

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 121, 125, 135**

[Docket No. 27229; Notice No. 93-3]

RIN AD-50

Flight Attendant Duty Period Limitations and Rest Requirements**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes duty period scheduling limitations and rest requirements for flight attendants engaged in air transportation and air commerce. This proposal would establish flight attendant duty period scheduling limitations and rest requirements. The proposal results from public and congressional interest in regulating flight attendant work hours and from data contained in a recent FAA study of current industry practice relating to flight attendant flight, duty, and rest times. The objective of the proposal is to contribute to an improved aviation safety system by ensuring that flight attendants are sufficiently rested to perform their routine and emergency safety duties.

DATES: Comments must be received on or before June 1, 1993.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 27229, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27229. Comments may be examined in room 915G on weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Donell Pollard, Project Development Branch, AFS-240, Air Transportation Division, Flight Standards Service, 304B, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8096.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments, and by commenting on the possible environmental, economic, and federalism- or energy-related impact of the adoption of this proposal. Comments concerning the proposed

implementation and effective date of the rule are also specifically requested.

Comments should carry the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received and a report summarizing any substantive public contact with FAA personnel on this rulemaking will be filed in the docket. The docket is available for public inspection both before and after the closing date for receiving comments.

Before taking any final action on this proposal, the Administrator will consider the comments made on or before [60 days after publication in the Federal Register], and the proposal may be changed in light of the comments received.

The FAA will acknowledge receipt of a comment if the commenter includes a self-addressed, stamped postcard with the comment. The postcard should be marked "Comments to Docket No. 27229". When the comment is received by the FAA, the postcard will be dated, time stamped, and returned to the commenter.

Availability of the NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on a mailing list for future FAA NPRM's should request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes application procedures.

Background

In the mid-1980's, the FAA received two petitions for rulemaking on flight and duty period limitations for flight attendants. The first petition, from the Association of Flight Attendants (AFA), was received on December 19, 1984, and was summarized in the Federal Register (50 FR 6185) on February 14, 1985. The second petition, from the Joint Council of Flight Attendant Unions (JCFA), was received on April 23, 1985, and was summarized in the Federal Register (50 FR 25252) on June 18, 1985.

In its petition, the AFA requested the introduction of flight and duty time regulations, equivalent to those currently applying to flight crewmembers, into 14 CFR parts 121 and 135. In addition, the AFA sought the limitation of flight time to no more

than 8 hours, with a minimum rest period of 9 hours in a single daily duty period.

The AFA also addressed the potential costs and benefits of its proposal. The AFA did not foresee its proposal as having a major cost impact on the industry because many unions have contracts regarding flight attendant work hours that are more restrictive than the flight crewmember flight time limitations and rest requirements of 14 CFR parts 121 and 135. Additionally, the AFA asserted that its proposal would "ensure that flight attendants are rested enough to perform safely in an emergency. * * *

The JCFA submitted a more complex proposal that recommended the establishment of specific maximum duty time limits, minimum release-to-report rest periods, minimum numbers of monthly 24-consecutive-hour rests at domicile, and at least one 24-consecutive-hour rest period every 7 consecutive days.

Both petitioners contended that such rules are necessary to protect flight attendants since some air carriers require extremely long and exhausting duty periods. The petitioners pointed out that not all flight attendants are represented by unions. Moreover, the petitioners stated that the unrepresented flight attendants have no protection from excessive duty hours. In its proposal, the JCFA stated that excessive duty hours often lead to flight attendant fatigue and can diminish the ability of flight attendants to adequately perform their safety function in air transportation.

Because of the petitions' common subject matter, the FAA considered the two petitions jointly in a single docket, No. 24397. Commenters in support of the petitions and in favor of regulating flight attendant hours of service included the petitioners, union members of JCFA, individual flight attendants, the National Transportation Safety Board (NTSB), the Air Line Pilots Association (ALPA), the International Airline Passengers Association, the Director of Aerospace Medicine at Wright State University, and several members of Congress. While not citing any studies specifically related to flight attendant duties, supporters of the rulemaking agreed with the petitioners that fatigue does have an effect on performance and that flight attendants perform an important safety function in air transportation.

The NTSB, in its comment to Docket No. 24397, stated that the Board "believes that flight attendant fatigue can be detrimental to passenger safety." In its investigation of a January 21,

1985, Galaxy Airlines L-188 accident in Reno, Nevada, the Board disclosed scheduling practices that could be detrimental to passenger safety. At the time of the accident, two of the three flight attendants had been on duty for 18 hours 39 minutes. Their estimated total hours on duty, had they completed the flight to their scheduled destination, would have exceeded 25 hours. While the NTSB investigators did not attribute the cause of the accident and subsequent fatalities to the flight attendants' possible fatigue, the Board was concerned that such long duty periods "could impair the flight attendant's ability to perform the physical and mental tasks required" in an emergency.

The Air Transport Association, People Express Airlines, and the National Air Carrier Association expressed opposition to the initiation of rulemaking for flight attendant flight, duty, and/or rest limitations. These organizations saw no safety basis for rulemaking action by the FAA and believed that, if a problem exists, it is a labor/management problem and should be resolved as such.

After considering the comments submitted, the FAA issued a Denial of Petition on January 23, 1989, basing its determination on lack of evidence of any correlation among flight attendant duty time, flight attendant safety duties, and risk to passengers. No safety justification was found for adopting more stringent daily flight time limitations and daily minimum rest requirements for flight attendants, as proposed, than the current FAR applicable to flight crewmembers. Further, the FAA found no reasonable method of determining requirements for cost-beneficial flight attendant duty times directly related to safety. The FAA concluded that the costs to the carriers to administer the proposed rules and to the FAA to enforce them, could not be justified based on any empirical or reasonably estimated safety benefit.

Later in 1989 both the House of Representatives and the Senate introduced bills to provide for the establishment of limitations on duty time for flight attendants.

On May 17, 1989, the Subcommittee on Aviation of the House Committee on Public Works and Transportation held a public hearing on the House version of the bill. At that hearing the FAA's Associate Administrator for Regulation and Certification advised the subcommittee of its intent to initiate further studies of current flight attendant scheduling practices.

The FAA completed a "Report on the Study of Current Industry Practice-

Flight Attendant Flight, Duty, and Rest Times" (hereinafter referred to as the "Industry Study") on September 12, 1989. A copy of the Industry Study has been placed in the docket and is available for review. The information contained in the study, which was submitted to the House Subcommittee on Aviation, reflects a comprehensive view of current U.S. air carrier industry practices. The data collected for the study indicated that certain types of problems related to flight attendant duty hours may occur more frequently in certain industry segments than in others because of the nature of their operations. The study also noted that a variety of mechanisms are in place throughout the industry to respond to such problems. However, the results of the study suggest the need for regulatory action, which is provided by this NPRM.

On March 13, 1991, a hearing was held by the Aviation Subcommittee (Transportation Committee, House of Representatives) on the subject of flight attendant duty and rest. The FAA did not recommend rulemaking at that hearing. Subsequently, legislation pending, now H.R. 14, was voted out of committee and passed the House. In 1992, a provision was added to both the House and Senate versions of FAA's appropriations bill which incorporated the language of H.R. 14, but the provision was deleted in conference. On January 5, 1993, H.R. 14 was reintroduced by Congressman Mineta.

General Discussion

Historical Review

The Civil Aeronautics Act of 1938 (52 Stat. 1007; as amended by 62 Stat. 1216, 49 U.S.C. 551) and subsequently, the Federal Aviation Act of 1958 (72 Stat. 775, 49 U.S.C. 1421) addressed the issue of regulating flight crewmember hours of service. The 1958 Act, as amended, empowers and directs the Secretary of Transportation to promote the safety of civil air flight in air commerce by prescribing and revising from time to time "reasonable rules and regulations governing, in the interest of safety, the maximum hours or periods of service of airmen, and other employees." This section of the Act has been cited in arguments for establishing flight and/or duty and rest limitations for flight attendants, who are required crewmembers¹ aboard certain

¹ Section 1.1 of the FAR, General definitions, distinguishes between a flight crewmember (pilot, flight engineer, or flight navigator) and a crewmember (person assigned to perform duty in an aircraft during flight time). The FAR contain rest and duty requirements only for flight crewmembers.

commercial aircraft, but who are not defined as flight crewmembers.

Flight time limitations and rest requirements for domestic air carrier flight crewmembers were revised in 1985 (50 FR 29319; July 18, 1985). At the time of that rulemaking, a number of commenters pointed out that the proposed rule for flight crewmembers did not apply to flight attendants and that regulations should be enacted to cover those employees. Recognizing the unique duties and responsibilities held by flight attendants, the FAA chose to consider flight attendant work limits as a separate issue.

