

14 CFR Part 121**[Docket No. 21269; Amdt. No. 121-176]****Certification and Operations:
Domestic, Flag, and Supplemental Air
Carriers and Commercial Operators of
Large Aircraft; Emergency Evacuation
Demonstration****AGENCY:** Federal Aviation
Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment allows a Part 121 certificate holder to use the results of a successful emergency evacuation demonstration conducted either by a manufacturer under Part 25 of the Federal Aviation Regulations (FAR), or by another Part 121 certificate holder, and to conduct a partial demonstration of emergency evacuation procedures, if certain conditions are met. This amendment reduces the number of demonstrations, reduces the exposure to injury of participants required in those demonstrations, and still maintains the highest level of safety in air transportation. In addition, it reduces burdens on air carrier certificate holders and, therefore, is consistent with Executive Order 12291 and the Regulatory Flexibility Act.

EFFECTIVE DATE: January 18, 1982.

FOR FURTHER INFORMATION CONTACT: Marvin J. Walker, Regulatory Review Branch, AVS-22, Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTARY INFORMATION:**Background**

In the early 1960's National Transportation Safety Board (NTSB) accident reports showed that many deaths and injuries to passengers resulted from post-accident asphyxiation because passengers were unable to evacuate the airplane quickly. The problem of airplane emergency evacuation was further highlighted during an FAA public hearing on June 23, 1964, which led to the issuance of Amendment No. 121-2 (30 FR 3200; March 9, 1965), requiring emergency evacuation demonstrations. Although the amendment achieved the desired result of showing that the airplane could be successfully evacuated within an acceptable time, the demonstrations often resulted in injuries to participants, raising questions about the need for repeated demonstrations. Since the amendment took effect, the FAA has

issued over one hundred exemptions from the requirement for emergency evacuation demonstrations. These exemptions proved to be effective in reducing injuries resulting from emergency evacuation demonstrations without compromising passenger safety. Although there is no injury reporting requirement associated with an air carrier's or manufacturer's demonstration of an emergency evacuation, FAA records reveal 169 injuries to participants in a sampling of eight emergency evacuation demonstrations conducted during the past 9 years.

An examination of aircraft evacuations in actual emergency situations provides useful insight into the nature and severity of evacuation-related injuries. Based on data obtained from the FAA and the NTSB, the FAA Civil Aeromedical Institute (CAMI) accident and incident data bank lists 112 evacuations involving 8,886 persons, with 57 of these evacuations producing 157 serious and 465 minor evacuation-related injuries during the 5-year period of 1970-1974. These evacuations were prompted by bomb threats, tire failures, smoke in the cabin, and other abnormal operating situations. Injuries to passengers ranged from simple abrasions to slide burns, lacerations, and fractures.

Based on the number of evacuation-related injuries sustained during repeated evacuation demonstrations conducted under Parts 25 and 121, the FAA issued Notice of Proposed Rulemaking No. 81-1 which was published in the *Federal Register* on January 19, 1981 (46 FR 5484). Proposal number 11-3 would allow a Part 121 certificate holder to use the results of a successful demonstration conducted either by a manufacturer under Part 25, or by another Part 121 certificate holder, rather than to conduct a demonstration of emergency evacuation procedures, if certain conditions are met. The certificate holder instead would conduct a partial demonstration by: (1) opening 50 percent of the floor-level exits; (2) opening 50 percent of the non-floor-level exits whose opening by a flight attendant is defined as an emergency evacuation duty under § 121.397; and (3) deploying 50 percent of the exit slides all within 15 seconds. The flight attendants would be selected by the FAA at random and they would not be coached on the procedures just before the demonstration. However, if a demonstration had not been previously conducted, the rule would continue to require a demonstration upon: (1) the initial introduction of a type and model

of airplane into passenger-carrying operations; (2) upon increasing the passenger seating capacity by more than 5 percent; and (3) following any alteration that significantly changes the passenger cabin seating configuration or emergency exits.

Proposal number 11-3 also recognized the regulatory action taken in Airworthiness Review Amendment No. 7 (43 FR 50578; October 30, 1978), in which the emergency evacuation demonstration requirements of § 25.803 were upgraded to those required by Part 121 so that one demonstration would suffice for the issuance of, or changes to, an aircraft type certificate, and also for compliance with the operational requirement in § 121.291.

Proposal number 11-3 also would clarify the requirements concerning successfully demonstrating ditching procedures for those certificate holders who are operating a type and model of airplane for which a successful ditching demonstration had been previously conducted by another Part 121 operator. Finally, proposal 11-3 would provide for the inflation of only one life raft since such a demonstration provides a sufficient test of safety procedures. The FAA is processing proposal 11-3 separately from the others contained in Notice No. 81-1 due to the public interest it has generated.

Discussion

This amendment is the result of a number of significant items raised in the comments on proposal number 11-3 and a recently completed FAA study of the emergency evacuation demonstrations conducted over the past 10 years. The comments and study show the need for a change in the presentation of the final rule, but not its overall effect. Specifics concerning the comments and the study will be discussed separately. In general, the study has shown that there are three problems in ensuring that an aircraft can be safely evacuated: (1) having an aircraft which has the capability of being evacuated within the established time limit; (2) providing training to enable the crewmembers to perform emergency evacuation duties which will ensure that the evacuation is conducted as efficiently and effectively as possible; and (3) having a proper maintenance program to ensure that the aircraft equipment will function properly. Under

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proposal 11-3 and this amendment, problem (1) is resolved by a demonstration conducted by the manufacturer during aircraft certification or by a Part 121 operator. Problems (2) and (3) are resolved by a partial demonstration. This demonstration shows that crewmembers who have been trained by the carrier and randomly selected for the demonstration can prepare the aircraft within a 15-second time limit. This time limit has been shown to be more conservative than the average time needed to prepare the aircraft in past evacuation demonstrations. The partial demonstration also provides a test to ensure that all aircraft equipment functions within its standards.

Under paragraphs (a)(1) thru (a)(3) of proposal 11-3, a Part 121 demonstration would be required if there was an increase in passenger seating capacity by more than 5 percent, or following the rebuilding or alteration of an aircraft, or the introduction of a new aircraft. Basing the need for a full demonstration upon these occurrences is unnecessary, since a demonstration would have already been required under § 25.803 if any of these conditions occur. For example, if an operator desired to change the seating configuration of its aircraft, it would be required as part of obtaining FAA approval of the change, to show the emergency evacuation capabilities under the provisions of § 25.803. To require an emergency evacuation demonstration under Part 121 would be redundant and inconsistent with the provisions of Executive Order 12291. Similar provisions in proposed paragraphs (b) and (c) have been revised to ensure the purpose of the partial demonstration is achieved. That purpose is to show that the carrier's procedures, training program, and maintenance programs are capable of preparing the aircraft and deploying the emergency equipment within 15 seconds.

With the revisions just described, clarification has been provided as to when a partial demonstration needs to be repeated by a carrier. The partial demonstration must be conducted upon initial introduction of an aircraft and any time there is a change in the number, location, or emergency evacuation duties or procedures of flight attendants who are required by § 121.391; or a change in the number, location, type of emergency exits, or type of opening mechanism on emergency exits available for evacuation. However, it is not intended that this rule would be applied in the case of a minor change in the flight

attendant emergency evacuation duties or procedures which would not affect the outcome of the demonstration. Through this clarification, the carrier has the flexibility to make modifications to its operation while maintaining safety by ensuring that a partial demonstration has shown that the operation will result in preparing the aircraft within the 15-second safety tolerance.

Comments

Six persons submitted written views on proposal number 11-3. Three of these persons represented flight attendant unions. One person represented an aviation consumer group. These individuals representing their respective interest groups state that the proposal, if adopted, would reduce the level of safety afforded the public. These organizations did not submit specific information of data to substantiate their positions. Two commenters generally favor the proposal but offer suggested changes discussed later.

One commenter opposes the proposal, claiming it will bring an end to the assurance that an airline crew can evacuate an airplane in the very short time after crash before escape becomes difficult, if not impossible. The commenter contends that crew training in emergency evacuation can vary from airline to airline, arguing that because one airline can evacuate an airplane in the required time does not mean that another can do the same. This commenter asserts that this may especially be the case when one airline has no experience in wide-body airplanes, or when a new carrier has no history of crew training or evacuation experience. This amendment meets those concerns. Each Part 121 certificate holder must conduct a partial demonstration of emergency evacuation procedures: (1) upon the initial introduction of a type and model of airplane into passenger carrying operations; (2) upon changing the number, location, or emergency evacuation duties or procedures of flight attendants required by § 121.391; or (3) upon changing the number, location, type of emergency exits, or type of opening mechanism on emergency exits available for evacuation. Thus, the rule assures the FAA and the traveling public that the crew training and procedures of each operator for each type of airplane are tested and that the crew is adequately trained to prepare each airplane, whether narrow- or wide-bodied, for an emergency evacuation.

