

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 25 and 121**

[Docket No. 28061, Notice No. 95-1]

RIN 2120-AF01

Revised Access to Type III Exits**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This document proposes amendments to the Federal Aviation Regulations (FAR) that would adjust recently adopted requirements for access to Type III emergency exits (typically smaller over-wing exits) in transport category airplanes with 60 or more passenger seats. These adjustments reflect additional data derived from a series of tests conducted at the FAA's Civil Aeromedical Institute (CAMI) subsequent to the adoption of these requirements and are intended to relieve an unnecessary economic burden. The proposed amendments would affect air carriers and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes.

DATES: Comments must be received on or before May 1, 1995.

ADDRESSES: Comments on this proposal may be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 28061, 800 Independence Avenue SW., Washington, DC 20591, or delivered in triplicate to: Room 915G, 800 Independence Avenue SW., Washington, DC. Comments delivered must be marked Docket No. 28061. Comments may be inspected in room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Assistant Chief Counsel (ANM-7), FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056. Comments in the information docket may be inspected in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Gary L. Killion, Manager, FAA Regulations Branch (ANM-114), Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue

SW., Renton, Washington 98055-4056; telephone (206) 227-2114.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments, in triplicate, to the Rules Docket address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket, before and after the closing date for comments, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the Docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 28061." The postcard will be date stamped and returned to the commenter.

Availability of 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 Information Center, APA-230, 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 the mailing list for future rulemaking documents should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Part 25 of the FAR defines a number of different types of passenger emergency exits for use in transport category airplanes. As defined in

§ 25.807(a)(3), a Type III exit must have an opening not less than 20 inches wide by 36 inches high. It need not be rectangular in shape, provided a rectangle of those dimensions can be inscribed within the opening. The corner radii must not exceed one-third the width of the exit. The step-up distance inside the cabin must not exceed 20 inches. Type III exits are typically located over the wing; when so located, the step-down to the wing must not exceed 27 inches. Type III exits are typically removable hatches, but they may be hinged or tracked doors. They are sometimes referred to as "window exits."

Prior to the adoption of Amendment 25-76 (57 FR 19220, May 4, 1992), part 25 contained no specific standards for access to Type III exits; however, seat backs were not allowed to interfere with opening the exits, and that resulted inherently in an unobstructed passageway of about six to eight inches. Section 25.813 was amended by Amendment 25-76 to specifically require one of two optional access configurations for airplanes with 60 or more passengers:

1. An unobstructed passageway at least 10 inches wide for interior arrangements in which the adjacent seat rows on the exit side of the aisle contain no more than two seats, or 20 inches wide for interior arrangements in which those rows contain three seats. The width of the passageway is measured with adjacent seats adjusted to their most adverse position. (For the typical airline seating arrangement, "most adverse position" would be with the seatbacks of the row immediately ahead of the passageway in their most aft position. If the seats of the row immediately behind had any features that could be adjusted forward, such as retractable footrests, those features would have to be in their forwardmost position.) The centerline of the required passageway width must not be displaced more than 5 inches horizontally from that of the exit. (The term "required passageway" indicates that only a 10- or 20-inch portion of the passageway is considered in establishing the center line offset even if the passageway is wider than the required 10 or 20 inches.) These configurations are sometimes referred to informally as Configuration C with three-seat rows and Configuration G with two-seat rows (see Figure 1).