14 CFR 121.391, 125.269, and 135.107 require flight attendants on certain passenger-carrying airplanes. Other regulations require flight attendants to meet specific and recurrent training requirements dealing with normal safety duties, emergency evacuation procedures, and hijacking incidents. Flight attendants perform essential safety duties, including the following: (1) Identifying the location and using emergency exits, fire extinguishers, first aid kits, flotation devices, oxygen masks, and slides, (2) employing land and water evacuation procedures, including issuing evacuation commands, redirecting all passengers, and removing nonambulatory passengers; (3) responding to in-flight emergencies such as smoke or fire in the cabin, turbulence, medical emergencies, airplane decompressions, and airplane hijackings; and (4) using nonemergency safety procedures, including checking emergency equipment before flight, ensuring that baggage is correctly stowed so it will not block any exit in case of an emergency evacuation, securing galleys, briefing the passengers on safety equipment, emergency evacuation, and crash landing procedures, and ensuring compliance with all other applicable safety regulations. In recognition of their safety-sensitive role as crewmembers, flight attendants are subject to the alcohol and drug use regulations (§ 91.11, new § 91.17 effective August 18, 1990), and to regulations on drug testing (§§ 121.429, 121.455, 121.457, 135.249, 135.251, 135.353).

Because such safety regulations are applied to flight attendants as well as flight crewmembers, there is a growing complaint about the absence of duty and rest requirements for flight attendants. Flight attendants are the only safety-sensitive aviation group that does not have such rules.

Industry Study

The Industry Study focused on air carrier's scheduling practices and on

flight attendant's actual work hours. The study divided the air carrier industry into four categories: Majors, nationals, regionals, and supplementals. Each category generally differs in route structure and provides varying levels of service to the traveling public. Rather than serve as a general survey of industry practice, the Industry Study was designed to review current industry practice to identify extreme cases when contract/work rule limits were exceeded and where there were no work rules.

According to figures provided by airlines, unions, and the FAA field offices, approximately 83,000 flight attendants are employed in these four segments of the U.S. air carrier industry. Carriers selected for this review represented a cross section of the industry and the various types of operations. The study examined the work rules and policies of 36 U.S. air carriers, including the findings from 21 on-site visits, and provided detailed information concerning flight attendant work schedules. The work hours of flight attendants employed by these carriers are governed by union contracts, company work rules, or guidelines determined by the carrier. The Industry Study verified that scheduling guidelines vary considerably within the industry because of fundamental operational differences among the carriers.

Preliminary input was obtained from the FAA principal operations inspectors (POI's) assigned to monitor the operations of 74 air carriers throughout the country. The Industry Study noted that, even though the POI's work with flight attendants is limited to issues of cabin safety rather than duty hours, the POI's receive flight attendant complaints and comments about conditions that may affect cabin safety.

The information from the POI's indicated that most air carriers, including all majors and nationals, had union contracts or written work rules governing flight attendant scheduling. The carriers' recordkeeping practices varied widely, as was confirmed by the study. The POI's reported that, in about one-fifth of the 74 carriers, they had observed or been told about potential problem areas of long duty periods or minimum rest periods. Some of the POI's emphasized the need for flight attendants to be well-rested in order to respond effectively in emergency situations.

Parameters chosen for analysis in the Industry Study were based on a variety of established guidelines, including flight crewmember flight and duty time, and rest requirements in FAR parts 121 and 135. Normal and minimum

scheduling limits were based on industry practice and on the current flight crewmember regulations. Data collected targeted longer-than-average duty days, below minimum rest periods, and instances of a high number of flight hours in a day, week, month, or year. The study revealed examples outside the boundary of normal industry practice. These "extreme" cases included lengthy work days, inadequate rest periods, and a high number of consecutive days worked. The study noted that, while certain extremes did not occur frequently, they could be expected to occur under circumstances such as weather, mechanical, air traffic control (ATC), and other types of operational delays typical of air transportation. Other extremes noted were a result of flight attendants voluntarily exceeding company-prescribed limits to receive extra pay or days off, or to avoid adjustments to their work schedule.

Listed below are the parameters chosen for analysis and a summary of findings regarding each parameter:

- Union Representation and the Existence of Contract/Work Rules

The FAA estimates that approximately 78 percent of all U.S. flight attendants have scheduling guidelines implemented through union contracts that establish wages, work hours, and working conditions. The remaining flight attendants have their hours of service set by their employers, usually based on written work rules, policies, or guidelines. As noted in congressional testimony and in the Industry Study, flight attendants may be subject to lengthy duty periods and inadequate rest when flights are delayed due to weather, mechanical problems, or carrier scheduling problems. Although a unionized flight attendant can follow established grievance procedures if a carrier exceeds his or her union contract's flight, duty, and rest limits, these procedures can be lengthy and may result in the flight attendant's suspension from service until the matter is resolved. Nonunion flight attendants have limited recourse for excessive work hour assignments.

- Guidelines or Policies for Scheduling a Flight Attendant's Work Day, Domestically and Internationally

Flight attendant records reviewed in the Industry Study showed that the number of actual work hours per day ranged from as few as 4 to more than 20. Typical actual duty periods for domestic operations were 14 hours or less; for international operations they ranged between 14 and 16 hours. A small

percentage of the actual duty periods documented were more than 20 hours. Lengthy work days are typically a result of delays due to air traffic control, weather, mechanical, or operational difficulties. While each industry segment experienced such problems, supplemental carriers appeared to have the highest occurrence of lengthy work periods, primarily because of their geographically widespread operations and limited operational flexibility due to fewer crew bases or maintenance facilities, or fewer aircraft.

- Number of Scheduled Flights per Duty Day

The number of scheduled flights per duty day did not appear to be an industry problem because the number of flights are effectively limited by the number of scheduled work hours. Regional carriers were found to be more susceptible to scheduling a high number of flights per day because of their route structures and the short duration of their flight segments.

- Scheduled Rest Periods

Limited air carrier documentation of actual flight attendant rest periods was available. Generally, the records reflected actual flight and duty hours rather than the actual length of rest periods. Eight hours to nine hours appeared to be the standard minimum rest received in domestic operations. Twelve hours minimum was common in international operations. However, some cases in which rest periods fell below 8 hours because of operational irregularities were documented.

- Flight Attendants Voluntarily Exceeding Set Work and Rest Limitations

A majority of the carriers allowed flight attendants to voluntarily waive carrier or contract flight and duty limits and certain rest limits to make scheduling adjustments or work extra hours for additional pay. This provision allows carriers and flight attendants increased scheduling flexibility.

- Maximum Number of Flight Hours Scheduled per Week/Month

The maximum number of flight hours scheduled per week and month were not restricted by the majority of carriers reviewed. Few cases of flight hours exceeding 14 CFR parts 121 and 135 flight crewmember flight time limits were documented. Instances in which flight hours exceeded FAR or company guidelines appeared to be a result of flight attendants voluntarily working additional flight hours.

• Number of Consecutive Days Worked

The number of consecutive days worked was limited by a majority of the carriers, which required that flight attendants be relieved for at least 24 consecutive hours every 7 days. Excesses found in this area were attributed to flight attendants voluntarily waiving their time off.

The variations noted in duty time and rest hours resulted from air carriers exceeding their established operational guidelines and flight attendants voluntarily exceeding limits. The Industry Study confirmed that, whether voluntarily or at the direction of the carrier, contract/work rule limits are exceeded limits are exceeded on a limited but consistent basis.

The FAA also reviewed foreign civil aviation regulations on the limitation of flight attendant flight, duty, and rest requirements. The FAA obtained information from foreign embassies, foreign civil aviation authorities, foreign air carriers, and the International Civil Aviation Organization (ICAO) Circular, "Flight Crew Fatigue and Flight Time Limitations" (25-AN/47/6, 1984). Generally, countries that do regulate flight attendant work hours apply similar limitations to flight crewmembers and flight attendants. Yet, while similar, flight attendant limitations are typically less restrictive than flight crewmember limitations.

Several foreign government civil aviation authorities cite aeromedical information as the basis for their regulations on flight attendant work hours, although none cited specific studies on flight attendant work hours, rest, or safety issues. Six of the countries reviewed established limits specifically to control fatigue.

Flight Attendant Duty, Rest

The proposals contained in this notice would limit flight attendants' work by scheduled duty hours rather than by flight hours. In addition, the proposals would establish rest period requirements for flight attendants.

The duty-hour approach is based on the flight attendant's typical work day. For the purposes of assignments involving flight time, the duty period includes the total elapsed time between when the flight attendant reports for a flight assignment, as required by the air carrier, and when the flight attendant is relieved from duty by the air carrier. Flight attendant duties include pre- and post-flight safety-related duties.

Pre-flight safety duties include aircraft emergency equipment checks and passenger boarding. The Industry Study noted that air carriers vary in how early

they require flight attendants to check in to begin their duty periods and pre-flight duties. This check-in or report time varies depending on the type of equipment flown and the flight destination. Carriers typically require flight attendants to arrive 30 minutes to 1 hour before scheduled departure. The Industry Study noted that some carriers require flight attendants to report for duty up to 2 hours before departure on international flights.

