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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. II

[Docket No. OST-96-993]

RIN 2105-AC36

Ticketless Travel: Passenger Notices

AGENCY: Office of the Secretary, DOT.
ACTION: Statement of compliance policy.

SUMMARY: The Department is issuing a statement of compliance policy that states that the ticket notices required by various DOT rules must be given (or be made readily available) to "ticketless" airline passengers no later than the time that they check in at the airport for the first flight in their itinerary.

EFFECTIVE DATE: This statement of compliance policy takes effect May 22, 1997.

FOR FURTHER INFORMATION CONTACT: Tim Kelly, Aviation Consumer Protection Division, Office of Aviation Enforcement and Proceedings, Office of the General Counsel, Department of Transportation, 400 Seventh Street SW., Room 4107, Washington, DC 20590, telephone (202) 366-5952. An electronic version of this statement of compliance policy will be available at <http://www.dot.gov/dotinfo/general/rules/aviation.html> shortly after publication in the **Federal Register**.

SUPPLEMENTARY INFORMATION:

Background

Various DOT regulations require U.S. and foreign air carriers to provide consumer notices on or with passenger tickets. These notices provide information about protections afforded by federal regulations, limitations on carrier liability, and contract terms that passengers may not otherwise be aware of. These ticket notice requirements are listed below.

Subject	Source (14 CFR)
Oversales	§ 250.11
Domestic baggage liability	§ 254.5
International baggage liability	§ 221.176
Domestic contract of carriage terms.	§ 253.5
Terms of electronic tariff (international).	§ 221.177(b)
Refund penalties (domestic) ...	§ 253.7
Fare increases (international)	§ 221.174
Death/injury liability limits (international).	§ 221.175

Over the past few years, a number of airlines have introduced "ticketless travel," also known as "electronic ticketing." Under this concept a passenger calls the airline, makes a reservation and purchases the transportation during the call, typically by credit card. Electronic tickets can also be purchased from travel agencies in many cases. No "ticket," as that document has traditionally been configured, is issued. Instead, the passenger is orally given a confirmation number and/or is sent a written itinerary. Upon checking in at the airport the passenger simply provides his or her name, furnishes identification, and is given a boarding pass or other document that is used to gain access to the aircraft.

The Department of Transportation supports the development of ticketless travel. The process has the potential to reduce carrier and agent costs, and thereby costs to consumers, and to make air transportation easier to purchase. At the same time, the Department has been concerned that necessary information in the ticket notices described above be provided to passengers in a ticketless environment. Consequently, on January 19, 1996, we published in the **Federal Register** a Request for Comments on the issue of passenger notices for ticketless transactions (61 FR 1309).

Comments

We received 28 comments in response to the **Federal Register** notice. Three were from industry associations: the Air Transport Association of America (ATA), the International Air Transport Association (IATA), and the American Society of Travel Agents (ASTA). Eleven comments were from air carriers: United Air Lines, American Airlines, Delta Air Lines, Trans World Airlines, Continental Airlines, Southwest Airlines, Alaska Airlines, ValuJet

Airlines, Western Pacific Airlines, Vanguard Airlines, and KLM Royal Dutch Airlines. We also received comments from four travel agencies (Costa Azul Tours and Travel, Carlson Wagonlit Travel, Meston Travel Center, and Vista Travel Service), four other organizations (Best Fares magazine, Airclaims, Ltd., QuickTix, and Stone & Webster Management Consultants), five individuals (Mr. Philip Sheridan, Mr. Laurence Hecker, Mr. Andrew Pickens, Mr. Peter Lyck, and Mr. Benjamin Dornic), and from Mr. Jeremy Silverman and Mr. Gregory Gerdes on behalf of their law school class.

In general the industry commenters did not object to providing the notices that are currently required to be provided on or with tickets. However, they urged the Department not to prescribe the manner in which those notices are to be provided, e.g. the method or the time that they are furnished to electronically ticketed passengers. The travel agent commenters said that notice should be the responsibility of the airlines, and that travel agencies should not be expected to bear the cost. Most of the individual commenters said that electronically ticketed passengers should receive written confirmation of their reservation and fare in case there is a subsequent computer error.