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CONFIGURATION C

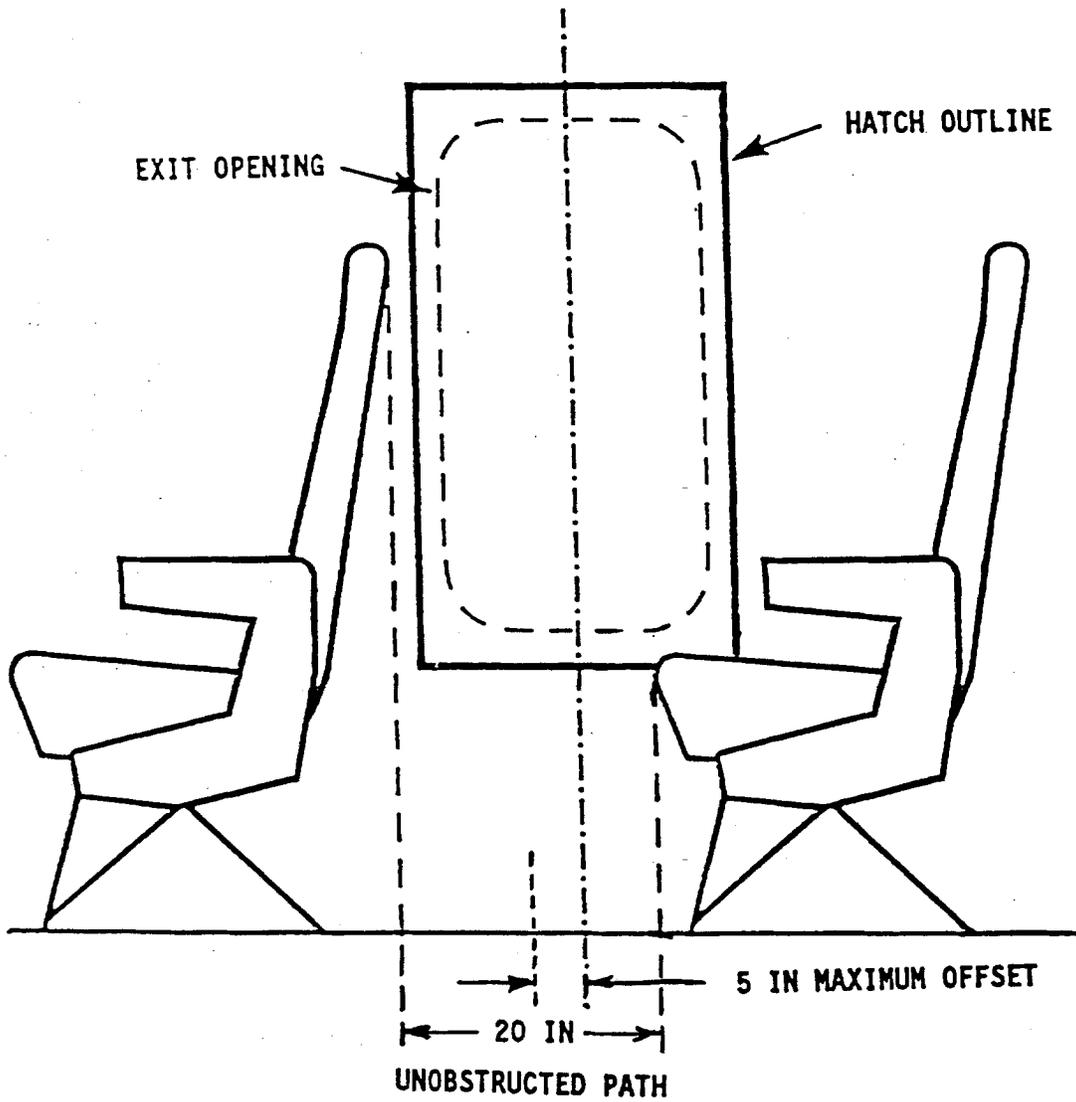


Figure 1

2. Two passageways, between seat rows only, at least 6 inches wide leading to an unobstructed space adjacent to each exit. (Adjacent exits must not share a common passageway.) The width of the passageways is measured with adjacent seats adjusted to their most adverse position. The unobstructed

space adjacent to the exit extends vertically from the floor to the ceiling (or bottom of sidewall stowage bins), inboard from the exit for a distance not less than the width of the narrowest passenger seat installed on the airplane, and from the forward edge of the forward passageway to the aft edge of

the aft passageway. The exit opening must be totally within the fore and aft bounds of the unobstructed space. This configuration is sometimes referred to informally as Configuration D (see Figure 2).