Post-flight safety duties include the safe deplaning of passengers, duties related to securing the aircraft, and administrative responsibilities such as reporting inoperative cabin safety equipment to maintenance personnel. Typically, flight attendants are required to remain on duty after the aircraft arrives at the gate to accomplish these post-flight duties before they are relieved from duty. Thus, a flight attendant's work is not solely a function of whether the aircraft is airborne, because they perform very important safety duties during boarding and deplaning.

Under the proposal, if a flight attendant reported for duty as required and found that the flight assignment was incorrectly scheduled or that the flight was delayed or canceled, a duty period nevertheless would have begun. For example, a flight attendant may report for duty as scheduled, only to find that the assigned report time is incorrect and that duty actually begins 2 hours later. The carrier could either keep the flight attendant on duty or release the flight attendant for a complete rest period under the applicable section of this proposed rule.

Training, gate duties (such as assigning seats, collecting tickets and boarding passes), or other ground duties not directly associated with a particular flight assignment, such as ticketing or reservations, are not considered as assignments involving flight time for purposes of this proposal. The proposed rules are intended to regulate activities that are normally performed by flight attendants. The rules are not intended to regulate activities unrelated to normal flight attendant duties; nevertheless, these types of duties could not be performed for a carrier during a required rest period.

A major issue in establishing limitations for flight attendants is the compatibility of the proposed flight attendant limitations with the flight, duty, and rest limitations for flight crewmembers. The proposed regulation for flight attendants is based on duty periods, while the current regulations for flight crewmembers are based on flight hours. Under certain conditions,

current flight crewmember regulations, particularly for flag and supplemental operations, may permit extremely long duty periods, as much as 30 hours or more. These are based on flight hours and formulas that may require extended rest periods in case of extended flights. Some flight crewmember regulations also are based on substantially augmented crews and adequate sleeping quarters on the airplanes. It is therefore difficult to compare the flight crewmember rules with the proposed international limits for flight attendants. Most rest and scheduling provisions in the proposed rule appear compatible with most flight crewmember scheduling provisions, and the concept of augmented crews is carried over from the flight crewmember regulations as well. But while sections of this proposed regulation are compatible with the flight crewmember rules, the FAA is not aware of a reliable formula or ratio for absolutely matching flight hours to duty hours.

The intent of this proposed rule is to ensure that flight attendants are rested, through properly scheduled duty periods and rest periods, without causing major recordkeeping or staffing burdens to the air carriers, the flight attendants, or the FAA. The proposal would do this, in part, by having carriers set schedules based on past operating experience. Regular delays on certain routes or deviations from certain schedules would indicate that the schedules need to be adjusted to comply with the proposed limitations. As with current pilot regulations, the proposal acknowledges that certain delays, such as adverse weather, cannot be anticipated. For example, § 121.471(g) states that "A flight crewmember is not considered to be scheduled for flight time in excess of flight time limitations if the flights to which he is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the air carrier (such as adverse weather conditions), are not at the time of departure expected to reach their destinations within the scheduled time." Nevertheless, carriers would be expected to recognize when certain schedules need adjustment due to regularly experienced delays. The addition of recordkeeping requirements for flight attendants, as proposed, would assist both the carriers and the FAA in monitoring the effectiveness of the scheduling process.

The FAA recognizes that the current regulations for flight crewmembers are inconsistent among themselves regarding disincentives for exceeding scheduled duty time (for example, there

are differences in the rest requirements in the domestic, flag, and supplemental rules). The FAA solicits comments on establishing compensatory rest periods for flight attendants in the event that scheduled duty periods are exceeded.

This proposal is a preventive measure designed to address the potential safety problems that may occur if fatigued flight attendants work extended duty hours or receive inadequate rest because of air carrier scheduling or flight attendants voluntarily scheduling their own work hours in excess of reasonable limits. This proposal is not a response to specific accidents. Data are not available to demonstrate a link between flight attendant fatigue and the outcome of accidents in which flight attendants have exercised their safety duties. Since flight attendants are required crewmembers and need to be alert and exercise judgment in performance of routine and emergency safety duties, the air safety system would be enhanced by limiting the potential for fatigue. This proposed measure would place limitations on flight attendant hours of service by requiring certain scheduling limitations and minimum rest periods.

Possible Alternative Procedure

Although the FAA does not expect the lack of a formula to present scheduling problems, carriers may prefer the option of scheduling flight attendants under the same flight, duty, and rest requirements that exist for flight crewmembers. Therefore, the FAA invites comments on the possibility of modifying the proposal, as presented in this NPRM, to add an option for air carriers, commuters, and other operators to either follow the proposed duty and rest requirements set forth in this NPRM or apply flight crewmember requirements to flight attendants. Because there are differences in the rest requirements among the flight crewmember regulations (i.e., domestic, flag, and supplemental regulations), persons interested in applying the flight crewmember regulations to flight attendants as an alternative should submit detailed concepts and plans, to include estimated cost data, on how such an option would work. These comments should include consideration of the flight crewmember flight time and rest regulations applicable to domestic, flag, and supplemental air carriers under 14 CFR part 121 and the flight time and rest regulations applicable to air taxi operators under 14 CFR part 135. The FAA will evaluate all concepts and may include such an option in any final rule.

Discussion of the Proposals

The proposed rule would establish duty, rest, and recordkeeping requirements for flight attendants under parts 121, 125, and 135.

The proposed regulatory limitations for Parts 121 and 135 were based in part on current industry practice as reflected in the Industry Study. These proposed amendments should be compatible with air carrier operations and should meet the objective of providing reasonable, basic limitations that are conducive to safety. The proposed regulatory requirements for Part 125 flight attendants are the same as the Part 125 requirements for flight crewmembers.

Proposed §§ 121.466(a) and 135.273(a) of this NPRM contain a list of terms and definitions applicable to the proposed amendments. Under the proposals, "duty period" is defined as the period of elapsed time between when the flight attendant reports for an assignment involving flight time, and ends when the air carrier or certificate holder releases the flight attendant from duty. The proposed rule is intended to ensure that flight attendants are rested between duty periods that entail flight assignments. Hence, the scheduling limitations apply only to duty periods entailing flight assignments, rather than assignment to training or ground duties. The FAA believes that restricting the applicability of this notice to duty periods entailing flight assignments will not pose problems of carriers scheduling flight attendants to ground duty followed by flight duty. The agency solicits comments, however, on this issue.

The proposed rule defines a "rest period" as a period free of all restraint or duty for the certificate holder, and free of all responsibility for work or duty should the occasion arise. A rest period is considered personal time. For example, a flight attendant could not be released from duty for a required rest period while on board an airplane on a long international flight, since, clearly, the flight attendant would be under restraint by the carrier and the flight attendant would be on the airplane at the direction of the carrier. Thus, deadhead transportation as described in § 121.466(m) and § 135.273(m) could not occur during a required rest period.

Under the proposal, a "flight attendant" is considered to be an individual, other than a flight crewmember, assigned to duty in an aircraft during flight time and whose duties include, but are not necessarily limited to, cabin safety responsibilities. Thus, all flight attendants, including required and nonrequired (those

assigned in accordance with the required minimum complement of flight attendants required for a particular flight under § 121.391, § 135.107, or the carrier's operations specifications, and flight attendants in excess of that minimum complement), would be covered by the proposed rule. All assigned flight attendants are crewmembers, whether required or nonrequired, and would be expected to respond to emergencies or routine passenger safety duties, regardless of whether they were part of the minimum required flight attendant crew.

For clarification purposes, the proposal defines "calendar day" as the period of elapsed time, using Coordinated Universal Time or local time, that begins at midnight and ends 24 hours later at the next midnight.

Part 121 and Part 135

The Addition of Flight Attendant Duty Limitations and Rest Requirements—Part 121, Subpart P, (All Certificate Holders); Part 135, Subpart F, (All Certificate Holders)

Duty Limitations

The basic duty period scheduling limitation in all operations would be 14 hours, under proposed §§ 121.466(b) and 135.273(b). Longer duty periods could be scheduled if a longer rest period is scheduled and additional flight attendants were assigned to each flight on which the flight attendant worked. These additional flight attendants would be over the minimum complement required under the carrier's or the certificate holder's operations specifications. This minimum complement is established under § 121.391. Section 121.391 requires one flight attendant for every 50 passenger seats. However, as specified in § 121.391(c), if the certificate holder uses more than the minimum number of flight attendants to conduct the emergency evacuation demonstration required under § 121.291, then the number of flight attendants used in the demonstration is set forth in the certificate holder's operation's specifications as the minimum complement required for the aircraft.

Under the proposed duty period regulation, additional flight attendants would be required as follows:

- For a duty period scheduled for more than 14 hours, but no more than 16 hours, 1 additional flight attendant. (Proposed §§ 121.466(e) and 135.273(e)).
- For a duty period scheduled for more than 16 hours, but no more than 18 hours, 2 additional flight attendants. (Proposed §§ 121.466(f) and 135.273(f)).

