For the 17 airlines on which data was submitted, over 71,000 seats are involved. Based on the data submitted, the FAA estimates that it will take up to 1 year to design, test and obtain the over 71,000 sideward restraints needed to comply with the rule. The commenter submitted no data to support the contention that it would need 7 years to comply and the FAA concludes that a 7-year compliance period is not realistic. The data does indicate a 2- to 3-year period is an appropriate time to complete these installations. Based on all of the comments received, the FAA concludes that a 3-year compliance period will allow time for installation of sideward restraints on aisle seats with little, if any, special scheduling. A shorter compliance time would require inordinate special scheduling and result in higher costs which are not commensurate with the incremental advance in safety that would result. Accordingly, § 121.589(d) takes effect 3 years after the effective date of these amendments.

Proposals 8-16 and 8-17. These changes reduce the 2-hour weather

requirement for alternate airports to 1 hour. They also change the ceiling requirement of 1,000 feet above the MEA or MOCA to 1,500 feet above the MDA, if a circling approach is required and authorized, or 1,500 feet above the lowest published minimums or 2,000 feet above the airport elevation, whichever is higher.

Three commenters favor § 121.619. However, they object to any visibility increase beyond the present 3-mile requirement and state that the phrase "or 2 miles or more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedure to be used at the destination airport" would, at times, require a visibility greater than 3 miles. They consider this too restrictive. Section 121.619 satisfies this objection.

One commenter wants to reduce the visibility minimum to 2 miles. Three miles visibility is considered the minimum acceptable requirement since the aircraft could be operated under visual flight rules in accordance with § 91.105 if 3 miles or greater visibility existed.

One commenter objects to reducing the forecast time period from 2 hours to 1 hour before and after the estimated time of arrival because present weather forecasting capabilities are not precise enough to provide an acceptable prognosis within those time limits. The proposed time limit is sufficient since the pilot in command, under §§ 121.601 and 121.603, is provided with updated weather data en route.

One commenter objects to the deletion of the word "or" following § 121.621(a)(1). This would remove the air carrier's option to operate under the provision of either § 121.621(a)(1) or § 121.621(a)(2) as presently provided in the rule. There is no need to meet both requirements and § 121.621(a) retains the word "or" to preserve the option. The same commenter also notes that present § 121.621(a)(2) incorrectly refers to § 121.645(b). The correct reference is § 121.645(c).

A substantively identical proposal was made in Operations Review Notice No. 6 (42 FR 44205; September 1, 1977) for § 91.23, fuel requirements for flight in IFR conditions. In Operations Review Amendment No. 6 (43 FR 46230; October 5, 1978), § 91.23 was amended to reduce the weather requirements to 1 hour before and after the estimated time of arrival and required a ceiling of at least 2,000 feet above the airport elevation and a visibility of at least 3 miles. Commenters to Notice No. 6 argued that the proposed rule was simpler than the current rule but was still cumbersome. They suggested it would be much

simpler if criteria were established which would require the pilot to determine only that a certain ceiling and visibility would exist. The FAA, in adopting Amendment No. 6, agreed with the comments and is aware of no adverse effects of the new rule.

At the time changes to §§ 91.23, 121.619, and 121.621 were proposed in Operations Review Notice Nos. 6 and 8, the FAA intended that, eventually, all three sections would be substantively identical. A review of the airport approach minimums shows that this intent can be safely realized for domestic operations under §§ 91.23 and 121.619. The FAA has not determined that the requirement for a 1,500 foot ceiling above the lowest circling MDA or published minimum approach or a visibility of 2 miles more than the lowest applicable visibility minimum (proposed in Operations Review Notice No. 8) can be safely deleted for flag air carrier operations under § 121.621. Accordingly, § 121.619(a) is adopted with the changes noted and § 121.621(a) is adopted as proposed.

Proposal 8-18. For comments relating to the deletion of § 121.691 see Proposal 8-19. Section 121.691 is deleted and the section marked "reserved."