Another commenter objects to the need to conduct partial demonstrations without passengers under any circumstances when an evacuation has

been satisfactorily demonstrated by either the manufacturer or a Part 121 certificate holder on the specific type and model of airplane having no more passenger seats than the number demonstrated. The commenter contends that the FAA inspector who oversees the carrier can assure that its training program and procedures meet the level of proficiency required for safety without heeding to conduct a partial demonstration. On the contrary, demonstration of emergency evacuation procedures is the final dress rehearsal for an emergency evacuation. The demonstration assures the FAA and the traveling public that a Part 121 certificate holder's flight attendant training program provides a successful evacuation if an emergency occurs. The adequacy of the certificate holder's training program is reflected in the crew's performance during the demonstration.

Another commenter states that flight attendant training varies from airline to airline and that some operators are better able than others to meet the present full-scale emergency evacuation requirements. The commenter claims that a requirement for only one demonstration conducted by either the manufacturer or a Part 121 certificate holder is totally inadequate. This is not so. While some variation exists in flight attendant training programs among the airlines, all training programs must ensure the level of safety as required by the regulations. There is no evidence (and the commenter submits none) to show that requiring a single emergency evacuation demonstration is inadequate. No substantive data or information exist to indicate that repetitive emergency evacuation demonstrations offer a greater level of safety to the air traveler.

Two commenters suggest changing proposal number 11-3 to authorize the use of analysis to show that an airplane can be successfully evacuated within 90 seconds. This is not necessary because the manufacturer or a Part 121 certificate holder will already have shown that the airplane is capable of being evacuated within 90 seconds. Under this amendment, however, the operator must show that the airplane maintenance and crew training programs result in the airplane being ready for evacuation within 15 seconds.

One commenter supports proposals number 11-3, but suggests that the reference to aisle width and seat pitch be deleted because seating capacity changes are accomplished by varying these and other parameters. This comment has merit. Cabin configuration, including seat pitch and aisle width, are

varied to reduce or increase the passenger seating capacity. The operator cannot increase the seating capacity beyond the maximum passenger seating capacity certificated for the type and model. In addition, Parts 25 and 121 require a minimum aisle width as well as accessibility to the emergency exits. Thus, the references to passenger cabin seating configuration, seat pitch, and aisle width are not necessary and are deleted from § 121.291, as adopted. The commenter also suggests that the acceptable time limit for the exits and slides to be ready should be 15 seconds. The commenter claims that it is inappropriate to refer to a shorter period which may have been achieved during a demonstration conducted under Part 25. This comment has merit, since a time limit of 15 seconds is adequate to ready the exits and slides, as discussed later under "FAA Study." The reference to a lesser period is deleted from § 121.291 as adopted.

In addition to the changes mentioned above, other changes are adopted in this amendment. Section 121.291(a) is changed to incorporate the current § 121.291(c). This editorial change recognizes the amendment to § 25.803 made in 1978 which made the demonstration required of a manufacturer and the demonstration required of a Part 121 certificate holder essentially equivalent. Thus, a demonstration conducted under § 25.803 by a manufacturer after November 30, 1978, or a demonstration conducted by a Part 121 certificate holder under § 121.291 after October 23, 1967, (the date at which the rule was amended to provide for a 90-second time limit as opposed to a 120-second time limit) is acceptable under § 121.291(a) as adopted. In addition, any change in the type design of an airplane must be accomplished under Part 25. Thus, the emergency evacuation requirements of § 25.803 must be met if the type design change affects the emergency evacuation procedures.

Section 121.291, as adopted, also allows a Part 121 certificate holder to increase the seating capacity of an airplane up to the maximum number of passengers certificated for the airplane under Part 25. The limitation to no more than a 5 percent increase in seating capacity (proposed in §§ 121.291(a)(1) and 121.291(b)(1)) is unnecessary and, therefore, deleted. Repeating a demonstration due to increased seating capacity alone is not required, unless the increase is more than the maximum number approved in the type certificate for the airplane. This is because the