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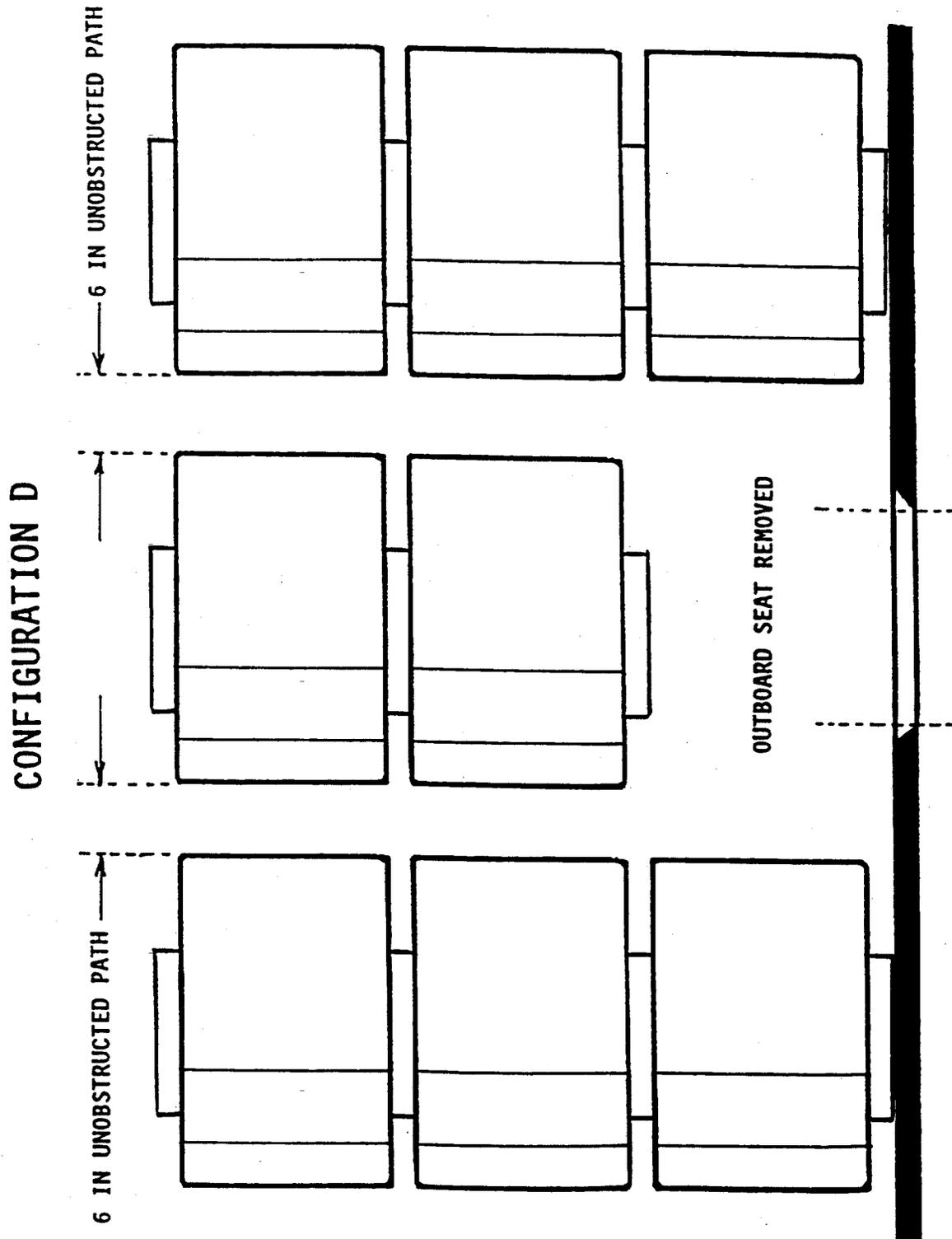


Figure 2

In addition to the new standard for access to Type III exits, § 25.813 also requires placards stating or illustrating the proper method of opening the exit. In the case of removable hatches, the placards must also state the weight of the hatch and indicate an appropriate location to place the hatch after removal. Unlike the requirements for access, the placarding requirements apply regardless of the passenger capacity of the airplane in which the exits are installed.

As discussed in the preamble to Amendment 25-76, these new standards were based on testing conducted at the FAA Civil Aeromedical Institute (CAMI) and were adopted to improve the ability of occupants to evacuate the airplane under emergency conditions.

Amendment 25-76 applies primarily to transport category airplanes for which the application for type certificate is made on or after the effective date, June 3, 1992. Since that amendment would not apply directly to airplanes in air carrier service for at least several years, Amendments 121-228 and 135-43 were also adopted at the same time to require other airplanes operated under the provisions of parts 121 and 135 to meet these standards. (Because the access requirements pertain only to airplanes with 60 or more passengers, part 135 operators are only required to comply with the placarding requirement.)

It was recognized that special circumstances may make full compliance of existing airplanes with the new standards for access to Type III exits impractical. Section 121.310(f)(3)(iv) was, therefore, adopted to permit the FAA to authorize deviation from these standards when such special circumstances do exist. These include, but are not limited to, the following conditions when they preclude achieving compliance without a reduction in the total number of passenger seats: emergency exits located in close proximity to each other; fixed installations such as lavatories, galley, etc.; permanently mounted bulkheads; an insufficient number of seat rows ahead of or behind the exit to enable compliance without a reduction in the seat row pitch of more than one inch; or an insufficient number of such rows to enable compliance without a reduction in the seat row pitch to less than 30 inches. The operator must, of course, bear the burden of providing credible reasons as to why literal compliance is impractical and a description of the steps taken to achieve a level of safety as close to that intended by the new standards as practical.

Section 121.310(f)(iii) requires compliance with the new standards after December 3, 1992; however, the FAA recognized that there may be unusual circumstances in which an operator could not achieve 100% compliance of its fleet by that date. Section 121.310(f)(3)(v) was, therefore, adopted to provide relief when such unusual circumstances do exist. When supported by credible reasons showing that compliance can not be achieved by that date, relief may be granted in the form of a deviation allowing fleet compliance in incremental stages.

Note that the provisions of § 121.310(f)(3) (iv) and (v) for relief apply only to the new standards for access to the exits; no provision has been made for relief from the new placarding requirements.