Proposal 8-19. Several commenters object to § 121.693(e) on the grounds that scheduled air carriers would suffer unnecessary administrative and economic burdens with no significant increase in safety. They claim that air travel is the only mode of transportation which requires names of passengers and indicate that the requirement may be an invasion of the privacy of the traveling public. They were particularly against requiring the addresses of passengers. The names of passengers are necessary for identification purposes in case of an accident or other emergency situations. The nature of aircraft accidents is such that other means of identification may not be feasible. A requirement to obtain the addresses of passengers may be an unnecessary burden on certificate holders and is unnecessary for identification purposes. Therefore, § 121.693(e) is revised by deleting the words "and home addresses". One commenter feels that passenger identification would have to be confirmed at the boarding gate to satisfy the requirements of § 121.693(e). Section 121.693(e) only requires use of the name given by each passenger. Accordingly, § 121.693 is adopted with the revisions discussed.

No unfavorable comments were received on combining the load manifest requirements for domestic and flag carriers of § 121.691 with the requirements of § 121.693 for

supplemental air carriers and commercial operators. Thus, § 121.691 is deleted and reserved.

Proposal 8-20. No unfavorable comments were received on the amendment to Appendix E. However, after reconsideration, the FAA withdraws the proposed amendments to Items III(I) (1) and (2). This change proposed to allow the normal ILS approach with a simulated powerplant failure, the missed approach from an ILS approach, and the missed approach that includes a powerplant failure to be accomplished in a visual simulator during initial training. The FAA is not convinced that all visual simulators currently in use have sufficient capability to fully train initial training candidates in these maneuvers. The FAA proposed in Notice 79-18 (44 FR 65550; November 13, 1979) simulator requirements to accomplish these maneuvers for initial training in a simulator. Therefore, these items of the proposal are withdrawn. The remainder of the changes are adopted as proposed.

Proposal 8-21. No unfavorable comments were received on the proposal to amend Appendix F. However, after further examination, the FAA has concluded that this proposal has several inconsistencies. In most cases, the FAA does not directly observe a pilot during training. The primary means used by the FAA to evaluate a pilot's knowledge and skill is the practical examination conducted under Appendix A of Part 61 or Appendix F of Part 121. The oral examination is an integral part of this evaluation and must be retained to ensure that a pilot has an understanding of the airplane and its systems and that an operator's training program is conveying the required knowledge to the pilot. Therefore, the proposal to delete the equipment examination in Item I(a) under certain conditions is withdrawn.

The proposal to delete the "B" symbol in the "Inflight" column and add it to the "Visual Simulator" column for Item III(c)(2) allows any pilot to perform the ILS approach with a simulated powerplant failure in a visual simulator. Section 121.441 allows the entire proficiency check (other than the initial second in command proficiency check) to be conducted in an approved visual simulator if the pilot performs two landings in the airplane during a line check. This means that all pilots (except for a flight engineer upgrading to a second in command and flying the airplane for the first time) are already allowed to accomplish the ILS approach with a simulated powerplant failure in a visual simulator. Since an upgrading

flight engineer may not have piloted an airplane for a number of years, all of the inflight requirements in Appendix F should be retained to assure that the person is capable of performing this maneuver in the airplane.

Deleting the requirement that at least one missed approach must be performed in flight would set a precedent of eliminating the necessity for a pilot flying the actual airplane to completely plan and execute an instrument approach which includes the missed approach procedure.

Accordingly, the proposal to amend Appendix F is withdrawn.

Proposal 8-22. The change to Appendix G of Part 121 would add additional requirements to make it compatible with all long-range navigation systems. One commenter correctly states that present Appendix G, and § 121.355(a) which refers to Appendix G, apply only to doppler radar and inertial navigation systems.

Another commenter states that the change is too specific and limits design. The intent is not to restrict the development of new and improved long-range navigation systems.

Two commenters object to the addition of a requirement in paragraph 5(d) for recurrent training and a line check each 12 calendar months. The intent is to ensure proficiency in the use of the long-range navigation systems by the line check. If performance during this check is unsatisfactory, then recurrent training will be required. The proposal does not make this clear.

