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 $\S 25.813(c)(1)$, 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 exists. 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