Discussion

During the public comment period preceding the adoption of Amendment 25-76, one commenter stated that there were too few tests on which to base the proposed rulemaking. In the preamble to the Amendment, the FAA concurred that additional testing would improve the accuracy of the tests results; however, it was noted that there was a practical limit to the number of tests that could be conducted considering financial resources, time and the availability of test subjects. In view of the safety benefit that could be realized, the FAA decided not to delay the final rule to obtain a larger test data base. Subsequent to the adoption of Amendment 25-76, time and resources for additional testing did become available. Accordingly, CAMI conducted another, more comprehensive, series of evacuation tests during the weeks of September 7 and 14, 1992 (referred to herein as the "recent CAMI testing"). Various configurations with three-seat rows were tested to obtain a more comprehensive understanding of effects of passageway widths and offsets from the exit opening. The test fixture utilized for this test series was the same as that used by CAMI for the tests conducted prior to the adoption of Amendment 25-76. It consisted of the fuselage of a Douglas C-124 airplane with seats and other equipment installed to represent an airline airplane in all aspects relevant to the tests. In addition to measuring the elapsed time from the start of the test until the last subject was clear, observers monitored the tests from a qualitative standpoint. Video cameras were also placed at various locations inside and outside the

test fixture, thereby supplementing the quantitative test results with a qualitative analysis of the subjects' use of the passageway.

It should be noted that the configurations used in the recent CAMI testing are defined in terms of seat-row encroachment rather than centerline offset. An encroachment of 10 inches, for example, means the forwardmost edge of the seat row is placed 10 inches forward of the aft edge of the exit. (This refers to the forwardmost edge of the seat bottom, which is below the exit; no portion of the adjacent seat may interfere with the exit opening.) Assuming the exit is 20 inches wide (the minimum for a Type III exit), a 10 inch encroachment places the forward edge of the seat row at the centerline of the exit. A 10 inch encroachment, therefore, translates to an offset of 10 inches with a 20 inch passageway, 7½ inches with a 15 inch passageway, 6½ inches with a 13 inch passageway, etc.

The sole purpose of this test series, insofar as this notice is concerned, was to evaluate, on a comparative basis, the effects of seat pitch and centerline offset on total time for egress through Type III exits. The first set of tests was conducted with a group of 35 test subjects consisting of approximately 45% males and 55% females ranging from 20 to 40 years in age. (Their mean age was 27 years.) The research protocol was based on a repeated measures design, where all subjects completed egress trials in every condition. A flight attendant was positioned just forward of the exit to generate a consistent, high level of subject motivation.

From this first set of tests, it was found that the total egress times with 13-, 15-, and 20-inch passageways were nearly identical. In contrast, the total egress times for the narrower 10- and 6-inch passageways, were much greater.

With passageway widths between 13 and 20 inches, an encroachment of 10 inches was shown to provide a possible improvement in egress capability compared to no encroachment. With these same passageway widths, an encroachment of 17 inches was shown to result in a significant degradation of egress capability. As noted above, an encroachment of 10 inches translates to a centerline offset of 6½ inches with passageways 13 inches wide; a 17-inch encroachment translates to a centerline offset of 13½ inches with such passageways.

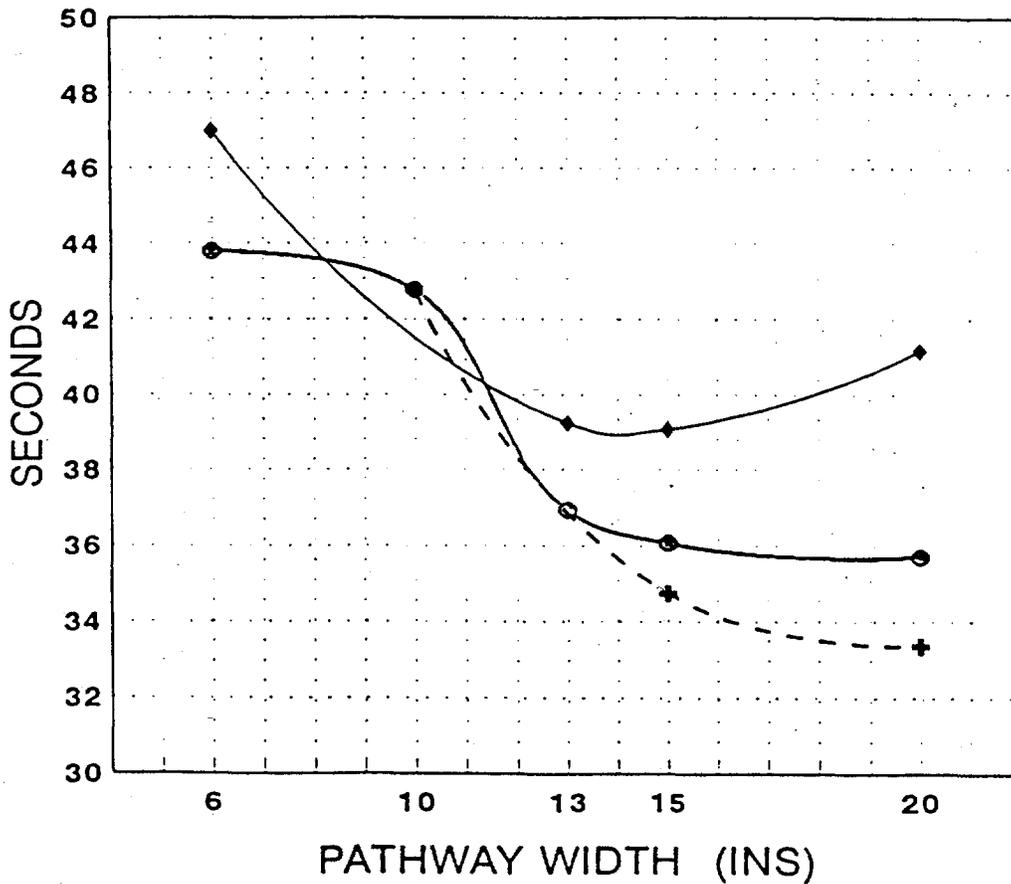
The results of these tests are shown in Figure 3.

