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**Registered
Federal Report**

Part IV

**Department of
Transportation**

Federal Aviation Administration

**Seats, Safety Belts, and Shoulder
Harnesses; Extension of Compliance Date**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 121**

[Docket No. 20289; Amendment 121-170]

Seats, Safety Belts, and Shoulder Harnesses; Extension of Compliance Date**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment extends the compliance date for the seats, safety belts, and shoulder harnesses required by § 121.311 of the Federal Aviation Regulations (FAR) for flight crewmembers and flight attendants. The compliance dates presently in effect do not provide operators of affected aircraft sufficient time for the acquisition and installation of required equipment in certain aircraft, and the failure to provide such operators a reasonable time within which to comply with the equipment requirements would result in substantial economic penalties for affected operators. Consequently, the relief afforded by this rule is fully consistent with the President's regulatory policies and Executive Order 12291, and the FAA has determined that its promulgation as an emergency rule complies both with paragraph 3 of the President's memorandum of January 29, 1981, and Section 8(a)(1) of Executive Order 12291.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: E. Wendell Owens, Regulatory Review Branch, 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:**Background**

On February 4, 1980, the Federal Aviation Administration (FAA) published Airworthiness Review Program Amendment No. 8, Cabin Safety and Flight Attendant Amendments (45 FR 7750), which amended 14 CFR Parts 23, 25, 27, 29, 91, and 121 to update and improve airworthiness standards applicable to cabin safety and flight attendants. Amendment 121-155 incorporated new sections into § 121.311 to upgrade seat, safety belt, and shoulder harness requirements for flight attendants. Section 121.311(f) required affected flight attendant seats to meet the requirements of § 25.785 after March 6,

1980. Section 121.311(j) set forth prerequisites for an affected operator to obtain an extension, not to exceed one year (March 6, 1981), of the compliance dates established by the amendment.

On May 19, 1980, the Federal Aviation Administration (FAA) published Notice PR 80-8 (45 FR 32700) containing an Air Transport Association of America (ATA) petition to amend § 121.311(j) of the Federal Aviation Regulations (FAR). The ATA's proposed amendment would allow an extension, not to exceed March 6, 1982, of the compliance time for § 121.311(f) concerning flight attendant seats, provided the Part 121 certificate holder submits an acceptable schedule of compliance.

The notice also requested additional information on the extent to which logistic and operational factors may frustrate timely compliance with § 121.311. The notice contained nine questions designed to elicit information from all interested persons on the ramifications of both a favorable or an unfavorable FAA decision on the ATA petition. The original comment period for Notice PR 80-8 closed on July 14, 1980.

On July 14, 1980, the Boeing Company petitioned for an extension of the time for comments on Petition Notice PR 80-8. The petition stated that the allotted comment period was insufficient to develop a definitive cost and schedule impact assessment as requested in the notice.

The FAA reviewed this request and determined that a limited extension of the comment period would afford the public an additional opportunity to furnish comments which the FAA could consider before deciding upon a disposition of the ATA petition. In view of this, and consistent with the desire to ensure full public participation in its regulatory actions, FAA concluded that it was in the public interest to extend the comment period. Accordingly, Petition Notice PR 80-8A (45 FR 24664) was issued on August 5, 1980, reopening the comment period until October 15, 1980.

Subsequent to the Boeing petition for the extension, the FAA issued five general notices to provide affected operators and manufacturers interpretative guidance for compliance with FAR Amendments 25-51 and 121-155. They are General Notices No. 8430.326, February 22, 1980; No. 8430.329, May 5, 1980; No. 8000.200, July 8, 1980; No. 8000.201, July 18, 1980; and No. 8000.209, November 6, 1980.

In June 1980 the FAA established a special review team staffed by personnel from its aircraft engineering and maintenance divisions, and its air

carrier flight operations division. From June 9 to June 20, 1980, the review team visited the facilities of the Boeing, Lockheed, and Douglas aircraft companies. These tours were fact finding missions related to Amendments 25-51 and 121-155, and intended to ascertain the manufacturers' capability to design and manufacture any hardware necessary to enable the operators to equip their aircraft in compliance with § 121.311. The manufacturers advised the team that the lead time for procurement of modification kits necessary for compliance could extend well beyond the scheduled compliance date of March 6, 1981. Further, many operators have indicated that they will be unable to meet the compliance date due to nonavailability of kits and the large number of seats requiring modifications. In light of these factors, the team recommended that the compliance date be extended to March 6, 1982, and placed its report in the docket.

Questions

Petition Notice PR 80-8 requested additional information to support claims by Part 121 operators that they were unable to meet the compliance periods specified in § 121.311. To assist the FAA in determining the extent to which logistic and operational factors may frustrate timely compliance with § 121.311, certificate holders, manufacturers, suppliers, and the general public were asked to respond to questions contained in the notice. The questions contained in Petition Notice PR 80-8 are listed below:

1. If you are a Part 121 certificate holder, from which suppliers and/or manufacturers have you ordered required retrofit kits, components, or both?
 - (a) What installation times do you project for each aircraft?
 - (b) What rate of installation do you project for your fleet of aircraft?
2. If you are a supplier or a manufacturer, what is your capability to provide retrofit kits, components, or both to satisfy this rule?
3. Will these modifications be accomplished during regularly scheduled maintenance? If so, during which phase of scheduled maintenance do you plan to install retrofit kits or perform modifications required for your fleet?
4. If the required modifications are performed during scheduled maintenance, how long will it take to modify all aircraft in your fleet without disrupting scheduled operations?

5. Which specific items requiring modifications or changes can be accomplished by March 6, 1981?

6. What additional costs will these requirements impose if you are required to comply by March 6, 1981? Describe them in detail.

7. What proportion of aircraft requiring modifications can be retrofitted within the present compliance period?

8. If the compliance period for § 121.311(f) is not extended beyond March 6, 1981, what consequences do you project for your operations? Please discuss both the economic and operational impacts.

9. How will an extension of the compliance periods contained in § 121.311(f) affect the individuals who must occupy the seats to which this rule applies?

Discussion

Only one commenter opposed the extension of the compliance date, indicating that, while understanding the initial extensions for the compliance schedule, the commenter could not agree with the March 6, 1982, date. The commenter stated his beliefs that the required hardware was available on the market today, and that there was no reason the airlines could not install it immediately. The FAA has determined that there is not sufficient hardware on the market at this time to completely comply with § 121.311 by March 6, 1981. Section 121.311, as amended, requires extensive modification and reengineering to meet parts of the new safety requirements attendant seats. Compliance with § 121.311 requires redesign and testing of passenger seats used by required flight attendants. In addition, redesign of galley restraints may be necessary to minimize the probability of injury from flying objects dislodged in the galley or stowage compartment area.

The comments received on the first question indicated the following manufacturers/suppliers were contacted for modifications kits: (1) Fairchild-Burns, (2) Weber Aircraft, (3) American Safety, (4) Boeing Airplane Company, (5) Douglas Aircraft Company, (6) Trans Aero Industries, (7) McDonnell Douglas Company, (8) Aerospace Division, and (9) UOP, Incorporated. The installation times and rate of installation varied considerably from airline to airline for each type of aircraft. These estimates ranged from 12 to 150 man hours per aircraft to complete the required modification. The variances were due in part to the additional engineering work

required on older aircraft. Some aircraft would only require installation of shoulder harnesses on flight attendant seats. Other aircraft would require modification of the galley/stowage compartments, the shoulder harnesses, and head and back protection, as well as redesign of certain passenger seats to make them suitable for use by a required flight attendant.

The comments on the second question varied considerably. One supplier commented that it would require approximately 42 weeks after receipt of orders to design, tool-up, and manufacture the required parts. Another supplier indicated that, due to the multitude of different seat models affected by the regulations, it would be impossible to satisfy all the various airline design requirements by March 6, 1981. The commenter requested that the compliance date extension to March 6, 1982, be granted. Boeing Airplane Company has advised their customers and the FAA that it would require from 60 to 80 weeks to make retrofit kits available. This was due in part to an initial lack of guidance and interpretative information regarding compliance with § 121.311. In addition, Boeing requires a long lead time in acquiring the raw materials needed to produce the modification kits, as well as the engineering required to modify the seats and aircraft.

Regarding the third question, most of the commenters indicated that they would accomplish the necessary modifications during regularly scheduled maintenance to avoid the unnecessary aircraft out of service time that would be required if the extension was not granted. Most of the aircraft modifications would be accomplished during regularly scheduled "Base Checks" or during "C" checks.

The comments on the fourth question indicate that only 8 out of 38 scheduled air carriers will be able to comply with the required modifications by March 6, 1981. Most of the operators have informed the FAA that they are unable to meet the compliance date and will need additional time to complete the required modifications. Many of these operators have provided the FAA with copies of correspondence which establish that the required equipment cannot be timely provided by manufacturers or suppliers. Five air carriers indicated that they will require an extension to mid 1983 to enable them to complete the required modifications. The reason for this lack of specific information from the aircraft

manufacturers, as to when the approved changes and the necessary parts will be available, was the apparent inability of the manufacturers to determine what, specifically, was required to bring the airplanes into compliance. Many operators are solely dependent upon the manufacturers for both necessary FAA-approved design changes and the necessary hardware, due to lack of an engineering staff of their own. Recently, Boeing advised all operators of B707/720/727 and 737 aircraft that they have been unable to complete their evaluation of the necessary modifications. Consequently, the service bulletins required to complete the modifications are not yet available. Without these service bulletins, most operators are unable to accomplish the required aircraft modifications.