Both the proposal and comments received have merit. Although the proposal for Appendix G refers to navigation equipment other than doppler radar and inertial navigation, those systems are not specifically allowed under § 121.355(a). The FAA in a future Operations Review Notice will propose changes to § 121.355(a) to specifically allow other systems as well as changes to Appendix G. This approach will produce more meaningful criteria.

Accordingly, the proposal to amend Appendix G of Part 121 is withdrawn.

Proposal 8-23. For comments related to the proposal to revise § 127.109(b), see Proposal 8-2. Accordingly, the proposal to revise § 127.109(b) is withdrawn.

Proposal 8-24. For comments relative to new § 127.115(b), see Proposal 8-3. Accordingly, the proposal to add a new § 127.115(b) is adopted without substantive change.

Proposal 8-25. No unfavorable comments were received on new § 127.226. However, after further review and consideration, the FAA has determined that passengers should not

be required to fasten their seat belts at all times when they are seated. For related comments see Proposal 8-2. An announcement must be made to alert passengers that they "should" keep their seat belts fastened while seated, even when the "Fasten Seat Belt" sign is off. This is similar to the requirement in § 121.571.

Accordingly, § 127.226 is adopted with the change discussed.

Adoption of the Amendments

Accordingly, Parts 25, 121, and 127 of the Federal Aviation Regulations (14 CFR Parts 25, 121, and 127) are amended as follows, effective August 31, 1980.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. By adding a new § 25.819 to read as follows:

§ 25.819 Lower deck service compartments (including galleys).

For airplanes with a service compartment located below the main deck, which may be occupied during taxi or flight but not during takeoff or landing, the following apply:

(a) There must be at least two emergency evacuation routes, one at each end of each lower deck service compartment or two having sufficient separation within each compartment, which could be used by each occupant of the lower deck service compartment to rapidly evacuate to the main deck under normal and emergency lighting conditions. The routes must provide for the evacuation of incapacitated persons, with assistance. The use of the evacuation routes may not be dependent on any powered device. The routes must be designed to minimize the possibility of blockage which might result from fire, mechanical or structural failure, or persons standing on top of or against the escape routes. In the event the airplane's main power system or compartment main lighting system should fail, emergency illumination for each lower deck service compartment must be automatically provided.

(b) There must be a means for two-way voice communication between the flight deck and each lower deck service compartment.

(c) There must be an aural emergency alarm system, audible during normal and emergency conditions, to enable crewmembers on the flight deck and at each required floor level emergency exist to alert occupants of each lower deck service compartment of an emergency situation.

(d) There must be a means, readily detectable by occupants of each lower

deck service compartment, that indicates when seat belts should be fastened.

(e) If a public address system is installed in the airplane, speakers must be provided in each lower deck service compartment.

(f) For each occupant permitted in a lower deck service compartment, there must be a forward or aft facing seat which meets the requirements of § 25.785(c) and must be able to withstand maximum flight loads when occupied.

(g) For each powered lift system installed between a lower deck service compartment and the main deck for the carriage of persons or equipment, or both, the system must meet the following requirements:

(1) Each lift control switch outside the lift, except emergency stop buttons, must be designed to prevent the activation of the lift if the lift door, or the hatch required by paragraph (g)(3) of this section, or both are open.

(2) An emergency stop button, that when activated will immediately stop the lift, must be installed within the lift and at each entrance to the lift.

(3) There must be a hatch capable of being used for evacuating persons from the lift that is openable from inside and outside the lift without tools, with the lift in any position.

2. By revising § 25.1411(a)(2) to read as follows:

§ 25.1411 General.

(a) * * *

(2) At least one public address system microphone intended for flight attendant use must be positioned adjacent to a flight attendant seat that is located near each required floor level emergency exit in the passenger compartment and be readily accessible to the seated flight attendant.

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

§ 121.177 [Amended]

3. By amending § 121.177(b) by deleting the word "any" in the first sentence and inserting in its place the words "the effective".

4. By revising § 121.317 by redesignating paragraph (b) as (c) and adding a new paragraph (b) to read as follows:

§ 121.317 Passenger information.

* * * * *

(b) After August 31, 1981, no person may operate a passenger-carrying airplane under this part unless there is affixed to each forward bulkhead and each passenger seat back a sign or placard that reads "Fasten Seat Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

* * * * *

5. By revising § 121.318(b)(2) to read as follows:

§ 121.318 Public address system.

* * * * *

(b) * * *

(2) It must be accessible for use from at least one normal flight attendant station in the passenger compartment; and, after December 1, 1981, each public address system microphone intended for flight attendant use must be positioned adjacent to a flight attendant seat that is located near each required floor level emergency exit in the passenger compartment and be readily accessible to the seated flight attendant.

* * * * *

6. By revising § 121.391(d) by adding a sentence at the end to read as follows:

§ 121.391 Flight attendants

* * * * *

(d) * * * During taxi, flight attendants required by this section must remain at their duty stations with safety belts and shoulder harnesses fastened except to perform duties related to the safety of the airplane and its occupants.

7. By amending § 121.434(f) by inserting the words "for flight crewmembers" after the word "experience"; by amending the flush paragraph at the end of paragraph (f) by adding an "s" to the word "paragraph" to make it plural and inserting the words "(e) and" after the word "paragraphs"; and by amending paragraph (e) by adding a sentence at the end to read as follows:

§ 121.434 Operating experience.

* * * * *

(e) * * * Flight attendants who have satisfactorily completed training time acquired in an approved training program conducted in a full-scale (except for length) cabin training device of the type airplane in which they are to serve may substitute this time for 50 percent of the hours required by this paragraph.

* * * * *

8. By revising § 121.443 to read as follows:

§ 121.443 Pilot in command qualification: Route and airports.

(a) Each certificate holder shall provide a system acceptable to the Administrator for disseminating the information required by paragraph (b) of this section to the pilot in command and appropriate flight operation personnel. The system must also provide an acceptable means for showing compliance with § 121.445.

(b) No certificate holder may use any person, nor may any person serve, as pilot in command unless the certificate holder has provided that person current information concerning the following subjects pertinent to the areas over which that person is to serve, and to each airport and terminal area into which that person is to operate, and ensures that that person has adequate knowledge of, and the ability to use, the information:

- (1) Weather characteristics appropriate to the season.
- (2) Navigation facilities.
- (3) Communication procedures, including airport visual aids.
- (4) Kinds of terrain and obstructions.
- (5) Minimum safe flight levels.
- (6) En route and terminal area arrival and departure procedures, holding procedures and authorized instrument approach procedures for the airports involved.
- (7) Congested areas and physical layout of each airport in the terminal area in which the pilot will operate.
- (8) Notes to Airmen.

9. By revising § 121.445 to read as follows:

§ 121.445 Pilot in command airport qualification: Special areas and airports.

(a) The Administrator may determine that certain airports (due to items such as surrounding terrain, obstructions, or complex approach or departure procedures) are special airports requiring special airport qualifications and that certain areas or routes, or both, require a special type of navigation qualification.

(b) Except as provided in paragraph (c) of this section, no certificate holder may use any person, nor may any person serve, as pilot in command to or from an airport determined to require special airport qualifications unless, within the preceding 12 calendar months:

- (1) The pilot in command or second in command has made an entry to that airport (including a takeoff and landing) while serving as a pilot flight crewmember; or
- (2) The pilot in command has qualified by using pictorial means acceptable to

the Administrator for that airport.

(c) Paragraph (b) of this section does not apply when an entry to that airport (including a takeoff or a landing) is being made if the ceiling at that airport is at least 1,000 feet above the lowest MEA or MOCA, or initial approach altitude prescribed for the instrument approach procedure for that airport; and the visibility at that airport is at least 3 miles.

(d) No certificate holder may use any person, nor may any person serve, as pilot in command between terminals over a route or area that requires a special type of navigation qualification unless, within the preceding 12 calendar months, that person has demonstrated qualification on the applicable navigation system in a manner acceptable to the Administrator, by one of the following methods:

- (1) By flying over a route or area as pilot in command using the applicable special type of navigation system.
- (2) By flying over a route or area as pilot in command under the supervision of a check airman using the special type of navigation system.
- (3) By completing the training program requirements of Appendix G of this part.

