of parts 21, 23, 36, 121, 135 and 139." Nonetheless, for clarity purposes, the adopted language refers to SFAR 41 aircraft in the exclusion.

Another commenter proposed that the lead-in sentence for § 135.170(b) start with the phrase "Except for commuter category airplanes." The commenter's proposed addition was considered unnecessary due to the erroneous belief that commuter category airplanes, like those type certificated under SFAR 41, were not "large" airplanes. Because the FAA did not change the proposed rule language in the final rule to clarify this result, the rule language must now be amended.

This further amendment to the final rule is being handled in the most expeditious manner available, and is being made effective immediately, since the final rule is effective March 6, 1995. In the absence of this further amendment, SFAR 41 and commuter category airplanes without fire-blocked seat cushions and operated under part 135 would not be considered to be in compliance with the regulation. Explicitly excluding commuter category from having to comply with the requirements of  $\S 135.170(b)(1)$  is not necessary because that section impacts only airplanes with a passenger seating capacity of 20 or more which does not apply to the commuter category. Nonetheless, because of frequent confusion among operators on that point, the FAA has decided to insert the commuter airplane category exclusion

in § 135.170(b) rather than in § 135.170(b)(2) to make the applicability of these requirements clear.

Because this action imposes no additional burden on any person and since it relieves industry of the unintended burden that would be imposed if the new wording of § 135.170(b) was unchanged, it has no adverse economic impact and imposes no additional burden on any person. Accordingly, good cause exists to make this action effective immediately, but public comments are invited.

It should be noted that this action does not preclude the FAA from proposing that commuter category airplanes should comply with the seat cushion flammability standards of § 135.170(b)(2) in future rulemaking if such compliance is deemed necessary in the interest of safety. The FAA anticipates issuing by the end of this month a proposal that would contain such a requirement applicable to current part 135 operators.

The FAA has determined that this regulation must be issued immediately to preclude grounding a large portion of the U.S. commuter air carrier fleet and placing an unintended economic burden on operators of commuter category airplanes. The FAA has also determined that this action is not a "significant regulatory action" under Executive Order 12866.

### List of Subjects in 14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

#### Adoption of the Amendment

Accordingly, 14 CFR part 135 of the Federal Aviation Regulations (FAR) is amended as follows:

# PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

1. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1355(a), 1421–1431 and 1502; 49 U.S.C. 106(g); 49 CFR 1.47(a).

2. By amending § 135.170 by revising the introductory text of paragraph (b) to read as follows:

## § 135.170 Materials for compartment interiors.

\* \* \* \*

\*

(b) Except for commuter category airplanes and airplanes certificated under Special Federal Aviation Regulation No. 41, no person may operate a large airplane unless it meets the following additional airworthiness requirements:

Issued in Washington, DC, on March 6,

### David R. Hinson,

Administrator.

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