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TYPE III EXIT STUDY

PITCH AND OFFSET EFFECTS

Total Egress Time for First 35 Subjects



+ 10" encroachment ◆ 17" encroachment
 ● Clear path

A second set of tests was conducted with a group of older subjects. Although the results of those tests may prove useful for other purposes, they did not prove valid and relevant to this notice from a quantitative standpoint. During one of the test runs, some of the subjects stepped on the seat cushions rather than fully utilizing the passageway. In subsequent runs, this practice became widespread, making the results of those runs invalid for quantitative comparative purposes. Nevertheless, the second series of tests did not suggest any inaccuracies in the conclusions reached from the results of the first tests. Although the egress times were generally slower, the qualitative evaluation showed that the relative merits of the various passageway widths and offsets would be similar with older test subjects. This is to be expected with 13 or 20 inch passageways because, generally speaking, the constraining factor is the rate at which the subjects pass through the exit, rather than the rate at which they progress through the passageway to the exit.

The preamble to Amendment 25-76 also described a series of evacuation tests conducted in the United Kingdom and generally referred to as the "competitive tests." Although providing more space adjacent to an exit would intuitively seem to improve the evacuation flow rate, the competitive tests showed that providing more space does not always improve the flow rate and may, in some instances, actually prove to be counterproductive. This is primarily because evacuees sometimes form multiple files when additional space is available and compete for access to the exit rather than pass through it in one orderly file. The recent CAMI tests are consistent with the competitive tests in that a 13-inch passageway was shown to provide an egress capability as good as that provided by a 20-inch passageway.

In view of the results of the recent CAMI tests, the FAA determined that an unobstructed passageway 13 inches wide, with its centerline offset no more than 6½ inches from the centerline of the exit, provides a level of safety equal to that provided by the 20-inch passageway specified in § 25.813(c)(1)(i). Had data from those tests been available prior to the adoption of Amendment 25-76, the FAA would have specified 13 inches minimum width and 6½ inches maximum offset at that time. Nevertheless, a 13-inch passageway with its centerline offset no more than 6½ inches from that of the exit is presently acceptable under the equivalent level of safety provisions of

§ 21.21(b)(1) in lieu of a 20-inch passageway. In order to obviate the need to make separate findings of equivalent safety for each applicant,

§ 25.813(c)(1)(i) would be amended to specify 13 inches minimum width and a maximum centerline offset of 6½ inches for rows with three seats.

None of the recent CAMI testing involved interior configurations with two-seat rows on the exit side of the aisle; therefore, no change to the requirement for an unobstructed 10 inch wide passageway for those configurations is proposed. It may be noted, however, that the maximum centerline offset of 5 inches, as presently specified in § 25.813(c)(1)(i) for two-seat rows does correspond to 10 inches encroachment. As described above, an encroachment of 10 inches was found satisfactory in the recent CAMI tests with three-seat rows.

By letter dated October 5, 1992, Joseph D. Vreeman, Vice-President, Engineering, Maintenance and Material, Air Transport Association of America (ATA), petitioned for rulemaking to amend §§ 25.813 and 121.310. The ATA petitioned on behalf of its member airlines and similarly situated part 121 operators.

