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 threeseat 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 13inch 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 entitles 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: