

Sunshine Act Meetings

Federal Register

Vol. 53, No. 51

Wednesday, March 16, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 53 FR 7464, March 8, 1988.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, March 14, 1988.

CHANGES IN THE MEETING: Addition of the following closed items(s) to the meeting:

Proposed statement to be presented to the Commerce, Consumer, and Monetary Affairs Subcommittee of the House Committee on Government Operations regarding the Real Estate Appraisal Reform Act of 1987.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: March 14, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-5894 Filed 3-14-88; 3:41 pm]

BILLING CODE 6210-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time) Tuesday, March 22, 1988.

PLACE: Clarence M. Mitchell, Jr., Conference Room, No. 200-C on the Second Floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington DC 20507

STATUS: Part of the meeting will be open to the Public and Part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Vote(s)
2. A report on Commission Operations (Optional)
3. Request to Approve the Renewal of a Contract for the Mailout and Processing of the 1988 Employer Information Report (EEO-1) Survey

Closed Session

1. Agency Adjudication and Determination on Federal Agency Discrimination Complaint Appeals.
2. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on the EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE

INFORMATION: Hilda D. Rodriguez, Executive Officer (Acting) on (202) 634-6748.

Dated: March 11, 1988.

Hilda D. Rodriguez,

Executive Officer (Acting), Executive Secretariat.

[FR Doc. 88-5822 Filed 3-4-88; 8:45 am]

BILLING CODE 6750-06-M

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Wednesday, March 9, 1988, 53 FR 7629.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., Tuesday, March 15, 1988.

CHANGE IN MEETING: A majority of the Board Members determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. Item two has been removed from the agenda (Railroad Summary Reports: Southeastern Pennsylvania Transportation Authority (SEPTA) Accidents in Philadelphia (12/10/86) and Ardmore (1/26/87), Pennsylvania).

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Bea Hardesty,

Federal Register Liaison Officer.

March 11, 1988.

[FR Doc. 88-5875 Filed 3-14-88; 1:40 pm]

BILLING CODE 7533-01-M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Monday, March 21, 1988 at 3:00 p.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications

4. Petitions and Complaints

5. Inv. 731-TA-388 (P) (Certain All Terrain Vehicles from Japan—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 252-1000.

March 9, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88-5777 Filed 3-14-88; 9:46 am]

BILLING CODE 7020-02-M

UNITED STATES PAROLE COMMISSION

DATE AND TIME:

Thursday, March 24 9:00 a.m. to 5:00 p.m.
Friday, March 25 9:00 a.m. to 5:00 p.m.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Adoption of minutes of previous Commission meeting.
2. Reports from the Chairman, Vice Chairman, Commissioners, Legal, Research, Case Management and Administrative Sections.
3. Presentation by Dr. Edward Janoff concerning AIDS.
4. Presentation by Charlie Varnon, Chief U.S. Probation Officer, Eastern District of California.
5. Consideration of community confinement and punishment; other cost-effective community corrections proposals which do not adversely affect public protection.
6. Consideration of program to monitor supervision.
7. Consideration of proposal to advance presumptive parole dates.
8. Consideration of proposal to develop a means to obtain data on collection of fines and restitution on curfew parole dates.
9. Consideration of proposal that United States Probation Service be required to submit a supervision report (Form F-3) after the parolee's first year in the community and every year thereafter.
10. Proposal for revision of 28 CFR 2.56(e) to provide for prompt disclosure of prehearing assessments, hearing summary, and/or tape recording of the hearing.
11. Proposal for better monitoring by Probation Officers concerning payment of fines or restitution [discussion only].
12. Proposal that WITSEC coordinators in Central Office screen materials and send only appropriate materials to the regions [discussion only].

Test Report

Wednesday
March 16, 1988

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 150

Expansion of Applicability of Part 150 to
Heliports; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 150

[Docket No. 25117; Amdt. No. 150-1]

Expansion of Applicability of Part 150 to Heliports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule expands the applicability of the rules governing the airport noise compatibility planning process to include free-standing public-use heliports and allows operators of those heliports to benefit from the Airport Improvement Program (AIP). The rule expansion is needed because the current rule only includes heliports that are located on public-use airports used by fixed-wing aircraft.