§ 121.447 [Reserved]

10. By deleting § 121.447 and marking it [Reserved].

11. By revising § 121.563 to read as follows:

§ 121.563 Reporting mechanical irregularities.

The pilot in command shall ensure that all mechanical irregularities occurring during flight are entered in the maintenance log of the airplane at the next place of landing. Before each flight the pilot in command shall ascertain the status of each irregularity entered in the log at the end of the preceding flight.

§ 121.574 [Amended]

12. By amending § 121.574(a)(4) by inserting the words "to be kept in that person's possession," between the words "statement" and "signed."

13. By revising § 121.583(a)(4)(iii) to read as follows:

§ 121.583 Carriage of persons without compliance with the passenger-carrying requirements of this part.

(a) * * *

(4) * * *

(iii) The safe handling of hazardous materials whose carriage is governed by regulations in 49 CFR Part 175.

* * *

14. By revising § 121.589 to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may allow the boarding of carry-on baggage on an aircraft unless the baggage can be stowed in accordance with this section. No certificate holder may allow an aircraft to take off or land unless each article of baggage carried aboard the aircraft is stowed—

(1) In a suitable closet or baggage or cargo stowage compartment placarded for its maximum weight and providing proper restraint for all baggage or cargo stowed within, and in a manner that does not hinder the possible use of any emergency equipment; or

(2) As provided in § 121.285(c); or

(3) Under a passenger seat.

(b) Baggage, other than articles of loose clothing, may not be placed in an overhead rack unless that rack is equipped with approved restraining devices or doors.

(c) Each passenger must comply with instructions given by crewmembers regarding compliance with paragraphs (a) and (b) of this section.

(d) Each passenger seat under which baggage is allowed to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward. In addition, after August 31, 1983, each aisle seat shall be fitted with a means to prevent articles or baggage stowed under it from sliding sideward into the aisle under crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing condition regulations under which the aircraft was type certificated.

15. By revising the last sentence of § 121.619(a) and §§ 121.619(a) (1) and (2) to read as follows:

§ 121.619 Alternate airport for destination: IRF or over-the-top domestic air carriers.

(a) * * * However, no alternate airport is required if for at least 1 hour before and 1 hour after the estimated time of arrival at the destination airport the appropriate weather reports or forecasts, or any combination of them, indicate—

- (1) The ceiling will be at least 2,000 feet above the airport elevation; and
- (2) Visibility will be at least 3 miles.

* * *

16. By amending § 121.621(a)(2) by deleting the reference to § 121.645(b) and inserting in its place § 121.645(c) and by revising § 121.621(a)(1) to read as follows:

§ 121.621 Alternate airport for destination: Flag air carriers.

(a) * * *

(1) The flight is scheduled for not more than 6 hours and, for at least 1 hour before and 1 hour after the estimated time of arrival at the destination airport, the appropriate weather reports or forecasts, or any combination of them, indicate the ceiling will be:

(i) At least 1,500 feet above the lowest circling MDA, if a circling approach is required and authorized for that airport; or

(ii) At least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is greater; and

(iii) The visibility at that airport will be at least 3 miles, or 2 miles more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedures to be used at the destination airport; or

* * *

§ 121.691 [Reserved]

17. By deleting § 121.691 and marking it [Reserved].

18. By amending § 121.693 by inserting the words, "loading of the" between the words "the" and "airplane" in the introductory phrase of the section and by revising the title and § 121.693(e) to read as follows:

§ 121.693 Load manifest; Air carriers and commercial operators.

* * *

(e) Names of passengers, unless such information is maintained by other means by the air carrier or commercial operator.

§ Part 121 Appendix E [Amended].

19. By amending Appendix E of Part 121 as follows:

1. Item I(a) by adding the following sentence at the end:

* * * If a flight engineer is a required crewmember for the particular type of airplane, the visual inspection may be replaced by using an approved pictorial means that realistically portrays the location and detail of preflight inspection items.