ATA said that it anticipates that the consumer protection notices that the Department's regulations require today will continue to be provided. ATA, IATA, ASTA, most of the air carrier commenters, and Airclaims, Ltd. said that consumer notices of the type provided with tickets should continue to be provided, but they oppose regulation of the method or time by which carriers must communicate those notices to ticketless passengers. This will allow distribution systems to be more flexible and therefore more responsive to the needs of passengers, according to ATA. It will also generate significant efficiencies, which ATA said is important in the industry's continuing efforts to provide economical air transportation. Many of these commenters said that regulating how and when the notices are to be delivered would impose costs without commensurate benefits, and could impede emerging technology.

IATA said that it strongly supports electronic ticketing, and that it was still

developing standards for international and interline electronic ticketing. Although they opposed detailed rules, IATA and ASTA suggested that DOT should provide general guidelines for acceptable times and methods for providing consumer notices.

Southwest said that 40% of its passengers are now ticketed electronically. The carrier said that it mails or faxes the consumer notices in question to its electronically ticketed passengers, but that it may want to modify this procedure in the future in response to consumer demand, new technology, or competition. Several of the carriers said that there are many ways to get adequate notices to passengers besides mailing them: for example, an annual mailing to frequent flyers, a receipt provided at the airport or travel agency, orally at the time of the reservation, on signs or handouts at the airport, a fax-back service that will fax notices to passengers who call a special number, or a notice screen for bookings that consumers make via the internet or other online services.

ValuJet, a fully ticketless carrier, states that it currently provides effective, oral notice concerning the customer's itinerary at the time of the sale, as well as written notice when its customers board. It contends that having to provide written notices at the time of purchase would increase the cost of ticketless travel without commensurate benefit.

Like ValuJet, Western Pacific and Vanguard are totally ticketless carriers. They both said that they have procedures for providing what they consider to be complete and timely notice to passengers. Like ValuJet, these two airlines provide oral notice at the time of purchase about important fare conditions, but do not provide any of the DOT notices at the time of purchase, orally or in writing, except to note that fares are non-refundable. All three carriers provide certain written notices upon check-in, although these do not necessarily include all of the DOT-mandated ticket notices or all of the required text from these notices. These three carriers also state that they will mail or fax written notices on request at any time.

ASTA said that notice of the reservation and fare will be provided to clients "when practical." ASTA suggests that general guidelines be issued for delivery of other consumer notices, but that details on when to provide the notices be left to the carrier or travel agency. If the Department identifies deficiencies, it can then impose a more detailed standard. For the moment, ASTA suggests that all of

the consumer notices be posted at airports, where passengers are more likely to see them than in the fine print on tickets, which ASTA contends most passengers don't read.

Several carriers and one travel agency chain advocated the concept of a voicemail or "audio-text" system in which passengers could be provided the choice of listening to recorded consumer notices at the end of a reservation call, or at any other time. ValuJet estimated that such a system could deliver a standard oral briefing by telephone for as little as 25 cents per call.

Western Pacific described a menu-driven ("press 1 for baggage information, 2 for oversales information * * *") voice system that it is studying to deliver all DOT standard notices, as well as other information. The carrier says this system would provide the notices in a timelier fashion than notices that arrive in the mail several days after a telephone purchase; Western Pacific said this would be particularly useful in the case of bookings made within a few days of departure. (Western Pacific said that 20% of its bookings are made within three days of departure; Vanguard said its figure is 10% to 15%.)

TWA said that carriers should not be required to provide notices to an electronically ticketed passenger who does not request a written confirmation, or who is offered the consumer notices but declines. TWA and Continental described ATM-like machines that issue boarding passes at airports, and can require passengers to choose whether or not to receive the terms and conditions of travel and other notices. They said that carriers should have the flexibility to deliver notices by means such as this.

Generally, the individual travel agency commenters stated that notice should be the responsibility of the airlines and that it could be provided during check-in. Mr. Tom Parsons of Best Fares magazine, however, said that "inspecting a contract at the airport gate is like reading the warranty on your new car after you buy it." Mr. Parsons said that the notices could be provided through the computer reservations systems; Airclaims, Ltd. suggested handouts at the point of sale. Neither of these proposals, however, indicate how the notices would be provided to persons who book by phone.