DATE: Effective date of this amendment is March 16, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Hixson, Noise Policy and Regulatory Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591. Telephone: (202) 267-3565.

SUPPLEMENTARY INFORMATION:**Background**

Part 150 of the Federal Aviation Regulations (14 CFR Part 150) contains standards for airport operators who volunteer to submit noise exposure maps and airport noise compatibility planning programs to the FAA. Operators of airports whose maps have been found to be in compliance with the applicable requirements of Part 150 and whose programs have been approved by the FAA in accordance with the provisions set forth under Part 150 are then eligible to apply for noise control project funding under the AIP. The Aviation Safety and Noise Abatement Act of 1979, as amended, (49 U.S.C. 2101 *et seq.*, "the ASNA Act") also provides certain legal protections for airport proprietors whose maps have been accepted by the FAA.

Operators of public-use airports have been able to avail themselves of the benefits of Part 150 since its original adoption on an interim basis on January 19, 1981 (46 FR 8316, January 26, 1981). However, in that interim rule and in the final rule adopted December 13, 1984 (49 FR 49260, December 18, 1984), access to Part 150 was denied to the operators of public-use heliports used exclusively by helicopters, "free-standing public-use

heliports." The restriction was imposed because there were relatively few free-standing public-use heliports and because adequate computational tools for drawing noise contours around heliports were not available at that time. The recent opening of several prototype public-use heliports and the FAA's development of a Heliport Noise Model (HNM) computer program have prompted expansion of Part 150 to include free-standing public-use heliports.

Discussion of the Comments and the Amendment

On November 4, 1986, FAA issued a notice of proposed rulemaking (NPRM) to expand Part 150 to include free-standing public-use heliports. Interested parties were afforded the opportunity to participate in the development of this final rule by submitting written comments to the public regulatory docket on or before February 3, 1987. Six comments were received in response to Notice No. 86-17 (51 FR 40037; November 4, 1986) and all have been duly considered in promulgating this amendment. All of the comments supported expansion of the applicability of Part 150 to include free-standing public-use heliports. However, three of the comments also included specific suggestions about one or more of the FAA's proposed amendments.

The comments received in response to the notice were grouped by broad categories of issues and are discussed below.

1. Applicability of Rule

Based on his understanding that Part 150, the ASNA Act, and the Airport Improvement Program are related to "public airports" rather than "public-use airports," one commenter suggested that the expanded Part 150 program will not result in significant benefits to the public since the majority of heliports are privately owned and will not be eligible for funds through the ASNA Act and Part 150, even if these heliports are made available for public use.

In replying to this comment it is first necessary to clarify the applicability of the Part 150 program. The amended § 150.3 applies to "airport noise compatibility planning activities of the operators of 'public-use airports,' including heliports, as that term is used in section 101(1) of the ASNA Act as amended (49 U.S.C. 2101) and as defined in section 503(a)(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2202)." Section 503(a)(17) of the Airport and Airway Improvement Act defines a public-use airport as "(a) any public airport, (b) any privately owned

reliever airport, and (c) any privately owned airport which is determined by the Secretary to enplane annually 2,500 or more passengers and receive scheduled passenger service of aircraft which is used or to be used for public purposes." Section 503(a)(16) of the Airport and Airway Improvement Act defines a public airport as "any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned." Thus, although the expansion of Part 150 to include heliport noise compatibility planning programs will not include privately owned heliports not used for public purposes, it will include those which are used for public purposes as defined in the Airport and Airway Improvement Act.

2. Availability of Heliport Noise Model

One commenter recommended that reference to the Heliport Noise Model (HNM) not be included in the amendment because the HNM is not available and its ability to produce results which accurately reflect actual heliport noise conditions in its present stage of development may be in question. The commenter also stated that other less complicated methods of producing noise contours are now available to the user public.

The commenter is correct that the final HNM was not available when the NPRM was published; however, it is now available. The HNM represents the best method for obtaining helicopter noise contours. Since the date the docket closed, the HNM has been evaluated by a significant part of the helicopter industry and the FAA has approved the HNM for use in Part 150 heliport studies. It should be noted that the regulation permits the use of FAA approved methodologies or computer programs other than the HNM to obtain noise contours. However, FAA is not aware of any other methodologies applicable to helicopter noise that accurately reflect the noise impact. As with airport noise modeling, where FAA has approved more than one methodology, FAA will approve additional methodologies for heliport noise modeling when their effectiveness is demonstrated.

3. Use of Heliport Noise Model

One commenter suggested changing the wording of the third sentence of proposed section A150.103(c) from "For static operation (hover), identify helicopter type and duration in minutes shall be identified" to "For static operations (hover), identify the types of helicopters involved and the total

annual duration in minutes of the hover operation for each type." It should be noted that the NPRM contained a typographical error in this sentence.

Although the FAA agrees with the intent of the commenter in clarifying the wording of this sentence, the total annual duration in minutes of the hover operation is not used as input for the HNM. The HNM develops noise exposure contours by computing the noise exposure for a typical day, with the number of operations for the typical day being the average of the daily operations for a one year period. Thus, the HNM input for hover operations consists of (a) the helicopter type, (b) the duration in minutes of the hover operation for a particular helicopter type, and (c) the average number of daily operations for that helicopter type based on an annual average. The intent of this requirement is to put the data into its most useful form for input to the HNM. Should, at a future date, additional models for assessing heliport noise impacts be approved by the FAA for use in Part 150 studies, that approval will also take into account the data input requirements of those models. Therefore, the final rule retains the HNM inputs. However, to clarify the meaning of this sentence in the regulation, it has been reworded as follows: "For static operation (hover), the helicopter type, the number of daily operations based on an annual average, and the duration in minutes of the hover operation shall be identified."

Synopsis of the Final Rule

Sections 150.3 and 150.7 have been amended to include all public-use heliports. Section A150.103 has been amended to reference use of the HNM and to insert map scale and size requirements which are appropriate to heliports.

Regulatory Evaluation

The FAA evaluated the regulatory impact of removing the Part 150 restrictions which apply to the operators of heliports. It was determined that this rule is consistent with the objectives of Executive Order 12291 as part of the President's Regulatory Reform Program to reduce regulatory burdens on the public. Since Part 150 is a voluntary program, heliport operators, like other airport operators, will participate only when it is in their best interests. Since the new rule only increases the number of airport operators eligible to apply for Federal matching grants under the Airport Improvement Program (AIP) by

one-tenth of one percent, the incremental administrative costs to the FAA will be insignificant. Grant funds come from the AIP in which an 8% set-aside is held for noise mitigation purposes. AIP funding is derived from an 8% tax on passenger tickets and a general aviation fuel tax, as mandated by Congress. The expansion of the program to include heliports is not expected to adversely impact current AIP funding. In addition, this rule will have no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

Regulatory Flexibility Analysis

As explained in the background section, this amendment to Part 150 to include free-standing public-use heliports will broaden access to a voluntary Federal program. Heliport operators who submit maps or programs under the amendment will do so voluntarily and on the basis of self-interest. Since Part 150 is a voluntary program, this amendment will have no significant economic impact, either positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Moreover, as of June 1986, only six heliports would be eligible to participate in the Part 150 program; none are small entities.

Environmental Analysis

Pursuant to Department of Transportation "Policies and Procedures for Considering Environmental Impacts" (FAA Order 1050.1D), a Finding of No Significant Impact has been made. This amendment to Part 150 does not significantly affect the quality of the human environment.

Reporting and Recordkeeping

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting and recordkeeping provisions in this regulation will be submitted for approval to the Office of Management and Budget (OMB). Participation in the voluntary noise compatibility planning process is estimated by the FAA to affect only six heliports and the reporting and recording impact is minimal. Submission to OMB of the reporting and recording provisions will be made as an amendment to the existing OMB approval for Part 150 (OMB control number 2120-0517). The revised reporting and recordkeeping provisions are not effective until OMB approval has been obtained and notice of the approval is published in the *Federal Register*. Pending OMB approval, FAA

will review any submission from an eligible heliport in accordance with the regulations implementing the provisions of the Paperwork Reduction Act of 1980, 5 CFR Part 1320.