• For a duty period scheduled for more than 18 but no more than 20 hours, 3 additional flight attendants. (Proposed §§ 121.466(g) and 135.273(g).)

The longer scheduled duty periods are contingent upon the assignment of additional flight attendants in order to provide an extra measure of safety by distributing the workload and permitting more rest. This will ensure that flight attendants are more alert and can contribute to safer operations. It is important to note that if a flight attendant were scheduled for a duty period longer than 14 hours, the appropriate number of additional flight attendants would have to be present on every flight segment to which that flight attendant was assigned. In practical terms, the FAA expects that this would occur on larger aircraft and, generally, long-haul operations with relatively few flight segments. This result would be consistent with the intent of the proposal and consistent with current industry practice. Normally, it was found that flight attendants on domestic operations were scheduled for 14 hours or less of duty, and that longer duty periods occurred on international flights.

The provision for additional flight attendants on longer international flights is intended to provide an extra measure of rest, particularly on prolonged flights, which may extend to 14 or more hours of flight time. The FAA recognizes that it is common industry practice for air carriers to provide flight attendants in addition to the FAA minimum complement when operating long-range nonstop international flights. In addition, the FAA believes that most airplanes on which long-haul operations would be conducted already provide adequate designated flight attendant seats, so that air carriers and operators would seldom need to block revenue passenger seats to accommodate the additional flight attendants.

No duty period could be scheduled for more than 20 hours, regardless of the nature of the air carrier operation. Duty periods could be extended under conditions in which unforeseen operational delays, including unforecast adverse weather, ATC, or mechanical delays, occur in flight or at the time of departure. Unforeseen delays include any unanticipated delays that exceed the reach or control of an operator and that disrupt an otherwise properly scheduled flight.

These proposed flight attendant scheduling limitations parallel flight and duty limitations and rest time requirements for flight crewmembers, which are also predicated on the

assumption that the scheduled flights normally terminate within the limitations. Scheduling would be expected to be based on what the carrier's experience showed to be a normal timeframe for a given flight or duty period. This is described in proposed §§ 121.466(o) and 135.273(o). These sections state that a flight attendant is not considered to be scheduled for duty in excess of the duty limitations if the flights to which the flight attendant is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the air carrier or operator, such as adverse weather conditions, are not at the time of departure expected to reach their destination within the scheduled time.

Rest

Under proposed §§ 121.466(c) and 135.273(c), an air carrier or certificate holder would be required to schedule a rest period of at least 9 hours for any flight attendant who worked a duty period scheduled for 14 hours or less. This rest period would have to occur between the completed duty period and the next duty period.

Proposed §§ 121.466(d) and 135.273(d) would permit this rest period to be scheduled or reduced to a minimum of 8 consecutive hours, provided that the flight attendant was scheduled to receive a subsequent rest period of at least 10 consecutive hours. In no case the actual rest period be less than 8 consecutive hours. The subsequent rest period must be scheduled to begin within 24 hours of commencement of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period. This rest provision is comparable to the domestic flight crewmember limitations in current §§ 121.471 (b)(1) and (c)(1), and 135.265 (b)(1) and (c)(1).

For any duty period scheduled for more than 14 hours, flight attendants would be required to receive a scheduled rest period of at least 12 consecutive hours, in accordance with proposed §§ 121.466(h) and 135.273(h). The rest period would be required to be given following the duty period, and prior to the next duty period. Under proposed §§ 121.466(i) and 135.273(i), the rest period could be scheduled or reduced to 10 consecutive hours, provided the flight attendant received a subsequent rest period of at least 14 consecutive hours. In no case could the actual rest period be less than 10 consecutive hours. The subsequent rest period must be scheduled to begin no

later than 24 hours after the commencement of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

Both the 8-hour and 10-hour reduced rest periods could be planned, under the proposal. However, under no circumstances would flight attendants be permitted to receive any less than 8 consecutive hours of rest following a scheduled duty period of 14 hours or less, or any less than 10 consecutive hours of rest following a duty period of more than 14 scheduled hours. The provision for a longer rest period subsequent to any reduced rest period would prevent a flight attendant from receiving two consecutive minimum rest periods.

To facilitate the provision of the compensatory rest period following the 10-hour reduced rest period, §§ 121.466(j), and 135.273(j) are proposed. These paragraphs state that, notwithstanding the permitted duty periods of up to 20 scheduled hours, flight attendants cannot be scheduled for duty periods of 14 or more hours during the 24-hour period commencing after the beginning of the reduced period.

Allowances for reduction in rest would permit carriers to make scheduling adjustments in case of operational delays. The subsequent longer rest of 10 or 14 consecutive hours, like the flight crewmember limits, is intended to provide safeguards if the basic scheduled rest period is reduced, and to minimize the effects of fatigue.

A rest period must be prospective in nature, with the flight attendant knowing the rest period is scheduled and will be of a specified duration. The rest periods required by this proposal would be required to be taken over a period of consecutive hours at the flight attendant's domicile or away from their base, but may not be taken on the air carrier's aircraft. The FAA's intention is that the rest period be continuous, that is, uninterrupted by duty with the carrier.

Proposed §§ 121.466(l) and 135.273(l) would preclude any carrier from assigning any type of duty, including nonflight assignments (such as training or ground duties), to any flight attendant during a required rest period. However, the FAA requests comment on the most appropriate way to address reserve status, stand-by status or any similar assignments. Current industry practice varies in regard to the use of these terms and their relationship to duty or rest. The definition of rest period, as

proposed, would preclude not only the assignment of duty during a required rest period but also the scheduling of reserve status or similar assignments during a required rest period. Public input will be considered in the clarification of terms and in determining the appropriate treatment of this issue in the final rule.

Weekly rest requirements are set forth in proposed §§ 121.466(n) and 135.372(n), which state that each flight attendant engaged in air transportation shall be relieved from all duty for at least 24 consecutive hours during any 7 consecutive calendar days. Similar provisions currently apply to mechanics, dispatchers, and flight crewmembers. The proposed 24-hour rest could be taken during a layover. As the Industry Study indicated, it is already common practice among a majority of the carriers to provide 24 hours free from duty in a 7-day period. Requiring 24 hours rest within a 7-day period, in combination with the other minimum rest requirements, should help ensure that flight attendants are adequately rested prior to undertaking a flight assignment; the requirement is not intended to ensure that the flight attendants are adequately rested for training or other non-flight related activities. The 24-hour rest requirement could be postponed if a delay occurs during a duty period at the end of a period of 6 consecutive days worked, and the circumstance surrounding the delay is unforeseen and beyond the control of the carrier. The 24-hour rest period would immediately follow the completion of that duty period.

Proposed §§ 121.466(m) and 135.273(m) define deadhead transportation in a manner consistent with the use of the term in current pilot flight, duty, and rest regulations. Deadhead transportation is considered transportation, not local in character, that an air carrier requires of a flight attendant and provides to transport the flight attendant to an airport at which the flight attendant is to serve on a flight as a crewmember, or from an airport at which the flight attendant was relieved from duty to return to the flight attendant's home station. Time spent in deadhead transportation is not considered part of a rest period.

The proposal would place shared responsibility on air carriers and flight attendants for ensuring that the flight attendant has received minimum rest prior to assigning or accepting assignment for a duty period. This is reflected in proposed §§ 121.466(k) and 135.273(k). These include both daily and weekly rest requirements.

General

The FAA considered a number of options prior to proposing those outlined here. This proposal takes a combined approach based on duty scheduling limitations, daily and weekly rest requirements, and augmented flight attendant crews. The single set of scheduling limitations was selected for all types of affected operations for several reasons as explained below.

Another alternative was setting lower scheduling limitations, or setting different limitations for different types of operations. This proposal, however, was designed to be as simple as possible to follow and monitor, and at the same time provide effective parameters for duty schedules and rest. The proposal sets one basic scheduled duty and rest limitation, based on typical industry practice, of 14 hours of scheduled duty and 9 hours of scheduled rest. Carriers would have additional flexibility under the proposal to increase the scheduled duty periods, but only under certain conditions. Comments are invited regarding this approach.

In particular, consideration was given to setting shorter duty period limitations and rest requirements for domestic operations, and longer duty period limitations and rest requirements for international operations. It was recognized that much domestic flying, especially regional and commuter flights, may entail flight segments of only 2 hours or less, while flag and supplemental operations may entail flights for more than 4 hours. Thus, separate regulations may be feasible. Many carrier contracts and work rules are based on these assumptions, which are also a basis for differing pilot flight, duty, and rest regulations. However, the distinction between domestic and international operations is not always useful. International flights to Canada, Mexico, or the Caribbean may be short haul. These can be completed in shorter duty periods, requiring shorter minimum rest periods, and using smaller airplanes. Transcontinental domestic flights may bear more resemblance to long haul transoceanic flights, requiring longer duty periods and correspondingly longer rest periods.