Meston Travel said that it gives its ticketless clients a written confirmation of the reservation and fare and copies of consumer notices at the time of purchase. Vista Travel said that the cost savings of electronic ticketing have accrued to the airlines but not to travel

agencies; Vista believes that the costs of any new notice requirements should be part of the cost of the transportation, and should not have to be borne separately by travel agencies. Vista did say that passengers should be provided documentation of their reservation and fare before they arrive at the airport, or they will be at the mercy of the carrier in the event of a computer error. Carlson Wagonlit pointed out that many carriers rely on advertising to defray the cost of ticket jackets, and that this could help support the cost of any notices that must be delivered to electronically ticketed passengers at the time of purchase.

In the Request for Comments, the Department sought comment on air transportation purchases that take place via "smart cards" or online computer services. ATA said that these types of electronic tickets present no special issues. ATA asserts, as it does with regard to other forms of electronic ticketing, that the carrier should be free to determine the means of providing consumer notices. This could include providing notices when a passenger signs an initial smart card form, or electronic transmission of notices when transportation is purchased online. ASTA echoed this idea, and said the notices could be provided one time to regular clients similar to a "signature on file" agreement for credit card purchases.

IATA supported the concept of allowing carriers to provide notices to users of smart cards at the time they enter into the agreement for the card, although IATA said that alternatively the notices could be generated each time the card is used. Delta said that it uses smart cards on its east coast Shuttle. The carrier said that it provides DOT-required notices at the time a smart card is issued, and also makes them available at each smart card machine. IATA, several carriers and Airclaims, Ltd. suggested that members of frequent-flyer programs could be given the notices when they join the program, or annually. TWA asserted that 33% to 50% of all passengers (depending on the carrier) are members of a frequent-flyer program. United said that one-time or annual notices to frequent flyers combined with other programs to ensure reasonable notice to other customers would save costs without having an adverse impact on the traveling public.

The Department requested comment on whether a passenger should be able to have an independent record of his or her reservation status. ATA said that electronic ticketing does not create any additional likelihood that a passenger's record will be unlocatable. Continental and Western Pacific said that the

confirmation number that is given to every electronically ticketed passenger is the passenger's evidence of his or her reservation. TWA said that the Department's concern over no-record passengers is understandable in a historical context, but that over the past decade there have been numerous improvements to CRS technology and that no-record passengers are no longer a significant problem. The totally ticketless carriers that commented (ValuJet, Western Pacific and Vanguard) all said that they do not engage in deliberate overbooking and as a result have few oversales. IATA said that current scenarios contemplate some sort of confirmation being sent to passengers who book sufficiently in advance and that this is likely to contain confirmation of the reservation. However, IATA said, this should not be required by regulation.

The Department requested comment on how carriers deal with fare disputes with passengers, particularly those who purchase tickets by phone. Both ATA and IATA simply asserted that this has not been a problem. The passenger's fare "will be included on passenger receipts," ATA said. Western Pacific said that it experiences about the same rate of fare disputes as paper-ticket carriers. It believes most of these disputes arise from the customer's failure to listen carefully to the fare restrictions information or the reservation recap. Vanguard said that it has encountered virtually no fare disputes.

However, a comment filed on behalf of a law school class by Jeremy Silverman and Gregory Gerdes said that several of the members of the class had had disputes over fares and reservations with ticketless carriers. They stated that carriers should provide written confirmation of the reservation and the fare to electronically ticketed passengers, and that this notice should be provided on a timely basis. They also noted the potential for problems in applying an unused electronic ticket to another flight (with payment of the appropriate penalty) after the departure date of the original flight; if the computer does not reflect the fact that the passenger did not use the transportation, the passenger does not have an unused flight coupon to prove this fact.

Mr. Laurence Heckler also expressed concern over reservation, payment, and fare disputes and urged that carriers provide timely written confirmation of these matters. Stone & Webster Management Consultants stated that electronically ticketed passengers should receive a confirmation of the fare

and reservation and the DOT consumer notices shortly after purchase. Costa Azul Travel said that it receives many complaints about ticketless travel, although it didn't describe them.

On the other hand, Mr. Andrew Pickens asserted that the notices on paper tickets are unread and unnecessary. Mr. Philip Sheridan said that he has been using ticketless travel for six months on United and Southwest with no problems, and that the combination of the boarding pass and his monthly credit card statement are all the documentation he needs.