Federalism Implications

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

Conclusion

The only costs associated with this amendment are (1) the voluntary costs incurred by a heliport operator for the initial preparation and submission of a noise exposure map and compatibility program and (2) the minimal FAA administrative costs. Therefore, the FAA has determined that this amendment involves a regulation that is not major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since no small entities will be affected by the rule, it is certified under the criteria of the Regulatory Flexibility Act that the rule will not have a significant economic impact, either positive or negative, on a substantial number of small entities. A copy of the final regulatory evaluation prepared for this project may be examined in the public docket or obtained from the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 150

Airports, Noise exposure maps, Noise compatibility programs, Land uses.

The Amendment

Accordingly, Part 150 of the Federal Aviation Regulations (14 CFR Part 150) is amended as follows:

PART 150—AIRPORT NOISE COMPATIBILITY PLANNING

1. The authority citation for Part 150 is revised to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, 1431, 2101, 2102, 2103(a), 2104 (a) and (b), 2201 et seq.; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 150.3 [Amended]

2. By running from § 150.3 the words "not used exclusively by helicopters" and substitution in their place the words "including heliports".

§ 150.7 [Amended]

3. By removing from the term "Airport" in § 150.7 the words "not exclusively used by helicopters" and substituting in their place the words "including helicopters".

Appendix A [Amended]

4. By amending paragraph (a) of section A150.103 of Appendix A to add the words "for airports or the Heliport Noise Model (HNM) for heliports" after the words "Integrated Noise Model (INM)".

5. By amending section A150.103(b) of Appendix A to insert at the beginning of the paragraph the words "Except as

provided in paragraph (c) of this section."

6. By amending section A150.103 of Appendix A to add a new paragraph (c) to read as follows:

Sec. A150.103 Use of computer prediction model.

* * * * *

(c) For heliports, the map scale required by paragraph (b)(1) of this section shall not be less than 1 inch to 2,000 feet and shall indicate heliport boundaries, takeoff and landing pads, and typical flight tracks out to at least 4,000 feet horizontally from the landing pad. Where these flight tracks cannot be determined, obstructions or other limitations on flight tracks in and out of the

heliport shall be identified within the map areas out to at least 4,000 feet horizontally from the landing pad. For static operation (hover), the helicopter type, the number of daily operations based on an annual average, and the duration in minutes of the hover operation shall be identified. The other information required in paragraph (b) shall be furnished in a form suitable for input to the HNM or other FAA approved methodology or computer program.

Issued in Washington, DC, on March 10 1988

T. Allan McArtor,
Administrator.

[FR Doc. 88-5677 Filed 3-15-88; 8:45 am]

BILLING CODE 4910-13-M

Part 121

Wednesday
March 16, 1988

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Mandatory Reporting for Emergency
Evacuation Systems and Components;
Final Rule

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

[Docket No. 25289; Amdt. 121-195]

Mandatory Reporting for Emergency Evacuation Systems and Components**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: The purpose of this amendment is to revise the mechanical reliability reporting requirement contained in Part 121 of the Federal Aviation Regulations to require certificate holders to report each failure, malfunction, or defect of emergency evacuation systems and components. This amendment is necessary to collect, record, analyze, and disseminate data concerning those failures, malfunctions, or defects that occur during training, testing, or actual emergency conditions to improve the levels of emergency evacuation system reliability and safety.

EFFECTIVE DATE: April 15, 1988.**FOR FURTHER INFORMATION CONTACT:**

Mr. George R. Johnson, Project Development Branch (AFS-360), Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-3798.

SUPPLEMENTARY INFORMATION:**Background**

On May 22, 1987, the Federal Aviation Administration (FAA) issued Notice of Proposed Rulemaking (NPRM) No. 87-5 (52 FR 20982; June 3, 1987). The notice proposed to amend the mechanical reliability reporting requirement contained in Part 121 of the Federal Aviation Regulations (FAR) to require certificate holders to report each failure, malfunction, or defect of emergency evacuation systems and components. Section 121.703(a) of the FAR requires each certificate holder to report the occurrence or detection of failures, malfunctions, or defects of 16 specified categories. Section 121.703(c) requires the certificate holder to report any other failure, malfunction or defect in an aircraft that occurs, or is detected at any time if, in its opinion, that failure, malfunction or defect has endangered, or may endanger, the safe operation of an aircraft used by the certificate holder.

The ability to evacuate an airplane safely and quickly during an emergency is a major concern to the FAA, the aviation industry and the public. As part of an effort to collect information about and address these concerns, the FAA

sponsored a technical conference in Seattle, Washington, from September 3-6, 1985, related to emergency evacuation of transport category airplanes. Discussions covered the number, capacity, distribution and marking of emergency exits, full-scale evacuation demonstrations, the validity of the data derived from full-scale evacuation tests versus that data obtained from mathematical analysis. Also discussed were the criteria to be used to decide when the mathematical analysis method (used because of full-scale demonstration cost, impracticality, or other reasons) would be acceptable in lieu of a full-scale demonstration. The discussions also covered escape slides and the design standards and certification testing requirements for these slides, slide maintenance failure reporting, and other related topics. Working groups were established to review and discuss existing regulations in Parts 25 and 121 of the FAR and recommended regulatory and non-regulatory changes.

During the conference, a representative from a leading manufacturer stated that its testing of transport category airplane cabin evacuation slides resulted in a 90 percent success rate. Airline pilots, cabin crewmembers and maintenance personnel presented different opinions, expressing their views about the general unreliability of evacuation slides.

Several comments were made about the lack of, or inadequacy of, reporting of failures, malfunctions, and defects of emergency evacuation systems and components (such as evacuation slides, gas bottles, cables, door indicators, motors, clips, girth bar attachments, etc.). Discussion focused on the present Service Difficulty Report System, the collection and disposition of those reports, the malfunctions and defects that are not presently reported, and potential solutions to the problems discussed. Members of groups representing flight attendants, the National Transportation Safety Board and the National Transportation Safety Association stated their concerns that failures, malfunctions or defects of evacuation systems or components are not being reported to the FAA, thus creating a vacuum of knowledge. The process by which failures, malfunctions, or defects are presently reported was criticized for excluding a large number of events, such as the inadvertent deployment of evacuation slides during cabin safety demonstrations or maintenance checks and overhauls. Representatives from the FAA and other organizations expressed concern that regulatory authorities were unaware of

emergency evacuation system incidents taking place in the field and that some of this information could be significant to safety.

There has also been legislative concern regarding the safe evacuation of aircraft. A congressional hearing on this matter was held by the Subcommittee on Investigations and Oversight of the House Committee of Public Works and Transportation on June 24 to 26, 1985. Mechanical Reliability Reports (MRR) and Service Difficulty Reports (SDR) are utilized by the FAA primarily as a maintenance and continued airworthiness surveillance tool and are published in the Aviation Standards Service Difficulty Report Summary by FAA's Aviation Standard National Field Office at Oklahoma City, Oklahoma. This summary consists of air carrier MRR's and is available to FAA personnel, industry affiliates and others with a need for access to this information. This information provides the FAA with reliability and airworthiness statistical data necessary for planning, directing, controlling, and evaluating certain aircraft products, such as emergency evacuation systems and components. These reports also provide a means for measuring the effectiveness of the self-evaluation techniques being employed by certain segments of the civil aviation industry.

Discussion of Comments

The FAA received six comments in response to Notice 87-5 from organizations or associations with an interest in aircraft safety. Two commenters, the National Transportation Safety Board (NTSB) and the Syndicat National De Personnel Navigant Commercial (SNPNC), of France, were in agreement with the proposal as written, and support this regulatory action. The Association of Flight Attendants (AFA) and the National Transportation Safety Association, Inc. also support the amendment, but both suggest it be expanded to include life preservers and life rafts. The Airline Pilots Association (ALPA) suggests adding life rafts, slides and personal flotation devices in their supportive comment.

Although life preservers, life rafts, and personal flotation devices are primarily intended for use during an emergency evacuation of an aircraft, this survival equipment is not considered to be part of the emergency evacuation system, or components thereof, and therefore, is beyond the scope of this amendment. Regarding the suggestion to include slides in the amendment, the evacuation slides and slide/rafts are considered to

be an integral part of the emergency evacuation system and are covered under the provisions of this amendment. However, in response to both a prior NTSB safety recommendation, and an ALPA petition for rulemaking, the FAA is currently developing a regulatory project that will address the continuing airworthiness of emergency water survival equipment that is installed as part of the required safety equipment of aircraft operating under the provisions of FAR Parts 121, 125 and certain portions of Part 135. This project is intended to include the reliability of life preservers.