ability to evacuate the entire aircraft at its maximum capacity has already been demonstrated. However, after an airplane type and model is introduced into passenger-carrying operations, the certificate holder must conduct a partial demonstration upon either changing the number, location, or emergency evacuation duties or procedures of flight attendants required by § 121.391; or upon changing the number, location, type of emergency exits, or the type of opening mechanism on emergency exits available for evacuation. Section 121.391(a) requires an additional flight attendant for each unit (or part of a unit) of 50 passenger seats. Thus, any seating capacity change from one unit of 50 to the next unit would mean an increase in the number of flight attendants which, in turn, would require another partial demonstration. For example, an operator who conducted a partial demonstration of an airplane with 130 passengers could, without repeating the demonstration, either reduce the number of passengers or increase the number of passengers up to 150 without changing the number of flight attendants. Of course, the conditions stipulated in § 121.291(b) (2) and (3) must be met and the airplane must be certificated for 150 passengers. If the airplane was certificated for more than 150 passengers, the operator may wish to increase the passenger seating capacity from 130 to more than 150 passengers. Then, § 121.391 requires an additional flight attendant and this, in turn, would require another partial demonstration. This is because of the addition of one required flight attendant, and because of probable changes in the duties and location of the three flight attendants already required on the airplane.

The use of a practical examination is authorized under § 121.291(c)(3) as adopted. A practical examination, given to flight attendants before they conduct a partial demonstration, will produce results equivalent to those achieved in a written examination on airplane emergency equipment and procedures. Current § 121.291(b), which contains simulated ditching requirements, is redesignated § 121.291(d). No comments were received on proposed § 121.291(e) which simplified the simulated ditching requirements for Part 121 certificate holders seeking to operate airplanes on which one or more successful ditching demonstrations had been previously conducted. An editorial change is made to § 121.291(e), as adopted, to differentiate between airplanes with stowed life rafts and those equipped with the combination slide/life raft. Section 121.391(b) refers to the use of

additional flight attendants in an emergency evacuation demonstration. That section is revised editorially to add a reference to § 121.291(b) for consistency, whether the demonstration is conducted under either § 121.291(a) or § 121.291(b).

FAA Study

The FAA conducted a study to ensure that the safety standards in this amendment are equivalent to those provided by the current regulation. The FAA examined over 10 years of data on emergency evacuation demonstrations. The data consisted of 251 evacuation demonstrations conducted before 1967 when § 121.291 required total evacuation within 120 seconds; 259 evacuation demonstrations conducted under the current rule which requires total evacuation within 90 seconds; and 90 partial demonstrations conducted under exemption where flight attendants demonstrated their ability to ready the exits and slides within 15 seconds with no passengers involved.

Data on evacuation demonstrations conducted under the current rule (total evacuation within 90 seconds), was analyzed and compared to demonstrations conducted under exemptions (exits and slides ready within 15 seconds). In 136 evacuation demonstrations conducted under the current rule, the average time taken to ready the exits and slides for the first passenger to evacuate was 19.5 seconds. By comparison, in 60 partial evacuations conducted under exemptions, the average time to ready the exits and slides was 13.4 seconds. This is 6.1 seconds less than the average time to ready the exits and slides during a demonstration conducted under the current rule.

The reduced time to ready the exits and slides in a partial evacuation may be explained in part by the lack of passenger interference. However, 134 total evacuation demonstrations under the current rule were examined to determine the average time to evacuate the last person when the exits and slides were ready in 15 seconds or less and when they were ready in more than 15 seconds. In the 53 evacuation demonstrations where the exits and slides were ready in 15 seconds or less, the average time to evacuate the last person was 75.9 seconds. In the 81 remaining evacuations where the exits and slides were ready in more than 15 seconds, the average time to evacuate the last person was 78.6 seconds.

Thus, when the exits and slides were ready in 15 seconds or less, a savings of 2.7 seconds was achieved in the average

time to evacuate the airplane as compared to those tests in which it took more than 15 seconds to ready the exits and slides. Thus, the partial demonstration under the exemptions required the air carrier to exhibit faster execution of a vital phase of the evacuation process than is exhibited under the current rule. Concentration and compression of the crucial exit/slide preparation phase allows more time for the passenger evacuation phase and, therefore, establishes a more stringent safety standard than the current rule.