Permitting longer duty periods is expected to allow the carriers flexibility based on the nature of the operation rather than whether it crosses international borders. Although the same regulations are contained in part 135 as in part 121, this has been done mainly for the sake of standardization. It is not expected that most regionals operating small aircraft will find it

feasible to add 1 to 3 flight attendants to their short-haul flights simply to schedule longer duty periods. However, this option would be feasible for flights on large and, especially wide-body, aircraft on long-haul flights in which actual flight time may be as much as 14 hours.

These proposals are intended to provide basic scheduling limitations, and ensure at least minimum rest. If carriers intended to use longer scheduling limitations, they would have to meet certain safety-oriented conditions.

Part 125, Subpart B—Certification Rules and Miscellaneous Requirements

The Addition of Flight Attendant Duty Limitations and Rest Requirements

14 CFR part 125 was not addressed in the Industry Study, the petitions for rulemaking. As of February 1990, FAA statistics show that there are 48 active part 125 operators.

The proposed duty and rest limits for flight attendants were designed to address the needs of air carriers transporting revenue passengers. To apply the parts 121 and 135 proposed amendments to part 125 operators would be inappropriate because these operators have different scheduling concerns. The FAA acknowledges these operational differences and has instead included flight attendants in § 125.37 which is entitled "Duty time limitations."

Section 125.37(a) currently requires that each flight crewmember be relieved from all duty for at least 8 consecutive hours during any 24-hour period. This proposal would extend these provisions to part 125 flight attendants. Current § 125.37(b) allows the Administrator to specify rest, flight time, and duty time limitations, other than the limits listed in paragraph (a), in the carrier's operations specifications. This notice proposes no change to § 125.37(b); however, since paragraph (a) extends its provisions to flight attendants, paragraph (b) would apply to flight attendants as well.

Recordkeeping Requirements, Parts 121, 125, and 135

Present §§ 121.683 and 135.63 require that a certificate holder maintain current records of each crewmember's flight time records. Section 121.683(a)(1) currently requires certificate holders, supplemental air carriers, and commercial operators to maintain crewmember records, including those showing compliance with flight time requirements. The proposed revision to § 121.683(a)(1) would add duty and rest

requirements to the list of items carriers need to track. Carriers would need to maintain records of flight attendant daily duty and rest periods as well as weekly rest periods. The proposed revision to § 135.63 would add a subparagraph (a)(5) to require that certificate holders maintain records on flight attendant duty periods and rest periods in sufficient detail to determine compliance with the duty period limitations and rest requirements. The proposed records requirements will aid the carriers and the FAA in monitoring compliance with the proposed duty time and rest requirements.

The proposal to include flight attendants in § 125.37 would automatically incorporate recordkeeping requirements for flight attendants into the current recordkeeping requirements for crewmembers as described in § 125.401.

Additional Changes and Changes to Subpart Titles

For simplicity in the regulation, the FAA proposes to address all duty period limitations and rest requirements for all flight attendants in part 121 operations under a revised subpart P. This would require retitling the subpart, which currently addresses dispatchers only. The new title of the subpart would be "Aircraft Dispatcher Qualifications and Duty Time Limitations: Domestic and Flag Air Carriers; Flight Attendant Duty Period Limitations and Rest Requirements: Domestic, Flag and Supplemental Air Carriers and Commercial Operators." Section 121.461, "Applicability," would be revised to include the flight attendant duty period limitations and rest requirements.

Also under this proposal, the heading of part 135, subpart F, would be revised to eliminate the reference solely to "flight crewmembers," to reflect that the subpart would pertain to flight crewmembers and flight attendants. A new paragraph (e) on applicability would be added to § 135.261 to introduce a new section relating to flight attendant duty period limitations and rest requirements. Proposed § 135.273 would incorporate the duty limitations and rest requirements for flight attendants.

Paperwork Reduction Act

Information collection requirements for parts 121, 125, and 135 have been previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Numbers as follows: For part 121, OMB

Control Number 2120-0008; for part 125, OMB Control Number 2120-0085; and for part 135, OMB Control Number 2120-0039. The FAA is preparing changes to these control numbers to reflect the additional paperwork requirements proposed herein and will submit those changes to OMB.

Regulatory Evaluation Summary

The FAA's initial regulatory evaluation of the proposed amendments is summarized here. A copy of the complete evaluation has been included in the regulatory docket opened for the NPRM, along with the initial Regulatory Flexibility Determination and International Trade Impact Assessment.

The proposed amendments would establish flight attendant scheduled duty period limitations and rest requirements as provided for by the Federal Aviation Act of 1958, as amended, which empowers and directs the Secretary of Transportation to regulate rules concerning hours of service of "airmen and other employees" in the interest of safety. The proposed rule seeks to address insufficient rest that could affect safety in commercial aircraft, without imposing major economic burdens or alterations to the carriers' operations. The proposed rule follows extensive debate on the issue, and responds to concern expressed in Congress, the National Transportation Safety Board, and the industry.

The intent of this evaluation is to examine and, to the extent feasible, quantify the costs of the proposed rule. Cost estimates are considered for a 15-year period, and monetary values are based on 1992 dollars discounted at an annual effective rate of 7 percent.

This initial regulatory evaluation of the proposed rule to establish scheduled duty period limitations and rest requirements for flight attendants indicates that costs to operators would be incurred in the areas of recordkeeping and higher personnel costs in order to augment flight attendant crews. It is expected that the proposed rule would have its greatest effect on supplemental carriers.

Potential benefits are examined from a qualitative perspective, considering a variety of factors. The FAA expects the proposal, if enacted, to help ensure that flight attendants are rested and alert when performing both emergency and routine safety-related duties, thereby reducing passenger and crew injuries and fatalities in air carrier accidents. The proposal seeks to take the initiative rather than be reactive. That is, the FAA is proposing to act when the earliest symptoms appear in order to prevent a

safety problem from occurring. In this case, the symptom is duty time and inadequate rest periods for flight attendants and it creates a potential safety problem because it could impede their performance during emergency evacuations or during routine safety duties requiring a high degree of alertness.

The proposed rule would establish scheduled duty period limitations and rest requirements for flight attendants under parts 121 and 135 of the FAR and would add flight attendants to the part 125 rest and recordkeeping requirements for flight crewmembers. Under parts 121 and 135, the FAA proposes to do the following: (1) Establish maximum scheduled duty periods; (2) establish minimum scheduled rest requirements; (3) allow reduced rest with provisions for compensatory rest; (4) establish at least a 24-consecutive-hour rest period during any 7 consecutive calendar days; and (5) require records to be maintained for each flight attendant on the proposed duty period limitations and rest requirements. The proposal would require one flight attendant in addition to the minimum crew for flights in scheduled duty periods of more than 14 hours but no more than 16 hours; two more than the minimum crew for flights in scheduled duty periods of more than 16 hours but no more than 18 hours; and three more than the minimum crew for flights in scheduled duty periods of more than 18 hours but no more than 20 hours.

The FAA recognizes that there is a great deal of uncertainty associated with determining the benefits and costs of this action. The FAA invites comments on the evaluation. Persons submitting comments are requested to provide specific economic and trade data along with their comments about the costs or benefits of the proposal. In addition, the FAA invites recommendations for better methods of achieving the objectives of the rule changes proposed in this notice.

Costs

The FAA estimates that over 15 years, the proposed amendments could cost the air carrier industry from \$11.0 million to \$32.2 million, discounted, in 1992 dollars. This cost range is because of uncertainty regarding the impact of certain of the proposed requirements, particularly for augmented flight attendant crews on flights in duty periods scheduled for more than 14 hours. The FAA believes that costs to most carriers in the current air carrier environment would be limited to recordkeeping and, in some cases, increasing flight attendant staffing on

certain flights to provide the augmented crew that would be required for scheduled duty periods of more than 14 hours. Augmented flight attendant crews are already common in the industry, but the proposed rule would require carriers to augment crews more frequently than they do now.

The lower end of the range reflects recordkeeping costs, which would be incurred by all affected operators. This lower end cost estimate assumes that a large number of carriers are already in compliance in varying degrees. The higher end of the range includes recordkeeping costs plus increased personnel costs that would be incurred in order to augment flight attendant crews. The upper end cost assumes that carriers are largely in compliance with the proposed requirements, but that a minority of carriers schedule flight attendants for duty periods longer than 14 hours on flights with only the minimum crew required under § 121.391 and the carrier's operations specification. The FAA requests additional information with documentation, if available, on any costs that would be incurred if the proposal is adopted as a rule.

The costs are based on the following FAA estimates: (1) The number of active flight attendants; (2) salary levels for flight attendants; (3) the initial cost of modifying an existing recordkeeping system to include flight attendants; and (4) the recurrent cost of maintaining records of flight attendant duty and rest times. Because supplemental carriers are expected to be disproportionately affected by the proposed rule, their costs are examined separately.

The actual cost of modifying the recordkeeping system tracking flight, duty, and/or rest time for flight crewmembers and other operations personnel to include flight attendants is expected to vary from carrier to carrier. These actual costs are based on the number of flight attendants employed by the air carrier, the sophistication of the carrier's present recordkeeping system, the adaptability of that recordkeeping system to include flight attendant records, and whether a system to monitor flight, duty, and/or rest times for flight attendants already exists.