The Department sought comment on the costs of various notice alternatives. Most of the comments on this point focused on the costs of providing written notice at (or shortly after) the time of purchase. According to ATA, the average current postage cost of mailing notices to electronically ticketed passengers is 40 cents per passenger, but this does not include other handling costs. Fifty million electronic ticket transactions per year would yield a mailing cost of \$20 million, ATA said, while 150 million such transactions would cost \$60 million.

ASTA asserted that having to provide notices can be a significant cost factor (although it provided no figures). It highlighted the burden on agencies by citing the thin profit margins in the travel agency business resulting from changes in the commission structure and airline initiatives to sell directly to passengers.

IATA provided no cost estimates, but said that distribution costs would be affected by the number and length of the notices. IATA said that the benefits of a DOT standard for consumer notices for electronically ticketed passengers would be legal certainty, consistency and uniformity, particularly in the international environment. Potential negatives would be extra costs, and any inconsistency between the required methods of distribution and the electronic ticketing process.

ValuJet said that the cost of providing written notices at the time of purchase, particularly passenger-specific itinerary information, would be "staggering" in ValuJet's case. ValuJet and Western Pacific both said that major airlines have significant back-office ticketing systems that can be redirected at little incremental cost to print and distribute written itineraries and notices to ticketless passengers. ValuJet said that it would have to build such an infrastructure. It estimates that postage to mail its notices would be \$88,000 per month, and additional distribution costs could be from \$1 million to \$2.33 million per month, which would be

17% to 42% of the carrier's 1995 net income. Western Pacific estimated that mailing or faxing itineraries and DOT notices within three days of purchase would cost approximately \$50,000 per month at present traffic levels. Vanguard estimated that providing hard-copy notices at the time of sale would add \$1 to the cost of each of its transactions, or \$2 million per year.

Discussion

We have decided as a matter of compliance policy not to pursue remedial or punitive action if air carriers give, or make readily available, to electronically ticketed passengers the written notices required by the existing DOT ticket-notice rules no later than the time that the passengers appear at the airport for the first flight in their itinerary. We believe that this approach strikes the most reasonable balance at this time between ensuring that important information reaches consumers before they travel without inhibiting the development of electronic ticketing and imposing additional costs that might stifle industry innovations and result in higher prices for consumers. It also puts all carriers on the same footing with respect to ticketless notices; as a result of past DOT requests, many airlines currently mail or fax consumer notices to ticketless customers at the time of purchase, but some carriers do not.

Most of the industry commenters in this proceeding objected to the prospect of specifically being required to provide notices at the time of the purchase. The policy that we are implementing will not do so, and thus will avoid imposing the costs of having to mail or otherwise deliver written notices to ticketless passengers before the date of the flight. We are particularly concerned about avoiding unnecessary costs for totally-ticketless carriers, many of which are low-fare, new-entrant airlines. As noted by ValuJet, the burden of a requirement to provide written notices in advance of the flight would fall disproportionately on totally-ticketless carriers since they do not have the paper-ticket/ mailing infrastructure of most larger airlines. As a result, we could envision higher prices for consumers without commensurate consumer benefits. The approach that we are taking will also address the concerns expressed by travel agents; no travel agency will be required to provide the current notices required with tickets to ticketless passengers.

Ticketless travel is a dynamic and evolving element in the marketing of air transportation. The Department will continue to monitor developments in this field, and should consumer

problems related to inadequate passenger notice arise, we may propose additional requirements in the future. We strongly encourage airlines and travel agencies to work to avoid such problems, not only by making the DOT ticket notices available to ticketless passengers at the airport as required here but also by distributing them in other ways, including those suggested in the comments in this proceeding. For example, these notices could be included with newsletters or booklets of terms and conditions mailed to members of a carrier's frequent-flyer program or holders of the airline's affinity credit card or smart card, posted in online booking services and on the carrier's World Wide Web site, included in the carrier's printed timetables, or handed to passengers who purchase electronic tickets in person (e.g., at an airline's airport or city ticket office or at a travel agency). Airlines may also wish to consider making the notices available in recorded form on their reservations telephone lines (e.g., "press 3 to hear important consumer information") or establishing a fax-back service, where a consumer could call a certain phone number and have the notices faxed to him or her. We also encourage travel agencies to provide the notices during face-to-face transactions, or when the agency would be mailing other documents in any event. These various distribution methods would allow a passenger to be provided the notices as far in advance as possible before the date of the flight, and in many cases before purchasing the transportation. However, none of them entails the cost of an individual mailing to each purchaser.

