

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 121, 135****[Docket No. 28081; Notice No. 95-18]****RIN 2120-AF63****Flight Crewmember Duty Period Limitations, Flight Time Limitations and Rest Requirements****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend existing regulations to establish one set of duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. The proposal results from public and congressional interest in regulating flight crewmember rest requirements, NTSB Safety Recommendations, petitions for rulemaking, and scientific data contained in recent National Aeronautics and Space Administration (NASA) studies relating to flight crewmember duty periods, flight times, and rest. The proposal would update the regulations and replace certain outdated regulations with a simplified regulatory approach based upon scientific studies of fatigue. The objective of the proposal is to contribute to an improved aviation safety system by ensuring that flight crewmembers are provided with the opportunity to obtain sufficient rest to perform their routine and emergency safety duties.

DATES: Comments must be received on or before March 19, 1996.

ADDRESSES: Send or deliver comments on this notice in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Room 915G, Docket No. 28081, 800 Independence Avenue, SW, Washington, DC 20591. Comments may also be submitted to the Rules Docket by using the following Internet address: nprmcmts@mail.hq.faa.gov. Comments must be marked Docket No. 28081. Comments may be examined in the Rules Docket in Room 915G on weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Larry Youngblut, Project Development Branch, AFS-240, Air Transportation Division, Flight Standards Service, Room 829, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3755.

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 the closing date for comments, 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. 28081." 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

The aviation industry requires 24-hour activities to meet operational demands. Growth in global long-haul, regional, overnight cargo, and short-haul domestic operations is likely to increase round-the-clock requirements. Flight crews must be available to support 24-hour a day operations to meet these industry demands. Both domestic and international aviation frequently require

crossing multiple time zones. Therefore, shift work, night work, irregular work schedules, unpredictable work schedules, and time zone changes will continue to be commonplace components of the aviation industry. These factors affect human physiology by causing performance-impairing fatigue that can affect the level of safety. The FAA believes that it is critical, whenever possible, to incorporate scientific information on fatigue and human sleep physiology into regulations on flight crew scheduling. Such scientific information can help to maintain the safety margin and promote optimum crew performance and alertness during flight operations.

Over the past 40 years, scientific knowledge about sleep, sleep disorders, circadian physiology, fatigue, sleepiness/alertness, and performance decrements has grown significantly. Some of this scientific knowledge, gained through field and simulator studies, has confirmed that aviators experience performance-impairing fatigue from sleep loss resulting from current flight and duty practices. Incorporation of scientific knowledge on fatigue into operations (e.g., regulatory scheduling considerations, personal strategies, fatigue countermeasures) would greatly benefit safety. A primary purpose of this rulemaking is to incorporate as much as possible of the scientific knowledge into the applicable regulations.

A second purpose of this proposed rulemaking is to establish consistent and clear duty period limitations, flight time limitations, and rest requirements for all types of operations. The current regulations require revising because of their complexity and age. While domestic flight time limitations and some commuter limitations were updated in 1985, flag and supplemental operations were not. With advancements in new aircraft, these operational distinctions are no longer as meaningful as they once were. This proposal would establish the same duty period limitations, flight time limitations, and rest requirements for all types of operations in part 121 for domestic, flag, and supplemental operations and in part 135 for commuter and on-demand operations. The duty period limitations, flight time limitations, and rest requirements would allow for differences based on the length of flights and number of flight crewmembers on a flight.