

**14 CFR Part 121**

[Docket No. 22746; Amdt. 121-177]

**Seats, Safety Belts and Shoulder Harnesses; Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment to the Federal Aviation Regulations (FAR) clarifies the applicability of a specific safety belt and shoulder harness regulation to transport category airplanes, clarifies the effective date of a FAR section incorporated by reference therein, and deletes sections and dates rendered inoperative by the passage of time.

**DATES:** Effective March 6, 1982.

**FOR FURTHER INFORMATION CONTACT:** Larry Bedore, Project Development Branch, Air Transportation Division, Office of Flight Operations, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-8096.

**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, in pertinent part, amended 14 CFR Parts 25, 91, and 121 to update and improve airworthiness standards applicable to cabin safety and flight attendants. Amendment 121-155 incorporated new provisions into § 121.311 to upgrade seat, safety belt, and shoulder harness requirements for flight attendants.

As adopted, § 121.311(e)(1) required that, effective March 6, 1980, each transport category airplane type certificated after January 1, 1958, and operated pursuant to Part 121, be equipped with a shoulder harness at the pilot-in-command, second-in-command, and flight engineer stations. Section 121.311(e)(2) required that, after March 6, 1981, each transport category airplane operated pursuant to Part 121 must be equipped with a combined safety belt and shoulder harness, meeting the applicable requirements of § 25.785, at each flight deck station. Soon after issuance of Amendment 121-155, the FAA received requests for interpretation

of § 121.311(e), subsequently amended by Amendment 121-170 (46 FR 15480, effective March 5, 1981). The questions indicated uncertainty regarding whether § 121.311(e)(2) was applicable to transport category airplanes type certificated prior to January 1, 1958, and whether § 121.311(e)(2) applied to all flight deck station seats or only seats of required flight crewmembers. This amendment to § 121.311(e) is necessary to express clearly the regulatory intent that this section apply only to transport category airplanes type certificated after January 1, 1958.

Sections 121.311(e) and (f) are also amended to include the applicable revision level of § 25.785, which is incorporated by reference in those sections. This is necessary because, as promulgated in Notice 75-31, and issued in Amendment 121-155, § 121.311 (e) and (f) require Part 121 operators to meet equipment requirements defined, in part, by airworthiness type certification standards found in § 25.785. Amendment 25-51, which was issued as part of Airworthiness Review Program Amendment No. 8 (45 FR 7750; February 4, 1980) along with Amendment 121-155, amended § 25.785 to require, in pertinent part, upgraded safety belt and shoulder harness type certification standards for each flight deck station and flight attendant seat in transport category airplanes. These upgraded seat standards were incorporated by reference into § 121.311 (e) and (f) in Amendment 121-155, which inadvertently failed to include a reference to the effective date of § 25.785 which the FAA intended to apply. This amendment of § 121.311 (e) and (f) is necessary to indicate that the sections refer to § 25.785 effective March 6, 1980, so that future amendments to § 25.785 will not automatically impose retroactive equipment requirements upon Part 121 operators.

Section 121.311 (f) and (h) of Amendment 121-155 contained future compliance dates for the new equipment requirements of March 6, 1980, and March 6, 1981, respectively. Those dates were subsequently extended through March 6, 1982, by Amendment 121-170. Since reference to the March 6, 1982, compliance date will no longer be necessary on or after the effective date of the present amendment, this amendment deletes the reference to those dates from the FAR. Similarly, § 121.311(g) has been deleted since the interim period of its intended effectivity

will also have passed. Accordingly, § 121.311 (h) and (i) have been redesignated as § 121.311 (g) and (h).

**Need for Immediate Adoption**

Numerous Part 121 operations are conducted using transport category airplanes type certificated prior to January 1, 1958. Based upon the requests for interpretation and exemption already received from Part 121 operators, the FAA recognizes an urgent need to amend § 121.311(e) to restore its original intent and thereby relieve the public and the aviation community from the economic burden of seeking clarification of, or exemption from, an ambiguous rule. Affected operators of transport category airplanes type certificated prior to January 1, 1958, are unable to determine whether they are required to upgrade their equipment in order lawfully to continue operations after March 6, 1982. Consequently, not adopting this amendment immediately would unnecessarily perpetuate such uncertainty beyond the critical compliance date and could result in the unnecessary, and economically damaging, voluntary grounding of affected aircraft by Part 121 operators. Since this amendment is clarifying and editorial in nature, I find that notice and public procedure are impractical and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

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

**Adoption of Amendment**

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective March 6, 1982:

**§ 121.311 [Amended]**

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

\* \* \* \* \*

(e) No person may operate a transport category airplane that was type certificated after January 1, 1958, unless it is equipped at each flight deck station with a combined safety belt and shoulder harness that meets the applicable requirements specified in § 25.785 of this chapter, effective March 6, 1980, except that—

(1) Shoulder harnesses and combined safety belt and shoulder harnesses that were approved and installed before March 6, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

\* \* \* \* \*

2. By amending § 121.311(f) by deleting the words "After March 6, 1982, each" and inserting the word "Each" in place thereof, and by inserting the phrase ", effective March 6, 1980" after the word "chapter".

3. By deleting § 121.311(g) and redesignating § 121.311 (h) and (i) as § 121.311 (g) and (h), respectively.

4. By amending newly redesignated § 121.311(g) by deleting the words "After March 6, 1982, each" and inserting the word "Each" in place thereof.

(Secs. 313, 314, 601, and 603 through 605, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421, and 1423 through 1425); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

**Note.**—The Federal Aviation Administration has determined that this amendment 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). Since this regulatory action is clarifying and editorial in nature, I also find that the economic impact is so minimal that no regulatory evaluation is now necessary.

Issued in Washington, D.C., on March 5, 1982.

J. Lynn Helms,  
*Administrator.*

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