2. Item III(g)(3) by:

a. Deleting the symbols "B", "AT", and "BU" from the "Inflight" column under the captions "Initial Training", "Transition Training", and "Upgrade Training";

b. Adding the "B" symbol in the "Non-Visual Simulator" column under the caption "Initial Training";

c. Adding the "AT" symbol in the "Non-Visual Simulator" column under the caption "Transition Training"; and

d. Adding the "BU" symbol in the

"Non-Visual Simulator" column under the caption "Upgrade Training."

3. Item III(h) by deleting the "P" symbol in the "Inflight" column and by adding the "P" symbol in the "Non-Visual Simulator" column under the caption "Initial Training."

4. Items III(i) and (j) by:

a. Deleting the "B" symbols in the "Inflight" column under the caption "Initial Training";

b. Adding the "B" symbols in the "Non-Visual Simulator" column under the caption "Initial Training";

c. Deleting the "SF" symbol in the "Inflight" column and deleting "PS" in the "Non-Visual Simulator" column under the caption "Upgrade Training"; and

d. Adding the "BU" symbol in the "Non-Visual Simulator" column under the caption "Upgrade Training."

5. Items III(p) (1) and (4) by deleting the "B" symbols in the "Inflight" column and adding the "B" symbols in the "Visual Simulator" column under the caption "Initial Training."

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

20. By redesignating § 127.115 as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 127.115 Passenger information.

(a) * * *

(b) After Aug. 31, 1981, no person may operate a passenger-carrying helicopter under this part unless there is affixed to each forward bulkhead and each passenger seat back a sign or placard that reads "Fasten Seat Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

21. By adding a new § 127.226 to read as follows:

§ 127.226 Briefing passengers after takeoff.

After each takeoff of a helicopter that has separate passenger and crew compartments, immediately before or immediately after turning the seat belt sign off, an announcement shall be made that passengers should keep their safety belts fastened while seated, even when the seat belt sign is off.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and

Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the individual and address listed in the "For Further Information Contact" paragraph.

Issued in Washington, D.C., on June 16, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-18581 Filed 6-18-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 17897; Notice No. 78-7A]

Operations Review Program: Notice No. 8A

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In Operations Review Notice No. 8, the FAA proposed to amend § 121.391(d) of the Federal Aviation Regulations (FAR) to provide that required flight attendants must remain seated during taxi except to perform duties related to the safety of the airplane and its occupants. However, the *Federal Register* misprinted language critical to the proposal which created the impression that the FAA would require *all* flight attendants to remain seated during taxi (with the exception noted). This notice is issued to allow interested persons an opportunity to be heard on the issue of whether the rule should be applied to *all* flight attendants. In the spirit of Executive Order 12044, Improving Government Regulations, this action reopens the issue that may have been confused by the misprint in Operations Review Notice No. 8 as published in the *Federal Register*.

DATES: Initial comments must be received on or before August 18, 1980. Reply comments must be received on or before September 17, 1980.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 17897, 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 No. 17897. Comments may be inspected at room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Norman C. Miller, Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone: [202] 755-8714.

SUPPLEMENTARY INFORMATION:
Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposal contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. Initial comments must be received on or before the first date specified above. Reply comments which specifically respond to the initial comments received must be received on or before the second date specified above. All communications received on or before the dates specified above, will be considered by the Administrator before taking any action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with the FAA personnel concerned with this rule making will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. 17897." The postcard will be dated, time stamped, and returned to the commenter.

Availability of Additional Copies of Notice

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, ATTN: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

In Operations Review Notice No. 8 (43 FR 20448; May 11, 1978), the FAA proposed to amend § 121.391 of the FAR by adding a sentence to read:

During taxi, each flight attendant required by this section must remain at the flight attendant's duty location with safety belts and shoulder harnesses fastened except to perform duties related to the safety of the airplane and its occupants.

In printing the text of the proposed sentence, the *Federal Register* inadvertently changed the wording proposed by the FAA which is quoted above and documented in public docket number 17897. As printed in the *Federal Register*, the sentence read (*italics show changed language*):

During taxi, required, by this section, flight attendant must remain at the flight attendant's duty location with safety belts and shoulder harnesses fastened except to perform duties related to the safety of the airplane and its occupants.

