

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9663; Amdt. 121-47]

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

Crashworthiness and Passenger Evacuation

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to extend the compliance dates for various additional emergency equipment requirements, to empower the FAA Air Carrier District Office to make certain of these extensions, and to incorporate a clarification of the emergency evacuation procedures.

By petition dated June 9, 1969, the Air Transport Association (ATA) has requested, on behalf of its member airlines, an extension of the September 30, 1969, compliance date in several paragraphs of § 121.310 of the regulations. The ATA indicates that there have been delays by the manufacturers in the delivery of the modification kits that are required for compliance with the various requirements and delays in supplying the Service Bulletin information on these changes. The petitioner points out that certain deliveries will not be made until after September 30, 1969; and that even in those cases where earlier deliveries are anticipated, a "crash" program would be needed in many instances to meet the current compliance times. With the exception of the compliance time in § 121.310(d)(2), the petitioner has requested extensions of up to 1 year. However, in order to insure a rapid, but orderly, compliance, the petitioner recommends that the individual operators be required to furnish by September 30, 1969, a satisfactory schedule for completion of the required modifications of its airplanes.

The FAA is aware that delays of the type described by the petitioner are frequently beyond the control of the various operators. Since the affected Part 121 certificate holders may not be able to control the availability of required parts and equipment, it appears that an extension of the September 30, 1969, compliance date would be justified in certain

cases and that the responsible FAA District Office should be empowered to grant extensions in those cases.

With respect to § 121.310(d)(2) the petitioner points out that this compliance time should be the same as the compliance time for § 121.310(h)(1) since, in most cases, compliance with one requirement necessitates compliance with the other. The FAA agrees and the date for compliance has been extended from September 30, 1969, to June 30, 1971. In addition, the compliance terms in § 121.310(h)(1) have been amended to remove the provision that compliance with that requirement must be accomplished "at the first airplane major maintenance visit after December 30, 1969." Because of the differences in the maintenance procedures among the various air carriers and in view of the delays being experienced by these operators in obtaining necessary parts and equipment for the required modifications, such a limitation is not appropriate.

Finally, a clarifying amendment is being made to the emergency evacuation procedures in Appendix D of Part 121 to implement the determination set forth by the FAA on June 8, 1969 (Regulatory Docket No. 9636) in its disposition of the petition filed by United Air Lines. In this connection, Appendix D is amended to make it clear that in conducting an emergency evacuation demonstration, the certificate holder may use not more than 50 percent of the emergency exits in the side of the fuselage that meet all of the requirements applicable to the required emergency exits for that airplane.

Since these amendments merely authorize FAA inspectors to grant extensions of an existing compliance date and clarify an existing requirement, I find that notice and public procedure thereon are unnecessary and that good cause exists for making the amendment effective in less than 30 days' notice.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 11, 1969, as follows:

Section 121.310 is amended—

(1) By amending paragraph (a) by adding a new subparagraph (3) to read as follows:

(a) Means for emergency evacuation.

(3) A certificate holder may obtain an extension of the September 30, 1969, compliance date prescribed in subparagraph (2) of this paragraph beyond that date, but not beyond September 30, 1970, from the FAA Air Carrier District Office (ACDO) charged with the overall inspection of its operations, if—

(i) It shows that due to circum-

stances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for compliance with subparagraph (2) which is acceptable to that ACDO.

(2) By amending paragraph (d) by striking out the date "October 1, 1969," in subparagraph (1) and inserting the date "July 1, 1971," in place thereof; and by striking out the date "September 30, 1969," in subparagraph (2) and inserting the date "June 30, 1971," in place thereof.

(3) By amending paragraph (h) by striking out the words "or upon the first airplane major maintenance visit after December 30, 1969, whichever comes first," in subparagraph (1) and by adding the following provision at the end of subparagraph (2):

(2) * * *. A certificate holder may obtain an extension for compliance with the requirements of this subparagraph beyond the required compliance date, but not beyond March 1, 1971, from the FAA Air Carrier District Office (ACDO) charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for completion which is acceptable to that ACDO.

(4) By amending paragraph (i) by adding the following provision at the end thereof to read as follows:

(i) Other floor level exits. * * *. A certificate holder may obtain an extension for compliance with the requirements of this paragraph beyond the required compliance date, but not beyond June 30, 1970, from the FAA Air Carrier District Office charged with the overall inspection of its operations, if—

(i) It shows that due to circumstances beyond its control it cannot comply by the earlier date; and

(ii) It submits by September 30, 1969, a schedule for completion which is acceptable to the ACDO.

Appendix D is amended by amending the first sentence of paragraph (a) (17) to read as follows:

(a) Aborted takeoff demonstration. * * *

(17) Not more than 50 percent of the emergency exits in the sides of the fuselage of an airplane that meet all of the requirements applicable to the required emergency exits for that airplane may be used for the demonstration. * * *

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1555(c))

Issued in Washington, D.C., on July 3, 1969.

J. H. SHAFFER,
Administrator.

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