

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM-25; Notice No. SC-97-4-NM]

#### Special Conditions: Boeing Model 747 Series Airplanes; Overhead Crew Rest Area

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This notice proposes to amend special conditions issued to the Boeing Commercial Airplane Company for the Model 747 series airplanes. This airplane has a novel or unusual design feature associated with the overhead crew rest area. Special Conditions No. 25-ANM-16 were issued on November 13, 1987, addressing this installation. On January 23, 1997, Boeing applied for a type design change which proposes to add an additional feature; the installation of curtains or partitions in the crew rest area. Since the applicable airworthiness regulations, including those contained in Special Conditions No. 25-ANM-16, do not contain adequate or appropriate safety standards for this particular design feature, this notice contains the additional safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established by the airworthiness standards for transport category airplanes.

**DATES:** Comments must be received on or before September 17, 1997.

**ADDRESSES:** Comments on this proposal may be mailed in duplicate to Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-25, 1601 Lind Avenue SW., Renton, WA 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM-25. Comments

may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Greg Dunn, FAA, Transport Standards Staff, Standardization Branch, ANM-113, 1601 Lind Avenue SW., Renton, WA 98055-4056; telephone (425) 227-2799, or facsimile (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposal described in this notice may be changed in light of the comments received. All comments received will be available in the rules docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-25." The postcard will be date stamped and returned to the commenter.

##### Background

On December 17, 1986, the Boeing Commercial Airplane Company applied for a change to Type Certificate No. A20WE to include Model 747 series airplanes with overhead crew rest areas installed. The crew rest area was to be installed above the main passenger cabin in the vicinity of the Number 5 passenger door. This is an area that had not been used for this purpose in any previous transport-category airplane. Due to the novel or unusual features associated with the installation of those crew rest areas, Special Conditions No. 25-ANM-16 were issued on November 13, 1987, to provide a level of safety equal to that established by the regulations incorporated by reference in

the type certificate. Upon issuance, Special Conditions No. 25-ANM-16 became part of the regulations incorporated by reference in Type Certificate No. A20WE for Boeing 747 series airplanes.

Boeing Commercial Airplane Group now proposes certification of overhead crew rest areas that would be divided into three sections by a hard partition and a curtain. These crew rest areas, which would be in the same location, would be designated for in-flight use only and would include additional novel or unusual design features not incorporated in the previous crew rest areas. Because of these additional features, the regulations incorporated by reference in Type Certificate No. A20WE, including Special Conditions 25-ANM-16, do not contain adequate or appropriate safety standards. Special Conditions 25-ANM-16 would, therefore, be amended to contain the additional safety standards found necessary to establish a level of safety equivalent to that established in the regulations.

##### Discussion

A hard partition separates the crew rest area into forward and aft sections while a door in the partition provides access between the forward and aft sections. A curtain slides in the forward and aft directions to visually divide the aft section of the crew rest area. Item 3 of Special Conditions No. 25-ANM-16 requires that a stairway be installed between the main deck and the crew rest area. Additionally, there must be an alternate evacuation route for occupants of the crew rest area, located on the opposite side of the crew rest area or sufficiently separated within the compartment from the stairway. The installation of a hard partition creates an area within the crew rest area which does not have a means of egressing directly to the main cabin.

In addition to the partition, a curtain has been added to the crew rest area which further breaks up the crew rest area into sections. This was not considered in Special Conditions No. 25-ANM-16. The curtain and partition installation also reduces the accessibility to the emergency equipment and communication controls, and has the potential to prevent the occupants from being able to easily locate the primary and

secondary escape means. This could cause additional confusion during an emergency.

Since the installation of a door in the crew rest area raises concerns about operational reliability during an in-flight emergency and since the related paragraphs of § 25.819 from which the original special conditions were developed require two evacuation routes, design features must be provided to assure that occupants of the forward section will be able to vacate the crew rest area in the event of an in-flight emergency. Additional emergency equipment and two-way communication equipment will also be required in the forward section since the equipment in the aft area will not be readily accessible to the forward section occupants in the event of an in-flight emergency.

A limitation in the Airplane Flight Manual or other suitable means requiring that crewmembers be trained in the use of the evacuation routes would be required.

The additional proposed safety standards would be contained in proposed new Item 13. Although Items 1 through 12 are standards already adopted in Special Conditions No. 25-ANM-16 and are not subject to further public comment, they are repeated in this notice in order to place the additional proposed standards in proper perspective.

Delivery of Model 747-400 airplanes with these additional novel or unusual design features is currently scheduled for September 26, 1997. Because a delay would significantly affect the applicant's installation and type certification of the crew rest areas, the public comment period is only 20 days.

#### **Type Certification Basis**

The Type Certification Basis for the Boeing Model 747 series prior to the 747-400 is Part 25 of the FAR effective February 1, 1965, as amended by Amendments 25-1 through 25-8, plus Amendments 25-15, 25-17, 25-18, 25-20, and 25-39, with certain exceptions and several sets of special conditions, which are identified in Type Certificate Data Sheet No. A20WE. These exceptions are not pertinent to the subject of overhead crew rest areas.

The regulations incorporated by reference in Type Certificate No. A20WE for the Boeing Model 747-400 series airplanes include Part 25 of the FAR as amended by Amendments 25-1 through 25-59, with certain exceptions not relevant to the installation of an overhead crew rest area.

In addition, the regulations incorporated by reference for all 747 series include the noise certification

requirements of Part 36 of the FAR, emission standards, and a number of special conditions, including Special Conditions No. 25-ANM-16.

If the Administrator finds that the applicable airworthiness regulations (i.e., Part 25 as amended) do not contain adequate or appropriate safety standards for the Boeing model 747 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

*Conclusion:* This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

#### **List of Subjects in 14 CFR Part 25**

Air transportation, Aircraft, Aviation safety, safety.