ASTA stated in its comments that the current notices in use by the airlines on regular ticketed transactions do not conveniently fit on a single sheet of paper while leaving room for other important information that consumers routinely want to have in writing. We would point out that much of the contractual language in notices on some carriers' conventional tickets is not required by DOT, but is placed there by the carrier for its own purposes. As we noted in our Request for Comments, all of the DOT notices would fit on back of an 8½ x 11 sheet of paper, and if the international notices are not provided to domestic passengers the domestic notices would fit on one side of such a sheet. A sample of a domestic notice may be found at <http://www.dot.gov/general/rules/aviation.html>.

ASTA and other commenters also suggested that airport signs may be a superior method for providing notice to ticketless passengers. While we are

reluctant to rely solely on airport signs as a means of passenger notice, we have decided to hold in abeyance a proposal that we published in the **Federal Register** on June 3, 1996 (61 FR 27818) to eliminate the required sign concerning oversales. We will publish a separate document in the **Federal Register** to accomplish this. The oversales sign will continue to be required until we have more experience with any potential oversale problems involving ticketless passengers.

As a result of the policy described here, the notices that are currently required by DOT rules to accompany tickets will have to be given or made readily available to ticketless passengers in writing no later than when they appear at the airport for the first flight on their itinerary. We can envision several ways of accomplishing this:

(1) Carriers could have a box or stack of the notice sheets on the countertop at each staffed position at the ticket counter and at each gate (since some passengers check in only at the ticket counter and others only at the gate), with the box or stack prominently labeled "Consumer Notices."

(2) Carriers could keep a supply of the notices at a central location within sight of all passengers near the ticket counter and also near the carrier's gates.

(3) The carrier's agents could simply hand one of the notice sheets to each passenger as they check in at the ticket counter and at the gate, or hand it to every passenger at the ticket counter and at the gates have a supply of the notices in sight in one of the ways described above. The notice sheet would only have to be handed to a passenger checking in for the first flight on his or her itinerary, but carriers might choose to simply give it to all passengers in order to cut down on procedure and labor time.

(4) Carriers could post a sign visible from each position at the ticket counter and at each gate briefly describing the nature of the notice (e.g., "important consumer information") and stating that a copy is available from any counter or gate agent upon request. (It would not be sufficient for a carrier to simply provide a copy of the notice sheet to passengers who request it, without posting a sign, since most passengers would not know that the notice exists.) If the notice sheet is to be provided only upon request, manuals and training would probably have to be updated to ensure that carrier agents are aware of the distinction between this notice and other written material that passengers are entitled to see upon request, e.g. the detailed notice about boarding priorities and denied boarding compensation (14

CFR 250.9), the complete contract of carriage (14 CFR 253.4(b)), and a copy of the DOT rule on the rights of airline passengers with disabilities (14 CFR 382.45(d)).

If a carrier chooses to provide the notices in question to ticketless passengers in advance of the flight date (as many airlines do now), the policy described here will not require the notices to be furnished to those passengers a second time when they check in at the airport.

As indicated earlier, the Department sought comment on whether a passenger should be able to have an independent record of his or her reservation status in case a computer reservation record is lost. Based on the information currently available to us, we agree with ATA that electronic ticketing does not necessarily create any additional likelihood that a passenger's record will be unlocatable. However, there nonetheless appears to be the same likelihood of "no record" passengers as exists for passengers with paper tickets, and yet ticketless passengers will not necessarily have written evidence of their reservation. Continental and Western Pacific commented that a ticketless passenger's confirmation number is the evidence of his or her reservation; however, if a carrier cannot locate a passenger's reservation record in the computer, a confirmation number does not necessarily prove that the passenger had a reservation on that particular flight. It is questionable whether carriers would board a passenger based on a confirmation number alone. On the other hand, we note TWA's assertion that the Department's concern over no-record passengers is understandable in a historical context but that over the past decade there have been numerous improvements to CRS technology and that no-record passengers are no longer a significant problem. Our complaint data appear to support this: in 1996 we received only four consumer complaints against U.S. carriers about denied boardings caused by "no record" reservation problems. None of those complaints was about a totally-ticketless carrier.