A summary of the petition was published for public comment in the **Federal Register** (57 FR 54346, November 18, 1992). Of the three commenters that responded, two support the action proposed by the petitioner. The third commenter generally supports the proposed action, but takes issue with certain portions of the proposal.

Like the change proposed in this notice, the ATA proposes to change § 25.813(c)(1)(i) to specify a minimum passageway width of 13 inches for three-seat rows. The ATA proposal does, however, differ in that it would permit a maximum centerline offset of 10 inches rather than 6½ inches as specified in this notice. One of the three commenters does not concur with the maximum centerline offset proposed by the petitioner.

It appears that the ATA may have intended to refer to 10 inches of encroachment instead of 10 inches of centerline offset, since it cites the same CAMI test series as the basis for its proposal. As noted above, a centerline offset of 6½ inches corresponds to an encroachment of 10 inches for a passageway 13 inches wide. As also noted above, the tests were only conducted with centerline offsets of 6½ and 13½ inches. Since the testing with a centerline offset of 13½ inches resulted in a significant degradation of egress capability and there was no other

testing with an offset greater than 6½ inches, none of the CAMI tests support a maximum centerline offset of 10 inches as proposed by the ATA.

The ATA also proposes to amend § 25.813(c)(iii) to state that the placard must show the hatch weight, as specified by the original equipment manufacturer. The ATA believes that, by not specifying who must determine the weight of the hatch, current § 25.813(c)(iii) could result in different hatch weights being displayed on the same model airplanes. The ATA further believes that differing weight placards will ultimately cause confusion for the traveling public and create standardization problems for inspectors and flight attendants.

The FAA does not concur that there is any need to specify that only the original manufacturer's hatch weight data may be used. It is highly unlikely that any passenger will remember the exact hatch weight specified in the placard in one airplane and compare it with the weight specified in the placard of another airplane, let alone be confused by any differences. The purpose of the placard is not to advise the exact weight of the hatch per se, but to simply alert adjacent passengers to the fact that the hatch is likely to be much heavier than the passengers would otherwise expect. Operators are therefore permitted to use any reasonable means, including use of manufacturers' data, to determine the weight of the hatches.

The ATA proposes to amend § 121.310(f)(3)(iii) to replace the present compliance date of December 3, 1992, with a phased schedule of 50% fleet compliance by December 3, 1993, and 100% by December 3, 1994. Present § 121.310(f)(3)(v) already enables the FAA to grant relief to an individual operator from the December 3, 1992, compliance date if the FAA determines that special circumstances make compliance by that date impractical for that operator. In light of this existing provision, the ATA proposal would, in effect, simply relieve an operator from the burden of showing credible reasons why compliance could not be achieved earlier. One of the three commenters does not concur with the compliance schedule proposed by the petitioner. The FAA does not consider the proposed change to be appropriate because it would result, in some instances, in unjustified delays in achieving compliance.

As described earlier, § 121.310(f)(3)(iv) permits the FAA to authorize deviation from full compliance when special circumstances exist. These include, but are not limited

to, the following conditions when they preclude achieving compliance without a reduction in the total number of passenger seats: Emergency exits located in close proximity to each other, fixed installations such as lavatories, galleys, etc; permanently mounted bulkheads; an insufficient number of seat rows ahead of or behind the exit to enable compliance without a reduction in the seat row pitch of more than one inch; or an insufficient number of such rows to enable compliance without a reduction in the seat row pitch to less than 30 inches. The ATA proposes to change the latter condition to specify an insufficient number of rows to enable compliance without a reduction in the seat row pitch to less than 31 inches. In addition, ATA proposes to amend § 121.310(f)(3)(iv) to include the following additional conditions: "Last row recline should be limited to a maximum reduction of one inch," and "first class seat pitch should not be reduced if it increases offset greater than the present offset distance without modifying first class."

The FAA does not consider any of the proposed changes to § 121.310(f)(3)(iv) to be warranted. No justification has been given to support any need for a minimum seat row pitch of 31 inches; and, indeed, many ATA members operate airplanes with some, if not all, of the seat rows already set at 30 inch pitch. The FAA has adopted policy under the existing rule that the last-row seat recline need not be reduced by more than one inch; therefore, no change is needed in that regard. Finally, the FAA does not consider the class of service relevant. The comfort of persons seated in a specific section cannot be permitted to take precedence over the safety of those served by a Type III emergency exit in an emergency. In many interior arrangements, reducing the seat pitch ahead of the exit is not a viable means of achieving compliance because any increase in passageway width would be accompanied by a counterproductive increase in the offset of the passageway and exit centerlines. Nevertheless, if reducing seat row pitch in the first class section is a viable means (and the only means) to achieve compliance, it must be reduced accordingly.