Research tests and evacuation demonstrations show that passengers tend to form continuous lines at available exits when evacuating an airplane. The time to ready the exits and slides allows passengers to gather at the exits, resulting in a continuous flow rate for each type of exit until the last person has evacuated. An examination of 89 evacuation demonstrations revealed an average continuous flow rate of 52.2 persons each minute through Type I floor-level door exits (24x48 inches); 85.8 persons each minute through Type A floor-level door exits (42x72 inches); 39.2 persons each minute through Type III window exits (20x36 inches); and 36 persons each minute through Type IV window exits (19x26 inches). The rate of passenger egress from the same type exit on different make and model airplanes reveals consistent flow rates. Thus, the study concludes that with rare exception, the rates of passenger egress are not significantly different within each type of exit and that changes in the passenger cabin configuration, seat pitch, and aisle width have no significant bearing on the egress rates if the aircraft certification requirements for minimum aisle width and exit accessibility are met.

Furthermore, summary statistics from 20 model evacuation runs computed by the FAA Civil Aeromedical Institute in Oklahoma City revealed predictable patterns of exit utilization and average overall escape times for each exit. Calculations for overall escape times for each exit can be performed by using the total time from test start to the last passenger leaving that exit. This recently gained knowledge on flow patterns and exit utilization, with Part 25 and Part 121 requirements for minimum aisle width and accessibility to emergency exits, lends support to adopting this rule.

Conclusion

Interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all

comments presented. This rule requires the carrier to exhibit a faster execution of a vital phase of the evacuation process than has been required until now. This rule, with concentration and compression of the crucial exit/slide preparation phase, allows more time for the passenger evacuation phase. Also, this rule provides an immediate test "failure" when any of the designated airplane exits fail to open properly or when any of the slides fail to extend fully. The rules now allow utilization of the remaining exits for evacuation. In this regard, the rule adopted here is more stringent than a test conducted under today's rule, which provides that the demonstration is unsatisfactory only if the 90-second time limit is not met.

The partial demonstrations required by this rule demonstrate the effectiveness of the flight crewmember and flight attendant training programs, the evacuation procedures, and the airplane equipment serviceability. Partial evacuation demonstrations show how the airplane is prepared for evacuation by the flight crewmember and flight attendants, while the capability to evacuate a particular airplane is shown by the previously demonstrated evacuation.

This rule eliminates the risk of injury to passengers which occurs in emergency evacuation demonstrations. The risk of injury during repetitive emergency evacuations is very real and significant. For instance, two jumbo jet evacuations, each involving 345 passengers, resulted in 35 injuries in one demonstration and 46 injuries in the other. These injuries included friction burns, abrasions, fractures, and sprains. The rule, as adopted, is a reasonable standard which provides the highest level of passenger safety in air transportation.

Adoption of the Amendment

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective January 18, 1982.

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

1. By revising § 121.291 to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder must conduct an actual demonstration of emergency evacuation procedures in accordance with paragraph (a) of

Appendix D to this part to show that each type and model of airplane with a seating capacity of more than 44 passengers to be used in its passenger-carrying operations allows the evacuation of the full seating capacity, including crewmembers, in 90 seconds or less, if that airplane type and model has not been shown to be in compliance with:

(1) Section 25.803 of this chapter in effect on December 1, 1978, during type certification; or

(2) Section 121.291(a) of this chapter in effect on October 24, 1967.

(b) Each certificate holder must conduct a partial demonstration of emergency evacuation procedures in accordance with paragraph (c) of this section upon:

(1) Initial introduction of a type and model of airplane into passenger/carrying operation, if the certificate holder has not conducted an actual demonstration under paragraph (a) of this section;

(2) Changing the number, location, or emergency evacuation duties or procedures of flight attendants who are required by § 121.391; or

(3) Changing the number, location, type of emergency exits, or type of opening mechanism on emergency exits available for evacuation.

(c) In conducting a partial demonstration each certificate holder must:

(1) Demonstrate the effectiveness of its crewmember emergency training and evacuation procedures by conducting a demonstration, not requiring passengers and observed by the Administrator, in which the flight attendants for that type and model of airplane, using that operator's line operating procedures, open 50 percent of the required floor-level emergency exits and 50 percent of the required non-floor-level emergency exits whose opening by a flight attendant is defined as an emergency evacuation duty under § 121.397, and deploy 50 percent of the exit slides. The exits and slides will be selected by the administrator and must be ready for use within 15 seconds;

(2) Apply for and obtain approval from the Flight Standards District Office maintaining surveillance of its operations before conducting the demonstration;

(3) Use flight attendants in this demonstration who have been selected at random by the Administrator, have completed the certificate holder's FAA-approved training program for the type and model of airplane, and have passed a written or practical examination on

the emergency equipment and procedures; and

(4) Apply for and obtain approval from the FAA certificate-holding office having jurisdiction over its operations before commencing operations with this type and model airplane.