The comments received in response to the notice reflected confusion with the language proposed. Many commenters assumed the proposal applied to *all* flight attendants. Other commenters correctly assumed the proposal applied to *required* flight attendants.

The language the FAA proposed, which is on file in public docket number 17897, was directed to flight attendants who are required under § 121.391. The required complement of flight attendants is used to demonstrate compliance with the emergency evacuation requirements of § 121.291. This complement of flight attendants is assigned specific duties during an emergency evacuation.

Concurrently with this notice, the FAA is adopting Operations Review Amendment No. 8. The preamble to the rule explains the rationale for applying the rule to required flight attendants as follows:

Section 121.391(d) as already noted is based upon FAA accident/incident records and NTSB files that include 18 emergency evacuations during taxi over a 7-year period which resulted in 71 passenger and 4 flight attendant injuries. When conducting the emergency evacuation demonstration required under § 121.291(a) for a particular airplane, a required number of flight attendants is established. Section 121.397 specifies that the required crewmembers, which includes flight attendants, be assigned functions to be performed in an emergency evacuation. Should they be up and injured or unable to reach their assigned station by passengers blocking the aisle, the time required to evacuate the airplane could be increased; the evacuation process itself possibly impeded; and passengers and crewmembers subjected to a higher probability of injury. For this reason, § 121.391(d) applies to required flight attendants who must be seated at their duty station during taxi and be able to perform their safety related duties if necessary. Thus, § 121.391(d) is adopted with the typographical errors corrected.

As stated above, commenters on Operations Review Notice No. 8 were confused by the language published in the *Federal Register*. Several commenters indicated that the rule should apply to all flight attendants to ensure the personal safety of the flight attendants; the availability of flight attendants at their assigned stations during emergencies requiring evacuation; and passenger reaction to observing flight attendants moving freely about the cabin. Several commenters referred to instances where flight attendants were injured during taxi but did not cite specific accident or incident reports. Review of the comments indicates that all flight attendant injuries are not reported to the FAA. In addition to commenting on the proposal generally, the FAA specifically requests that commenters submit explicit, verifiable data, including flight attendant injuries during taxi, and other data demonstrating a need for requiring all flight attendants to remain seated during taxi.

The proposed regulation is not expected to have a major economic impact. However, the FAA requests commenters to provide explicit economic data concerning the cost impact of the proposal.

The FAA is issuing this notice in keeping with the spirit of Executive Order 12044, Improving Government Regulations, and the Department of Transportation Regulatory Policies and Procedures. The notice ensures that all interested persons have an opportunity to be heard on the issues and to provide information, views and arguments on them. This notice is in keeping with the policy favoring full and open public involvement in our rulemaking actions.

The Proposal

This notice proposes to require that all flight attendants remain seated at assigned stations during taxi except to perform duties related to the safety of the airplane and its occupants.

Accordingly, the Federal Aviation Administration proposes to amend Part 121 of the Federal Aviation Regulations (14 CFR Part 121) as follows:

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

By revising the last sentence of § 121.391(d) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(d) * * * During taxi, all flight attendants must remain at their assigned

stations with safety belts and shoulder harnesses fastened (if required by § 121.311(f)) except to perform duties related to the safety of the airplane and its occupants.

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be "significant" as defined under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the expected economic impact is such that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on June 16, 1980.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 80-18582 Filed 6-18-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 25, 121, and 127**

{Docket No. 17897; Amdt. Nos. 25-53, 121-159 and 127-39}

**Operations Review Program;
Amendment No. 8***Correction*

In the issue of Thursday, June 19, 1980, in FR Doc. 80-18581, appearing at page 41586, please make the following corrections:

1. On page 41593 in the first column in the paragraph designated (c), in the sixth line, the first word "exist" should be corrected to read "exit".
2. On the same page, in the third column, in § 121.318(b)(2), there should be a period at the end, following the word "attendant".
3. On page 41594, in the first column in § 121.443(b)(8), the first word, "Notes", should read "Notices".

BILLING CODE 1505-01-M