In conducting research for the Industry Study, the FAA found that carriers use automated, semi-automated, and manual recordkeeping systems to monitor flight, duty, and rest times for operations personnel. Carriers often include flight attendants in their tracking systems to ensure and monitor compliance with company or union restrictions, to maximize utilization, or for payroll purposes.

The total cost of modifying recordkeeping systems industry-wide is estimated to be approximately \$462,000, nondiscounted in 1992 dollars, for the industry's approximately 83,000 flight attendants. This would include approximately \$6,700 for flight attendants employed by supplemental air carriers, and approximately \$455,600 for the rest of the industry. The recurring cost to update an existing flight attendant record has been estimated to be approximately \$1.16 million per year. This includes approximately \$16,700 for supplemental air carriers and \$1.14 million for the rest of the industry.

The Industry Study found that most carriers have contracts or rules addressing duty and rest requirements for both domestic and international operations. The FAA's comparison of the proposed amendments to the findings in the study indicates that most of the carriers reviewed during the study employed scheduled duty limitations equal to or more restrictive than those in the proposed rule. Thus, the scheduled duty period limitations contained in the proposal are not expected to have a significant effect on operators guided by union contracts or work rules.

A comparison of the proposed rest requirements to the findings in the Industry Study shows that most of the domestic operators contacted have rules that meet or exceed the proposed minimum rest requirements. (Although international layovers often were found to be 24 hours or longer, little information was available on air carrier scheduled rest period policies for international operations.) Therefore, the FAA is of the opinion that the proposed rest periods would not cause an economic burden to the air carrier industry.

The Industry Study found that most operators provide flight attendants with at least 24 consecutive hours of rest in any 7 consecutive days. The few operators that currently have no provision ensuring that flight attendants receive 24 consecutive hours of rest in any 7 consecutive calendar days could probably comply with the proposal by redistributing shifts rather than by hiring additional flight attendants.

Contracts and work rules reviewed show that most carriers, including supplementals, already staff longer flights with more than minimum flight attendant crews. However, exceptions appear to exist. For example, if flight attendants are assigned but do not show up for work, a flight may depart with a minimum crew. A minimum crew could be used for flights on which minimum

passenger service is planned. Therefore, the proposed requirements for augmented flight attendant crews is expected to affect certain carriers, but on relatively few flights.

The FAA does not have sufficient data on how often flights are scheduled for more than 14 hours but are not actually staffed with more than the minimum flight crew. Therefore, the FAA has limited data with which to estimate the impact of the proposal to require additional flight attendants above the minimum complement required by the air carriers' operations specifications. However, besides recordkeeping, this appears to be the only provision that would entail costs to the industry.

The FAA estimates that the air carrier industry could need as many as 10,000 additional scheduled duty periods per year in order to meet the proposal. Because supplemental air carriers were found to have longer scheduled duty periods, the FAA estimates that even though only 1,200 flight attendants are employed by supplemental air carriers (approximately one percent of the estimated 83,000 active flight attendants in the air carrier industry), as many as 60 percent of the additional scheduled duty periods would affect supplemental air carriers.

Based on an annual salary, including fringe benefits, of \$35,075, the cost of a flight attendant per scheduled work day, excluding per diem, is estimated to be \$234 (\$35,075 annually divided by 150 average duty periods per year). By using this amount, the FAA estimates the recurring cost of an additional 6,000 scheduled duty periods for all supplemental carriers to be approximately \$1,404,000, nondiscounted. The rest of the industry would account for the remainder of the additional duty periods, or 4,000 per year. This would entail a recurring cost of approximately \$936,000, nondiscounted.

Based on the preceding discussion, the FAA estimates that the recordkeeping cost for supplemental operators over 15 years would be approximately \$158,400, discounted. The cost for supplemental operators to assign up to 6,000 additional scheduled duty periods per year over 15 years would be approximately \$12.8 million, discounted. Thus, the total cost to all supplemental operators over 15 years would range from approximately \$158,400, discounted (recordkeeping only), to approximately \$12.9 million, discounted (recordkeeping), to approximately \$15.5 million, discounted (recordkeeping and additional scheduled duty periods).

The FAA estimates that the recordkeeping costs for scheduled major, national, and regional operators over 15 years would be approximately \$10.8 million, discounted. The costs for these operators to assign up to 4,000 additional scheduled duty periods per year over 15 years would be approximately \$8.5 million, discounted. Thus, the total cost to all scheduled major, national, and regional operators over 15 years would range from approximately \$19.3 million, discounted (recordkeeping), to approximately \$15.5 million, discounted (recordkeeping and additional scheduled duty periods). When the costs for supplemental and scheduled air carriers are combined, total discounted costs over the next 15 years are \$11.0 million to \$32.2 million.

Benefits

Potential benefits are examined in the context of previous accident and incident experience. This provides a frame of reference for instances in which flight attendants may have exercised their safety responsibilities in potential life-and-death situations. Even though no studies have been performed to find a direct correlation between flight attendant duty and rest times and their performance in accidents and incidents, a decrease in the number or severity of injuries to passengers and crewmembers could occur over time, because of increased alertness and judgment as well as improved performance of gross motor skills.

Flight attendants have been recognized as essential crewmembers, and are required on certain passenger carrying flights. The FAA requires flight attendants to complete specific and recurrent training in safety duties, emergency evacuation procedures, and security-related procedures. Some airlines include flight attendants in cockpit resource management (CRM) training programs for flight crewmembers to promote efficiency and communication between flight and cabin crews.

The NTSB cites several occasions during which flight attendants were instrumental in assisting passengers after an accident or incident. Although it is difficult to assess an exact number of lives the flight attendants may have saved on these occasions, it is reasonable to conclude that passengers survived as a result of the flight attendants' actions. Such occurrences illustrate the vital role flight attendants play in passenger safety.

As required crewmembers in passenger-carrying operations, flight attendants also perform essential safety

duties other than those associated with major emergencies. Such situations include emergency landings, evacuations, bomb threats, and injuries to people aboard the aircraft, including flight crewmembers and other flight attendants. In reviewing FAA and NTSB accident and incident data from 1975 through 1989, the FAA found at least 405 evacuations or evacuation-related occurrences. (Evacuation-related occurrences are those for which the data does not clearly state whether an evacuation occurred, but the circumstances appeared to have warranted an evacuation or emergency procedures.) The occurrences counted by the FAA in this review include accidents, emergency landings, and fires. However, this evaluation does not include accidents in which most of the people aboard were fatally injured, because in such an accident a flight attendant could provide little assistance to passengers and other crewmembers. These occurrences also do not include "false alarm" emergency landings that did not result in an evacuation.

Due to the uncertainties of ascribing specific results of evacuations to flight attendant actions, the potential benefits of the proposed rule are difficult to quantify. The 15-year record of evacuations and evacuation-related occurrences in which flight attendant response was a factor in passenger survival indicates losses approximately, on average of \$160 million per year due to injuries and fatalities. However, this 15-year record of evacuations and evacuation-related occurrences is an indicator of the number of passengers annually exposed to emergency evacuations. This record shows that throughout the industry, over 15 years, approximately 38,000 passengers were aboard airliners that experienced evacuations or on which evacuation-related occurrences took place. Approximately 2,500 of these passengers were aboard supplemental carriers.

Evacuations may occur because of bomb threats, aircraft fires or suspected fires, takeoffs or landings in which the aircraft skids off the runway, off-airport crashes, or other reasons. Industry experience shows that regardless of whether the emergency itself turns out to be significant, evacuations themselves are potentially hazardous actions. Injuries often occur regardless of the reason for the evacuation. Such injuries may be limited to friction burns, lacerations, and abrasions during slide use, or may include fractures and more serious injuries. When the evacuation takes place amid the stress and confusion of an actual emergency, the

potential for serious injury greatly increases. Flight attendants are called upon not only to react automatically in response to training. They must also exercise rapid judgment under conflicting pressures: avoid unnecessary evacuations, but execute evacuations without delay if warranted.

Every evacuation is unique. Smoke and/or fire may be present inside or outside the cabin. Rain, high winds, or other environmental factors may complicate escape from the aircraft by making doors difficult to open or overwing exits potentially treacherous. The airplane may come to rest on a hill or at a steep angle, making certain exits especially dangerous or blocked, and certain slides unusable. Passengers may panic or insist on taking carry-on luggage with them. Although other factors such as aircraft configuration and the environment and circumstances of the evacuation influence passenger egress from the airplane, flight attendants play a key role. Their response depends on training, their own injuries, degree of alertness, and the efficacy of crew communication.

In addition to the passengers exposed to evacuations and evacuation-related occurrences during the 15-year period reviewed, approximately 14,000 people were aboard the 120 aircraft on which injuries occurred in flight. Most of these injuries were the result of severe turbulence.