The Request for Comments also noted that a conventional paper ticket contains a record of the passenger's fare, whereas a ticketless passenger might not have proof of the fare that had been agreed to in the event a higher charge is posted to his or her credit card. Once again, however, consumer complaints filed with DOT show no clear indication of a problem in this area. In 1996 we received 52 complaints against U.S. carriers concerning alleged overcharges, but only one of them involved a totally-

ticketless carrier. The statistics do not indicate how many of the remaining complaints may have involved ticketless transactions, but of the 36 overcharge complaints against Major U.S. carriers (i.e., airlines with revenues over \$1 billion per year), only three were against Southwest Airlines or United Airlines, two Major carriers with the earliest electronic ticketing programs.

We have no rules that require reservation or fare information to appear on conventional tickets, and we will not require this information to be furnished in writing to ticketless passengers at this time. As far as we are aware, all airlines that offer electronic ticketing provide a paper itinerary showing the fare and reservation status either automatically or upon request. With most carriers, passengers also have the option of a conventional paper ticket if they prefer. A large percentage of ticketless transactions are paid for by credit card, and those passengers have the dispute-resolution procedures of the Fair Credit Billing Act available to them in the event of a problem. Nonetheless, we will continue to monitor complaints in these areas and will not hesitate to take further action in the future if it is warranted.

Likewise, the Department will continue to monitor the evolution of ticketless travel and any consumer problems that may arise from the practice. The compliance policy stated herein will be reconsidered if circumstances so justify. However, before making any substantive change in the policy, we will provide public notice of our planned actions.

We note that under present rules, certificated carriers must maintain consumer complaint records for a period of three years, flight coupons from tickets for a period of one year, and other records related to errors, oversales, irregularities, and delays in handling of passengers for a period of one year. (14 CFR 249.20.) While we see no need at this time to impose additional recordkeeping requirements on carriers using electronic ticketing systems, we encourage all carriers to maintain records sufficient and in such a fashion as to help the Department make informed decisions in the future in this important and evolving area of air transportation.

The compliance policy set forth above is an attempt to provide carriers the maximum flexibility to develop their ticketless travel systems while at the same time providing a measure of protection to consumers from unfair or deceptive practices prohibited by 49 U.S.C. 41712. At the same time, however, carriers may find it

advantageous to continue to provide the written DOT ticket notices to ticketless passengers in advance or to consider implementing the innovative notification systems discussed in the comments submitted in this docket (some of which are summarized above). In this regard, carriers may ultimately decide that it is in their overall best financial interest to do so considering that the preemption protections of 49 U.S.C. 41713 and 14 CFR 253.1 may not apply unless notice of contract of carriage terms is provided to ticketless passengers at the time of sale either orally or by contemporaneously mailed (or faxed, emailed, etc.) written notice.

The policy described here does not affect the existing notice requirements for conventional paper tickets. Those tickets must continue to be accompanied by the written notices described in DOT regulations.

Accordingly, it shall be the compliance policy of the Department that ticket notices required by Department regulations shall be given or made readily available to electronically ticketed passengers in writing in a manner such as described above no later than the time that they check in for the first flight in their itinerary.

Issued this 8th day of April, 1997 at Washington, D.C.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 97-10147 Filed 4-21-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-61-AD; Amendment 39-9995; AD 97-08-07]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes, that currently requires an inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall; and installation of a protective cover on

the ballast, replacement, or removal/disconnection of the ballast, if necessary. That action also requires, for some airplanes, removal of the dust barriers from the outboard ceiling panels, and installation of modified outboard ceiling panels. This amendment would add a requirement to replace certain ballasts on which a protective cover is installed with other ballasts, or removal/disconnection of the ballast. This amendment is prompted by additional reports of heavy smoke and fumes emitting from the ceiling panels in the forward passenger cabin due to the failure of the fluorescent light ballasts. The actions specified in this AD are intended to prevent a fire in the passenger compartment, which could result from failure of the fluorescent light ballast of the upper and lower cabin sidewall, and consequent failure of the dust barriers of the outboard ceiling panel.

DATES: Effective May 7, 1997.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD80-33A110, dated February 25, 1997, and McDonnell Douglas Alert Service Bulletin MD80-33A110, Revision 1, dated March 11, 1997, as listed in the regulations, is approved by the Director of the Federal Register as of May 7, 1997.

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of June 17, 1996 (61 FR 27251, May 31, 1996).

Comments for inclusion in the Rules Docket must be received on or before June 23, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-61-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.