The Air Transport Association of America (ATA) submitted comments that were essentially in disagreement with the proposal. ATA points out that two of its members do not oppose the proposal, with one of the two already reporting emergency evacuation system failures and malfunctions through the MRR system. ATA also states that two other members would not oppose the proposal if the reporting provisions were narrowed to those defects that would or could actually prevent the systems from performing their intended functions. The thrust of ATA's objection is that emergency evacuation systems may not be appropriate to the SDR system, and that the MRR system, as currently operating, is ineffective. The ATA also contends that the FAA's cost and benefit estimates to support the amendment were derived arbitrarily and lacked sufficient documentation.

The decision to include the mandatory reporting of defects and malfunctions of emergency evacuation systems and components in the MRR system was based on the recommendations of the Maintenance and Reliability Working Group that was part of the emergency evacuation task formed following the September 1986 Public Technical Conference in Seattle. This group reported that the lack of mandatory reporting of emergency evacuation system defects and malfunctions impaired the monitoring of evacuation equipment in service. As a result, the group reported that the FAA does not have a sufficient data base to evaluate door failures which occur in the automatic mode, and the repairs or modifications required to insure a reliable evacuation system. The group recommended that a system of comprehensive mandatory reporting be established to provide for equipment reliability monitoring. The MRR system provides the ideal vehicle for this reporting.

Regarding ATA's comment on the ineffectiveness of the MRR system, it is

beyond the scope of this amendment to attempt to address any problem areas that may exist in the reporting system. However, the FAA recognizes that there are faults with the system and a program has been initiated to attempt to remedy these faults.

ATA also commented that the wording of the amendment could result in the submission of useless data that would waste the time of both the operator and FAA personnel analyzing the data. As an example, a scratch in the paint on an emergency exit door could be construed as a "defect" and, as such, would require reporting. The FAA does not agree. It is the responsibility of the operator to evaluate the significance of the defects with a view to the effect that defect would have on the reliability of the affected system or component. The FAA acknowledges operators' ability to recognize safety-significant occurrences and findings, and does not anticipate an overabundance of useless information in response to this amendment. With respect to ATA's critical comments concerning the cost and benefit estimates of Notice 87-5, the FAA disagrees that its cost and benefit estimates were derived arbitrarily and lack sufficient documentation. While the cost and benefit estimates reflect some uncertainty, primarily related to the number of accidents and the magnitude of their respective casualty losses due to defective or inoperative emergency evacuation systems and components, they are considered to be reasonably reliable. These estimates are based on factual data and the informed judgement of FAA personnel, and they have been thoroughly documented in the detailed regulatory evacuation contained in the docket. Since the commenter does not provide any additional, more illuminating, cost and benefit estimates, the FAA will continue to use those benefit and cost estimates contained in Notice 87-5.

Economic Summary

Benefit-Cost-Analysis

This regulatory evaluation examines the benefit and cost elements of a Final Rule to establish mandatory reporting for each failure, malfunction, or defect of emergency evacuation systems and components. The rule amends Part 121 of the Federal Aviation Regulations (FAR), and it will require each certificate holder to report all failures, malfunctions, or defects of emergency evacuation systems and components. This action is necessary to collect, record, analyze, and disseminate data concerning those failures, malfunctions, or defects that occur during training,

testing, or actual emergency conditions, so as to improve the reliability and safety of those systems and components. At present, air carriers and airmen report these malfunctions on a voluntary basis. There have been 106 voluntary reports submitted to the FAA between 1980 and 1985.

The rule was prompted largely as a result of concerns expressed by members of groups representing flight attendants, the National Transportation Safety Board, and the National Transportation Safety Association. These organizations stated that failures, malfunctions, or defects of evacuation systems and components are not being adequately reported to the FAA.