In-flight injury to crewmembers or passengers could require the attention of at least one flight attendant. Such occurrences could be followed by an emergency landing during which the full attention and good judgment of flight attendants is necessary to ensure the safety of all crewmembers and passengers.

The incapacitation of a flight crewmember or flight attendant could create a potentially dangerous situation. In a case in which a flight crewmember is incapacitated during an emergency, the remaining flight crewmembers would need to perform an emergency landing with less than the minimum flight crew. The attention of at least one flight attendant would probably be directed toward the incapacitated crewmember rather than toward the passengers during the emergency landing. In reviewing NTSB data from 1975 through 1989, the FAA found that 17 flight crewmembers and two flight attendants had become incapacitated during a flight.

Flight attendants perform other security-related functions that demand alertness and judgment but cannot be quantified in monetary terms. These include handling passengers who are

unruly or under the influence of alcohol or drugs, passengers who are ill in flight, and incidents of depressurization.

The FAA has examined pertinent evacuations and other incidents over 15 years to develop a framework from which to gauge flight attendants' potential contributions to aviation safety. If flight attendants are protected through duty period limitations and rest requirements from excessive fatigue, they may be able to contribute to decreased injuries or fatalities in some future accident or incident, or to contribute to safety in less dramatic circumstances through alertness and vigilance in routine safety duties.

Based on the qualitative evaluation of the proposal, the FAA believes that the proposal is cost-beneficial. The proposed rule changes to Parts 121, 125, and 135 contained in this Notice are warranted because they would contribute to an overall enhancement of transport category airplane safety and utility that would both promote and enhance the U.S. air transportation system.

Initial Regulatory Flexibility Determination

Congress enacted the Regulatory Flexibility Act (RFA) of 1980 (Pub. L. 96-354) to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review proposed rules that may have a significant impact on a substantial number of small entities.

Regulatory Flexibility Criteria and Guidance, FAA Order 2100.14A, sets guidelines for determining whether small entities are significantly affected by regulations. The fleet size for an operator of aircraft for hire to be considered a small entity is nine or fewer aircraft. The threshold annualized cost levels for operators of aircraft for hire in 1992 dollars are \$114,700 for scheduled operators whose fleets have aircraft with seating capacities of more than 60, \$63,500 for scheduled operators whose fleets have aircraft with seating capacities of 60 or less (other scheduled operators), and \$4,450 for unscheduled operators. The proposals in the NPRM would affect air carriers that provide passenger-carrying operations in aircraft for which flight attendants are required. Other types of aviation companies would not be affected.

According to FAA records of small entity air carriers that provide passenger-carrying operations in aircraft that require flight attendants, there are 21 operators that could be affected by

the proposal. Of these 21 operators, 10 are scheduled operators whose aircraft have seating capacities of more than 60, 5 are other scheduled operators, and 6 are unscheduled operators.

As discussed in the cost section of this evaluation, the FAA estimates that increased personnel costs for augmented flight attendant crews for the purpose of complying with the proposed amendments would disproportionately affect supplemental, or charter, operations.

The FAA estimates that because scheduled operators whose aircraft have seating capacities of over 60 do operate some international charter flights, such operators may incur additional cabin crew costs. As noted earlier, some unscheduled operators provide international charter operations.

As noted above the threshold annualized cost levels in 1992 dollars is \$114,700 for scheduled operators whose fleets have aircraft with seating capacities of more than 60, \$63,500 for scheduled operators whose fleets have aircraft with seating capacities of 60 or less (other scheduled operators), and \$4,450 for unscheduled operators. The FAA estimates that the cost for the 10 scheduled operators whose aircraft have seating capacities of more than 60 and 5 other scheduled operators (all of which are small entities) to comply with the proposal, if adopted, would be less than \$114,700 or \$63,500 annually. However, the FAA estimates that the six unscheduled operators that are small entities could incur costs more than \$4,450 annually. Therefore, these operators could be affected by the proposals. However, under the guidelines presented in FAA Order 2100.14A, the FAA has determined that the proposed rule would not affect a substantial number of small entities—that is, at least 11 and more than one-third of the 21 small entities subject to the proposed rule. Therefore, the FAA has determined that a regulatory flexibility analysis is not necessary.

International Trade Impact Assessment

The FAA has determined that the proposed amendments to Parts 121, 125, and 135 would not have a significant affect on international trade. The FAA does not expect the proposals to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States. The proposed rule would primarily affect U.S. operators of aircraft for hire that provide both domestic and international service. Furthermore, the proposed amendments are consistent with section 1102(a) of the Federal Aviation Act of 1958, as amended, which requires the

FAA to exercise and perform its power and duties consistently with any obligation assumed by the United States in any agreement that may be in force between the United States and any foreign country or countries.

Federalism Implications

The regulations proposed herein would not have substantial direct effects on the states, or on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For reasons discussed in the preamble and based on the findings in the Regulatory Flexibility Determination, the Regulatory Flexibility Analysis, and the International Trade Impact Analysis, the FAA has determined that the proposed amendments are not considered major under Executive Order 12291, dated February 17, 1981. I certify that the proposed amendments would not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act and guidelines of FAA Order 2100.14A. This proposal is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The regulatory evaluation of these proposed amendments, including a Regulatory Flexibility Determination and an International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under FOR FURTHER INFORMATION CONTACT.

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Aircraft pilots, Airmen, Airplanes, Aviation safety, Safety.

14 CFR Part 125

Aircraft, Airmen, Hours of work, Pilots.

14 CFR Part 135

Air carriers, Aircraft, Airmen, Aviation safety, Pilots, Safety.

The Proposed Amendments

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 121, 125, and 135 of title 14 of the Code of Federal

Regulations (14 CFR parts 121, 125, and 135) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND 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).

2. The heading for subpart P is revised to read as follows:

Subpart P—Aircraft Dispatcher Qualifications and Duty Time Limitations: Domestic and Flag Air Carriers; Flight Attendant Duty Period Limitations and Rest Requirements: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators

3. Section 121.461 is revised to read as follows:

§ 121.461 Applicability.

This subpart prescribes—

(a) Qualifications and duty time limitations for aircraft dispatchers for domestic and flag air carriers.

(b) Duty period limitations and rest requirements for domestic, flag, and supplemental air carriers and commercial operators conducting, and any flight attendant participating in, domestic, flag, and supplemental air carrier and commercial operations.

4. Section 121.466 is added to subpart P to read as follows:

§ 121.466 Flight attendant duty period limitations and rest requirements: Domestic, flag, and supplemental air carriers and commercial operators.

(a) For purposes of this section—

Calendar day means the period of elapsed time, using Coordinated Universal Time or local time, that begins at midnight and ends 24 hours later at the next midnight.

Duty period means the period of elapsed time between reporting for an assignment involving flight time and release from that assignment by the domestic, flag, or supplemental air carrier or commercial operator. The time is calculated using either Coordinated Universal Time or the local time of the flight attendant's home base, to reflect the total elapsed time.

Flight attendant means an individual, other than a flight crewmember, who is assigned by a domestic, flag, or supplemental air carrier or commercial operator, in accordance with the required minimum crew complement under the certificate holder's operations specifications or in addition to that

minimum complement, to duty in an aircraft during flight time and whose duties include but are not necessarily limited to cabin safety-related responsibilities.

Rest period means the time period free of all restraint or duty for a domestic, flag, or supplemental air carrier or commercial operator and free of all responsibility for work or duty should the occasion arise.

(b) Except as provided in paragraphs (e), (f), and (g) of this section, no domestic, flag, or supplemental air carrier or commercial operator may assign, nor may any flight attendant accept, a scheduled duty period of more than 14 hours.

(c) Except as provided in paragraph (d) of this section, a flight attendant scheduled to a duty period of 14 hours or less as provided under paragraph (b) of this section must be given a scheduled rest period of at least 9 consecutive hours. This rest period must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(d) The rest period required under paragraph (c) of this section may be scheduled or reduced to 8 consecutive hours if the flight attendant is provided a subsequent rest period of at least 10 consecutive hours; this subsequent rest period must be scheduled to begin no later than 24 hours after the beginning of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(e) A domestic, flag, or supplemental air carrier or commercial operator may assign a flight attendant to a scheduled duty period of more than 14 hours, but no more than 16 hours, if the air carrier or commercial operator has assigned to the flight or flights in that duty period at least one flight attendant in addition to the minimum flight attendant complement required for the flight or flights in that duty period under the air carrier's or the commercial operator's operations specifications.

(f) A domestic, flag, or supplemental air carrier or commercial operator may assign a flight attendant to a scheduled duty period of more than 16 hours, but no more than 18 hours, if the air carrier or commercial operator has assigned to each flight or flights in that duty period at least two flight attendants in addition to the minimum flight attendant complement required for the flight or flights in that duty period under the air carrier's or the commercial operator's operations specifications.