Most of the operators commenting on question five indicated that they were able to comply with limited parts of the requirements, such as the flight attendant headrest requirements. However, some operators indicated that they would be unable to comply with any parts of the required modifications.

Due to similarity of the responses from the commenters on questions six and eight, responses to these questions have been combined. Most of the airlines were unable to respond to these questions in any detail. For those who did respond, the total fleet cost per operator varied from a low of \$70,000 to a high of \$3,188,000 for one operator. Another operator indicated that if the compliance date was not extended, 92 of their 115 aircraft would be grounded. If these aircraft remained out of service until retrofit parts were received and installed, it would be impossible to estimate the financial impact of such a major interruption of service. Another operator indicated that it would be required to ground about 75 percent of its fleet which would, in fact, put it out of business.

The operators' comments on the seventh question varied from 0 to 100 percent completion. However, most operators indicated that they would be unable to meet the March 1981 compliance date, due to lack of service bulletins, kits, or parts from the manufacturer.

Most of the operators commenting on the ninth question indicate that, since they have already installed or are in the process of installing headrests on their flight attendant seats, there would be minimal safety impact in granting this extension.

At the request of ATA, the FAA conducted a special evaluation of the flight attendant seats located in galley areas to determine their suitability for continued use until the required modifications were completed. The operators were informed individually as to whether they were allowed to use these seats pending full compliance with all parts of § 121.311. As a result, the FAA found some seats that were not suitable for use without prior modifications of the seats or galley area.

Need for This Regulatory Change

Based upon an analysis of the number of airplanes to which this rule applies, 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 meet the March 6, 1981, compliance date. In addition, the large variations in hardware changes required by the rule and the lead-times required for the procurement of that hardware present circumstances beyond the control of individual operators.

The FAA estimates that 75 percent of the 2,468 air carrier fleet could be grounded because of noncompliance with the requirements of § 121.311. Assuming a moderate average daily income loss of \$15,000 per airplane, the economic impact of not extending the compliance date would be approximately \$27,700,000 per day.

FAA has extended the compliance date for § 121.311 to March 6, 1982. This additional time will allow the operators

to obtain and install the required modifications.

Extension of the compliance date until March 6, 1982, removes the need for the time extension provisions of § 121.311(j). Consequently, § 121.311(j) is deleted and the March 6, 1981, compliance date for installation of improved shoulder harnesses on flight crewmember seats in § 121.311(e)(2) is changed to March 6, 1982, for consistency.

Need for Immediate Adoption

Most of the affected airlines are solely dependent on the manufacturers to secure the necessary design change or hardware and for their approval by the FAA. Affected operators and airplane manufacturers are unable to determine specifically what must be done for each airplane type to bring the air carrier fleet into full compliance before the March 6, 1981, deadline. Not adopting this amendment would result in the grounding of an estimated 75 percent of the air carrier fleet at a cost of approximately 27 million-dollars each day. Accordingly, I find that an emergency exists as prescribed in paragraph 3 of the President's memorandum of January 29, 1981, and Section 8(a)(1) of Executive Order 12291, and that following the procedures of the Executive Order is impracticable. I also find that notice and public procedures are impractical and contrary to the public interest, and that good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, Part 121 of the Federal Aviation Regulations is amended as follows, effective March 6, 1981:

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

§ 121.311 [Amended]

1. By amending § 121.311(e)(2) by deleting the words "Except as provided in paragraph (j) of this section, after March 6, 1981," and inserting the words "After March 6, 1982," in place thereof.

2. By amending § 121.311(f) by deleting the words "Except as provided in paragraph (j) of this section, after March 6, 1980," and inserting the words "After March 6, 1982," in place thereof.

3. By amending § 121.311(g) by deleting the date "1981" and inserting the date "1982" in place thereof.

4. By amending § 121.311(h) by deleting the words "Except as provided in paragraph (j) of this section, after March 6, 1981," and inserting the words "After March 6, 1982," in place thereof.

5. By deleting § 121.311(j).

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). This regulatory action is relaxatory in nature, and the possible economic impact of the regulation is discussed in the preamble of the amendment.

Issued in Washington, D.C. on February 27, 1981.

Charles E. Weithoner,
Acting Administrator.

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