One of the three commenters not only disagrees with the petitioner's proposed changes to § 121.310(f)(3)(iv), but believes that the section should be amended to require all airplanes with Type III exits to comply without consideration of the interior layout. A change of that nature would be impractical for the reasons cited in the

preamble to Amendments 25-76 and 121-228.

For the reasons discussed above, the FAA has not included in this notice any of the additional changes proposed by the ATA. It must be noted that, for the most part, the changes proposed in this notice mitigate the concerns of the ATA.

Subsequent to the adoption of Amendment 121-228, it was brought to the attention of the FAA that although amended § 121.310(f)(iii) incorporates by reference the newly adopted provisions of § 25.813(c) concerning access to Type III exits, the provisions of newly adopted § 25.813(a)(2) concerning cross-aisles for airplanes with two or more main aisles and Type III exits were inadvertently omitted. In order to correct this inadvertence and preclude confusion, § 121.310(f)(3)(iii) would be amended to incorporate § 25.813(a)(2) by reference as well. This would not be a substantive change and would not place any burden on any person because airplanes with two main aisles and Type III exits are already required to provide such cross-aisles as a condition of type certification.

Also subsequent to the adoption of Amendment 121-228, it was brought to the attention of the FAA that this same incorporation by reference would inadvertently require operators of airplanes with older type certification bases to comply with the standard of current part 25 concerning interference of seat cushions with opening exits. Prior to the adoption of Amendment 121-228, airplanes for which the application for type certificate was filed before May 1, 1972, were only required to meet the access standard in effect on April 30, 1972. That standard was simply that the access to the exits, "must not be obstructed by seats, berths or other obstructions which would reduce the effectiveness of the exit." Current § 25.813(c)(1), on the other hand, states, "* * * the projected opening of the exit provided may not be obstructed and there must be no interference in opening the exit by seats, berths, or other protrusions * * *."

Many of the airplanes currently flown in part 121 service were type certificated under the older standard and have seat cushions that interfere with opening the exit. Such seats are acceptable under the older standard because the cushions can be crushed enough that the effectiveness of the exit is not reduced. If taken literally, the incorporation of § 25.813(c) by reference in § 121.310(f)(iii) would require the operators of those older airplanes to replace seat cushions, or perhaps the entire seat in some instances. This was not intended, and § 121.310(f)(iii) would

be corrected by replacing the reference to § 25.813(c) in its entirety with a reference to only §§ 25.813(c)(1) and 25.813(c)(3).

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule: (1) would generate benefits that would justify its costs and is not a "significant regulatory action" as defined in the Executive Order; (2) is significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; and (4) would not have a negative impact on international trade. These analyses, available in the docket, are summarized below.

Cost-Benefit Analysis

Costs

The proposed change to part 25 would allow airplane manufacturers and operators to provide passageways that are only 13 inches wide rather than 20 inches wide as currently required by § 25.813(c)(1)(i). Since providing narrower passageways is less stringent than the current requirement, there would be no compliance costs with the proposed change.

In addition, there would be no costs associated with a reduction in safety because the proposed rule would provide a level of safety equivalent to that of the current rule.

Current § 121.31(f)(3)(iii) inadvertently omits reference to the provisions of § 25.813(a)(2) concerning cross-aisles for airplanes with two or more main aisles and Type III exits. The proposed rule would correct this omission. There would be no cost burden associated with the proposed change to part 121, because it would involve a requirement that is already imposed on all airplanes with two aisles

an Type III exists as a condition of type certification.

Benefits

The proposed change to part 25 allows manufacturers and operators of transport category airplanes with three-seat rows to provide passageways that are only 13 inches wide rather than 20 inches wide as currently required by § 25.813(c)(1)(i), a benefit that would vary somewhat from one airplane interior arrangement to another. Manufacturers of newly designed airplanes would have more space available for other cabin interior components. In some instances, manufacturers might be able to install more revenue passenger seats. Most operators of other affected airplanes would have to decrease the pitch of fewer seat rows in order to provide a 13-inch wide passageway instead of the presently required 20-inch wide passageway. Fewer seat rows would have to be moved, reducing both the cost of moving seats and moving or replacing related equipment, such as passenger oxygen systems. In some instances, the existing passageway may be wide enough to meet the proposed requirement without any change, while complying with the current requirement would necessitate considerable relocation of cabin interior components. The FAA has not quantified the value of these benefits.

Reducing the pitch of fewer or no seat rows would also result in passenger comfort levels being degraded in fewer or no seat rows. The U.S. airline industry considers that any reduction in seat pitch would severely impact passenger acceptance and result in revenue losses. Several major U.S. airlines have stated that they would choose to remove seats rather than reduce seat-row pitch to comply with the current requirement. They believe that the loss of revenue resulting from seat removal would be less than that resulting from reduced seat-row pitch. The proposed rule would reduce, and possibly eliminate, any loss in passenger comfort resulting from compliance with the more stringent current rule.