(g) A domestic, flag, or supplemental air carrier or commercial operator may assign a flight attendant to a scheduled duty period of more than 18 hours, but no more than 20 hours, if the air carrier or commercial operator has assigned to the flight or flights in that duty period at least three flight attendants in addition to the minimum flight attendant complement required for the flight or flights in that duty period under the air carrier's or the commercial operator's operations specifications.

(h) Except as provided in paragraph (i) of this section, a flight attendant scheduled to a duty period of more than 14 hours but no more than 20 hours, as provided in paragraphs (e), (f), and (g) of this section, must be given a scheduled rest period of at least 12 consecutive hours. This rest period must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(i) The rest period required under paragraph (h) of this section may be scheduled or reduced to 10 consecutive hours if the flight attendant is provided a subsequent rest period of at least 14 consecutive hours; this subsequent rest period must be scheduled to begin no later than 24 hours after the beginning of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(j) Notwithstanding paragraphs (e), (f), and (g) of this section, if a domestic, flag, or supplemental air carrier or commercial operator elects to reduce the rest period to 10 hours as authorized by paragraph (i) of this section, the air carrier or commercial operator may not schedule, nor may any flight attendant accept a schedule, for a duty period of 14 or more hours during the 24-hour period commencing after the beginning of the reduced rest period.

(k) No domestic, flag, or supplemental air carrier or commercial operator may assign, nor may any flight attendant accept, any duty period with the air carrier or commercial operator unless the flight attendant has had at least the minimum rest required under this section.

(l) No domestic, flag, or supplemental air carrier or commercial operator may assign, nor may any flight attendant accept, an assignment to perform any duty with the air carrier or commercial operator during any required rest period.

(m) Time spent in transportation, not local in character, that a domestic, flag, or supplemental air carrier or commercial operator requires of a flight

attendant and provides to transport the flight attendant to an airport at which that flight attendant is to serve on a flight as a crewmember, or from an airport at which the flight attendant was relieved from duty to return to the flight attendant's home station, is not considered part of a rest period.

(n) Each domestic, flag, or supplemental air carrier shall relieve each flight attendant engaged in scheduled air transportation and each commercial operator shall relieve each flight attendant engaged in air commerce from all further duty for at least 24 consecutive hours during any 7 consecutive calendar days.

(o) A flight attendant is not considered to be scheduled for duty in excess of duty time limitations if the flights to which the flight attendant is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the domestic, flag, or supplemental air carrier or commercial operator (such as adverse weather conditions), are not at the time of departure expected to reach their destination within the scheduled time.

5. Section 121.683 is amended by revising paragraph (a)(1) to read as follows:

§ 121.683 Crewmember and dispatcher record.

(a) * * *

(1) Maintain current records of each crewmember and each aircraft dispatcher (domestic and flag air carriers only) that show whether or not the crewmember or aircraft dispatcher complies with the applicable sections of this chapter, including, but not limited to, proficiency and route checks, airplane and route qualifications, training, any required physical examinations, flight, duty, and rest time records;

* * * * *

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

6. The authority citation for Part 125 is revised to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430, and 1502; 49 U.S.C. 106(g).

7. Section 125.37 is amended by revising the heading and paragraph (a) to read as follows:

§ 125.37 Duty period limitations.

(a) Each flight crewmember and flight attendant must be relieved from all duty

for at least 8 consecutive hours during any 24-hour period.

* * * * *

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

8. The authority citation for Part 135 is revised to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g).

9. Section 135.63 is amended by revising paragraphs (a)(3) and (a)(4)(x), adding a new paragraph (a)(5), and revising paragraph (b) to read as follows:

§ 135.63 Recordkeeping requirements.

(a) * * *

(3) A current list of the aircraft used or available for use in operations under this part and the operations for which each is equipped;

(4) * * *

(x) The date of the completion of the initial phase and each recurrent phase of the training required by this part; and

(5) An individual record for each flight attendant used in operations under this part, including the flight attendant's duty periods and rest periods, maintained in sufficient detail to determine compliance with the duty period limitations and rest requirements of this part.

(b) Each certificate holder shall keep each record required by paragraph (a)(3) of this section for at least 6 months, and each record required by paragraphs (a)(4) and (a)(5) of this section for at least 12 months.

* * * * *

10. Subpart F is amended by revising the heading to read as follows:

Subpart F—Crewmember Flight Time and Duty Period Limitations and Rest Requirements

11. Section 135.261 is amended by revising the introductory text of the section and by adding a new paragraph (e) to read as follows:

§ 135.261 Applicability.

Sections 135.263 through 135.273 prescribe flight time limitations, duty period limitations, and rest requirements for operations conducted under this part as follows:

* * * * *

(e) Section 135.273 prescribes duty period limitations and rest requirements for flight attendants in all operations conducted under this part.

12. Section 135.273 is added to Subpart F to read as follows:

§ 135.273 Duty period limitations and rest time requirements.

(a) For purposes of this section—

Calendar day means the period of elapsed time, using Coordinated Universal Time or local time, that begins at midnight and ends 24 hours later at the next midnight.

Duty period means the period of elapsed time between reporting for an assignment involving flight time and release from that assignment by the certificate holder. The time is calculated using either Coordinated Universal Time or the local time of the flight attendant's home base, to reflect the total elapsed time.

Flight attendant means an individual, other than a flight crewmember, who is assigned by the certificate holder, in accordance with the required minimum crew complement under the certificate holder's operations specifications or in addition to that minimum complement, to duty in an aircraft during flight time and whose duties include but are not necessarily limited to cabin safety-related responsibilities.

Rest period means the time period free of all restraint or duty for the certificate holder and free of all responsibility for work or duty should the occasion arise.

(b) Except as provided in paragraphs (e), (f), and (g) of this section, no certificate holder may assign, nor may any flight attendant accept, a scheduled duty period of more than 14 hours.

(c) Except as provided in paragraph (d) of this section, a flight attendant scheduled to a duty period of 14 hours or less as provided under paragraph (b) of this section must be given a scheduled rest period of at least 9 consecutive hours. This rest period must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(d) The rest period required under paragraph (c) of this section may be scheduled or reduced to 8 consecutive hours if the flight attendant is provided a subsequent rest period of at least 10 consecutive hours; this subsequent rest period must be scheduled to begin no later than 24 hours after the beginning of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(e) A certificate holder may assign a flight attendant to a scheduled duty period of more than 14 hours, but no more than 16 hours, if the certificate holder has assigned to the flight or flights in that duty period at least one flight attendant in addition to the minimum flight attendant complement required for the flight or flights in that

duty period under the certificate holder's operations specifications.

(f) A certificate holder may assign a flight attendant to a scheduled duty period of more than 16 hours, but no more than 18 hours, if the certificate holder has assigned to the flight or flights in that duty period at least two flight attendants in addition to the minimum flight attendant complement required for the flight or flights in that duty period under the certificate holder's operations specifications.

(g) A certificate holder may assign a flight attendant to a scheduled duty period of more than 18 hours, but no more than 20 hours, if the certificate holder has assigned to the flight or flights in that duty period at least three flight attendants in the addition to the minimum flight attendant complement required for the flight or flights in that duty period under the certificate holder's operations specifications.

(h) Except as provided in paragraph (i) of this section, a flight attendant scheduled to a duty period of more than 14 hours but no more than 20 hours, as provided in paragraphs (e), (f), and (g) of this section, must be given a scheduled rest period of at least 12 consecutive hours. This rest period must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(i) The rest period required under paragraph (h) of this section may be scheduled or reduced to 10 consecutive hours if the flight attendant is provided a subsequent rest period of at least 14 consecutive hours; this subsequent rest period must be scheduled to begin no later than 24 hours after the beginning of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.

(j) Notwithstanding paragraphs (e), (f), and (g) of this section, if a certificate holder elects to reduce the rest period to 10 hours as authorized by paragraph (i) of this section, the certificate holder may not schedule, nor may any flight attendant accept a schedule, for a duty period of 14 or more hours during the 24-hour period commencing after the beginning of the reduced rest period.

(k) No certificate holder may assign, nor may any flight attendant accept, any duty period with the certificate holder unless the flight attendant has had at least the minimum rest required under this section.

(l) No certificate holder may assign, nor may any flight attendant accept, an assignment to perform any duty with any certificate holder during any required rest period.

(m) Time spent in transportation, not local in character, that a certificate

holder requires of a flight attendant and provides to transport the flight attendant to an airport at which the flight attendant is to serve on a flight as a crewmember, or from an airport at which that flight attendant was relieved from duty to return to the flight attendant's home station, is not considered part of a rest period.

(n) Each certificate holder shall relieve each flight attendant engaged in scheduled air transportation from all further duty for at least 24 consecutive hours during any 7 consecutive calendar days.

(o) A flight attendant is not considered to be scheduled for duty in excess of duty time limitations if the flights to which the flight attendant is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the certificate holder (such as adverse weather conditions), are not at the time of departure expected to reach their destination within the scheduled time.

Issued in Washington, DC, on March 26, 1993.

David R. Harrington,

Acting Director, Flight Standards Service.

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