Benefits

The FAA states that potential benefits in the form of enhanced safety expected to accrue from implementation of the rule range between \$2,600 and \$131,000 annually. Such enhanced safety will result in reduced injuries or fatalities during emergency evacuation of air carriers because the improved data provided to FAA as a result of this rule will enable the agency to take timely action to correct deficiencies in emergency evacuation equipment. This timely corrective action would not be possible if the information were not available.

Costs

The FAA estimates that the total cost of compliance expected to accrue from implementation of the rule, dispersed among all air carriers, will range between \$25 and \$90 annually (in 1985 dollars). This assessment is based largely on information received from personnel at the FAA's Aviation Standards National Field Office in Oklahoma City, Oklahoma.

The FAA believes this rule is clearly cost-beneficial. The Regulatory Evaluation that has been placed in the docket contains additional information related to the costs and benefits expected to accrue from the implementation of this rule.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities."

Virtually all of the small entities potentially impacted by the rule are operators of scheduled aircraft for hire

who own nine or fewer aircraft, but not necessarily operated. After comparing the upper range of the total annual incremental cost of compliance (\$90) to the annualized threshold of significant impact (\$51,000), the FAA concludes that a substantial number of small entities would not be significantly impacted by the rule. In order for a small entity to be significantly impacted by the rule, it will have to submit more than an estimated 1,100 service difficulty reports annually to the FAA. This number is approximately 61 times more than the annual average of 18 for all air carriers presently submitting such reports to the FAA. The FAA believes that it is very unlikely this number of reports will be prepared and submitted annually by any one of the subject small entities. Therefore, the FAA believes the rule to require mandatory reporting of deficiencies in emergency evacuation systems and components will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The rule is expected to have neither an adverse impact on the trade opportunities for U.S. firms doing business abroad nor on foreign firms doing business in the United States. The rule will primarily have a cost impact on scheduled operators of U.S. registered air carriers such as turbojet and turboprop aircraft who report deficiencies in their emergency evacuation systems and components to the FAA. The size of this cost impact is expected to be small for those reasons previously noted in Section III of the detailed regulatory evaluation.

Conclusion

This amendment will enable the FAA to achieve prompt and appropriate corrections of conditions adversely affecting continued airworthiness of emergency evacuations systems and components. This will be achieved through the collection of service

difficulty reports, their consolidation and collation in a common data bank, analysis of that data, and the rapid dissemination of trends, problems, and alert information to the appropriate segments of the aviation community and the FAA.

The amendment provides benefits, with negligible costs to the aviation public, by establishing mandatory reporting requirements which enhance the reliability of the data base for emergency evacuation systems and components.

Because this amendment is not likely to result in an annual effect on the economy of \$100 million or more, or a major increase in costs for consumers, industry, or Federal, State, or local government agencies, it has been determined that it is not a major proposal under Executive Order 12291. In addition, this amendment will have little or no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States. The FAA has determined that this action is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, as noted above, the FAA certifies that under the criteria of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities. A copy of the final evaluation prepared for this action, including a Regulatory Flexibility determination and Trade Impact Assessment, has been placed in the regulatory docket. A copy may be obtained by contacting the person identified under "For Further Information Contact."

Paperwork Reduction Act

Information collection requirements in § 121.703(a) have been approved previously by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub.

L. 96-511) and have been assigned OMB control number 2120-0008.

List of Subjects in 14 CFR Part 121

Aviation safety, Safety, Air carrier, Air transportation, Common carriers.

The Rule

Accordingly, the Federal Aviation Administration amends 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

1. The authority citation for Part 121 is revised to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 87-449, January 12, 1983).

2. By amending § 121.703 by removing the word "and" at the end of paragraph (a)(15); by removing the period at the end of paragraph (a)(16) and inserting "; and" in its place; and by adding a new paragraph (a)(17) to read as follows:

§ 121.703 Mechanical reliability reports.

(a) * * *

(17) Emergency evacuation systems or components including all exit doors, passenger emergency evacuation lighting systems, or evacuation equipment that are found defective, or that fail to perform the intended functions during an actual emergency or during training, testing, maintenance, demonstrations, or inadvertent deployments.

* * *

Issued in Washington, DC, on March 10, 1988.

T. Allan McArtor,
Administrator.

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