(d) Each certificate holder operating or proposing to operate one or more landplanes in extended overwater operations, or otherwise required to have certain equipment under § 121.339, must show, by simulated ditching conducted in accordance with paragraph (b) of Appendix D to this part, that it has the ability to efficiently carry out its ditching procedures.

(e) For a type and model airplane for which the simulated ditching specified in paragraph (d) has been conducted by a Part 121 certificate holder, the requirements of paragraphs (b)(2), (b)(4), and (b)(5) of Appendix D to this part are complied with if each life raft is removed from stowage, one life raft is launched and inflated (or one slide life raft is inflated) and crewmembers assigned to the inflated life raft display and describe the use of each item of required emergency equipment. The life raft or slide life raft to be inflated will be selected by the Administrator.

2. By revising the introductory text of § 121.391(b) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(b) If, in conducting the emergency evacuation demonstration required under § 121.291 (a) or (b), the certificate holder used more flight attendants than is required under paragraph (a) of this section for the maximum seating capacity of the airplane used in the demonstration, he may not, thereafter, take off that airplane—

* * * * *

(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), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—Since this amendment is relaxatory in nature, it has been determined that this document: (1) involves a regulation which is not a major rule under Executive Order 12291; (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) under the criteria of the Regulatory Flexibility Act, I certify that the rule will not have a significant economic impact on a substantial number of small entities since this rule reduces the number of full-scale emergency evacuation demonstrations that need to be conducted, without compromising safety. This in turn reduces the exposure to injury caused by the evacuation demonstrations. A copy of the final regulatory evaluation for this action is contained in the public docket. A copy of that

evaluation may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Washington, D.C., on November 10, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-36040 Filed 12-16-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 121**[Docket No. 21269; Ref. Notice No. 81-1]****Flight Attendants****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws proposal number 11-14 contained in Notice No. 81-1 published in the *Federal Register* January 19, 1981 (46 FR 5484). That proposal would have amended § 121.391(c) of the Federal Aviation Regulations to allow the number of flight attendants required on a particular flight to be reduced by blocking a number of passenger seats. This proposal is withdrawn because there is a lack of substantial evidence in the record that the present level of passenger safety would be maintained. This is consistent with Executive Order 12291.

FOR FURTHER INFORMATION CONTACT:

E. Wendell Owens, Regulatory Review Branch, AVS-22, Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue, SW.,

Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTAL INFORMATION:**Background**

Notice No. 81-1 (46 FR 5484) was issued on January 19, 1981 as part of the Operations Review Program. In that notice, the FAA proposed to amend § 121.391(c) to allow the number of required flight attendants on specific flights to be reduced under specific conditions by blocking passenger seats. The number of flight attendants required on passenger carrying aircraft is based on the seating capacity of the aircraft, basically in the ratio of one flight attendant for each 50 seats, or less. The actual number of passengers on a particular flight does not affect this requirement. The existing rule allows the number of flight attendants to be reduced if a sufficient number of passenger seats are physically removed from the passenger cabin.

This proposal resulted from industry and FAA discussions during the Operations Review Conference. Interested persons have been afforded the opportunity to comment on the safety and economic impact resulting from the proposal. The FAA is processing this proposal separately from the others contained in Notice No. 81-1 due to the public interest it has generated.

Reasons for the Decision

An acceptable level of safety has been established and verified under the current aircraft certification and operation rules. As stated above, the number of required flight attendants now is based on the number of installed passenger seats. The data used to develop this proposal and the comments submitted in response to the notice of proposed rulemaking do not support the proposed change to the current standards and do not establish that the level of passenger safety would be maintained. Therefore, until data is developed which fully supports and justifies the societal benefits that would result from the proposed change, rulemaking on this subject should not proceed.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposal contained in the notice of proposed rulemaking now pending. Therefore, proposal number 11-14 contained in Notice No. 81-1 published in the *Federal Register* January 19, 1981 (46 FR 5484) is withdrawn. This action does not preclude the FAA from considering

similar proposals in the future or commit it to any further or future course of action on this subject.

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); sec. 8(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—Since this notice withdraws a proposal for rulemaking action and imposes no new standards, it does not impact or change the present regulations. It has been determined that this action, therefore: (1) is not a "major rule" under executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because there is no anticipated impact; and (4) I certify that this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on November 10, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-36041 Filed 12-16-81; 8:45 am]

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