Finally, there would be no quantifiable benefit associated with the proposed change to part 121, because it involves a requirement that is already imposed on all airplanes with two aisles and Type III exits as a condition of type certification.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) requires Federal agencies to review rules that may have "significant

economic impact on a substantial number of small entities." FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes small entity size and cost level thresholds for complying with the RFA in rulemaking actions.

The entities that would be potentially affected by this rule are the manufacturers and owners of transport category airplanes that have Type III exits.

The size threshold for a small manufacturer of aircraft is one that employs 75 or fewer people. A substantial number of small entities is a number that is 11 or more and that is more than one-third of the small entities subject to a proposed rule. None of the manufacturers of transport category airplanes qualify as small entities under this definition.

A small operator is defined as one that owns, but does not necessarily operate, 9 or fewer airplanes for hire. The threshold constituting a significant economic impact for a small scheduled operator that would be affected by this proposed rule is \$113,700 per year (1992 dollars) for an operator whose entire fleet has a seating capacity of more than 60 and \$63,500 per year for other scheduled operators. The threshold cost for a small nonscheduled operator is \$4,500 per year. The FAA order does not set a size or cost threshold for airplane rental and leasing companies; however, the Small Business Administration defines small airplane rental and leasing companies as those having annual revenues less than \$3.5 million (1989 dollars).

The FAA has determined that approximately 47 owners of airplanes affected by this rule could be considered small entities. The proposed rule would not result in additional compliance costs for these entities, and there could be cost savings resulting from a reduction in the time and components needed to reconfigure affected airplanes. The proposed rule would, therefore, have neither a significant negative nor a positive impact on a substantial number of small entities.

International Trade Impact Assessment

The proposed rule would have no impact on international trade. Because the proposed rule would not increase the costs of producing transport category airplanes, whether of current or future type certification, it would result in neither a trade advantage or disadvantage to U.S. aircraft manufacturers. Similarly, U.S. air carriers would experience no change in competitive position because the proposed rule would not result in

significant cost relief. Finally, the airplanes used predominantly in international air commerce are widebody airplanes with no Type III exits. Operators of those airplanes would not be affected by the proposed rule.

Federalism Implications

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. 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

Because the regulations proposed herein would not result in any additional costs and should, in fact, result in the elimination of an unnecessary cost burden, the FAA has determined this proposed rulemaking is not significant as defined in Executive Order 12866. However, because this proposed rulemaking does concern a matter on which there is considerable public interest, the FAA has determined that this action is significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). The FAA has carefully considered the impact on the proposed rulemaking on small entities and has concluded that there would be no significant negative impact on a substantial number of small entities. A copy of the full regulatory evaluation prepared for this proposed rulemaking has been placed in the docket.

List of Subjects

14 CFR Part 25

Aircraft, Aviation safety, Federal Aviation Administration, Reporting and recordkeeping requirements.

14 CFR Part 121

Air Carriers, Aircraft, Aviation safety, Federal Aviation Administration, Reporting and recordkeeping requirements, Safety, Transportation.

The Proposed Amendment

Accordingly, the FAA proposes to amend parts 25 and 121 of the Federal Aviation Regulations (FAR), 14 CFR parts 25 and 121, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. app. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g); and 49 CFR 1.47(a).

By amending § 25.813 by revising paragraph (c)(1)(i) to read as follows:

§ 25.813 Emergency exit access.

* * * * *

(c) * * *

(1) * * *

(i) Except as provided in paragraph (c)(1)(ii) of this section, the access must be provided by an unobstructed passageway that is at least 10 inches in width for interior arrangements in which the adjacent seat rows on the exit side of the aisle contain no more than two seats, or 13 inches in width for

interior arrangements in which those rows contain three seats. The width of the passageway must be measured with adjacent seats adjusted to their most adverse position. The centerline of the required passageway width must not be displaced horizontally from that of the exit more than 5 inches in the case of passageways required to be 10 inches in width, or not more than 6½ inches in the case of passageways required to be 13 inches in width.

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

3. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355, 1357, 1401, 1421 through 1430, 1472, 1485

and 1502; 49 U.S.C. 106(g); and 49 CFR 1.47(a).

4. By amending § 121.310 by revising paragraph (f)(3)(iii) to read as follows:

§ 121.310 Additional emergency equipment.

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(f) * * *

(3) * * *

(iii) After December 3, 1992, the access for an airplane type certificated after January 1, 1958, must meet the requirements of § 25.813(a)(2) of this chapter, insofar as Type III exits are concerned, and § 25.813(c) (1) and (3) of this chapter, effective June 3, 1992.

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Issued in Washington, DC on January 20, 1995.

Elizabeth Yoest,

Acting Director, Aircraft Certification Service.

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