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

#### **The Proposed Special Conditions**

Accordingly, the Federal Aviation Administration proposes the following additional special condition (Item No. 13) as part of the type certification basis for the Boeing Model 747 series airplanes with overhead crew rest areas installed. (Existing special conditions (Item Nos. 1-12) are repeated below for clarity.)

1. Occupancy of the overhead crew rest area is limited to a maximum of 10 crewmembers. Occupancy during taxi, takeoff, or landing is not permitted.

2. There must be a stairway between the main deck and the crew rest area and there must be an alternate evacuation route for occupants of the crew rest area.

The stairway and alternate evacuation route must be located on opposite sides of the crew rest area or have sufficient separation within the compartment. The stairway and the alternate evacuation route must provide for evacuation of an incapacitated person, with assistance, from the crew rest area to the main deck, must not be dependent on any powered device, and must be designed to minimize the possibility of blockage which might result from fire, mechanical or structural failure. The crewmember procedures for carriage of an incapacitated person must be established.

3. An exit sign meeting the requirements of § 25.812(b)(1)(i) must be provided in the crew rest area near the stairway.

4. In the event the airplane's main power system should fail, emergency illumination of the crew rest area must be automatically provided. Unless two independent sources of normal lighting are provided, the emergency illumination of the crew rest area must be automatically provided if the crew rest area normal lighting system should fail. The illumination level must be sufficient for the occupants of the crew rest area to locate, and descend to the main deck by means of the stairway and/or the alternate evacuation route, and to read any required operating instructions.

5. There must be a means for two-way voice communication between crewmembers on the flight deck and occupants of the crew rest area, and between crewmembers at least one flight attendant seat on the main deck and occupants of the crew rest area.

6. There must also be either public address speaker(s), or other means of alerting the occupants of the crew rest area to an emergency situation, installed in the crew rest area.

7. There must be a means, readily detectable by occupants of the crew rest area, that indicates when seat belts should be fastened and when smoking is prohibited.

8. For each occupant permitted in the crew rest area, there must be an approved seat or berth that must be able to withstand the maximum flight loads when occupied.

9. The following equipment must be provided:

a. At least one approved fire extinguisher appropriate to the kinds of fires likely to occur.

b. One protective breathing device, having TSO-C99 authorization or equivalent, suitable for firefighting.

c. One flashlight.

10. A smoke detection system that annunciates in the flight deck and is audible in the crew rest area must be provided.

11. A supplemental oxygen system equivalent to that provided for main deck passengers must be provided for each seat and berth.

12. There must be a limitation in the Airplane Flight Manual or other suitable means requiring that crewmembers be trained in the use of the evacuation routes.

13. The following requirements apply to crew rest areas that are divided into

several sections by the installation of curtains or partitions.

a. To compensate for lack of crowd awareness, there must be an audible alert concurrent with automatic presentation of supplemental oxygen masks in each section of the crew rest area, whether or not seats or berths are installed in the section. There must also be a means by which the flightcrew can manually deploy the oxygen masks.

b. A placard is required adjacent to each curtain that visually divides or separates the overhead crew rest area into small areas to serve a function of creating privacy. The placard must require that the curtain(s) remain open when the private area it creates is unoccupied. The vestibule area adjacent to the stair well is not considered a private area, and as such, its vacancy does not require a placard.

c. Each crew rest section created by the installation of a curtain must meet the requirements of items 4, 6, 7, and 10 of these special conditions with the curtain open or closed.

d. Overhead crew rest areas, which are visually divided to the extent that evacuation could be affected, must have exit signs meeting the requirements of § 25.812(b)(1)(i) in each separate area of the crew rest which direct occupants to the primary stairway exit.

e. Sections within an overhead crew rest area that are created by the installation of a rigid partition with a door physically separating the sections require either a secondary evacuation route from each section of the crew rest area to the main deck or it must be shown that any door between the sections cannot be jammed, rendering the door unusable. In either case, any door between compartments must be shown to be frangible from both directions and openable when crowded against. There can be no more than one door between each section of a crew rest area and the primary stairway exit. Exit signs meeting the requirements of § 25.812(b)(1)(i) that direct occupants to the primary stairway exit must be provided in each section of the crew rest area.

f. Each smaller area, within the main crew rest area, created by the installation of a partition with a door must individually meet the requirements of items 4, 5, 6, 7, 9 and 10 of these special conditions with the door open or closed.

Issued in Renton, Washington, on August 20, 1997.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

[FR Doc. 97-22921 Filed 8-27-97; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 97-ASW-4]

#### Proposed Realignment of Jet Routes; Texas

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to realign 14 jet routes located in the Dallas/Ft. Worth (DFW), TX, area. These proposed realignments would remove all high altitude navigation routes from the DFW Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and realign them to existing navigational aids (NAVAIDs) located in the DFW area. This proposal is a portion of a master plan to relocate the DFW VORTAC 3/4 nautical miles (NM) to the west of its current position and to provide more NAVAID capacity for airport traffic use by eliminating the high altitude en route traffic service. Additionally, Jet Route J-66 will be further realigned west of the DFW area to include the Big Springs, TX, VORTAC as part of its route structure. This realignment would allow pilots to fly at lower minimum enroute altitudes (MEA) between the Newman, TX, and Abilene, TX, VORTACs.

**DATES:** Comments must be received on or before October 15, 1997.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW-500, Docket No. 97-ASW-4, Federal Aviation Administration, 2601 Meacham Blvd; Fort Worth, TX 76193-0500.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation

Administration, 2601 Meacham Blvd; Fort Worth, TX 76193-0500.

#### FOR FURTHER INFORMATION CONTACT:

Steve Brown, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-ASW-4." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future