that have a side facing toilet separated from the cabin only by a curtain.

Jetstream states that there is no evidence to support the introduction of fire suppression of toilet receptacles on commuter aircraft. According to the commenter, the lavatory receptacles are already designed to contain a fire within the compartment; and, due to the small cabin size of those airplanes, the lavatory is readily accessible to the crew if the need to suppress a fire does occur. The commenter estimates a cost of $4,000 per airplane. Nevertheless, the commenter does support requiring new aircraft to comply.

FAA Response: The FAA does not agree with the commenter's suggestion that installation of smoke detectors should be done within 6 months and fire extinguishers within 1 year of the publication of the final rule. This would not allow sufficient time for compliance.

The comments received do not contradict the FAA's understanding that few, if any, of the airplanes with 10 to 19 passenger seats are equipped with lavatories. The primary impact of the proposed requirement for lavatory smoke detection and fire extinguishment, therefore, would be on airplanes with 20 to 30 passenger seats presently operated under part 135. (Any such airplanes currently operated under part 121 are already required to comply.)

Contrary to one commenter's belief, the present smoking ban on domestic flights does not eliminate the need for lavatory smoke detection and fire extinguishment. On the contrary, the smoking ban could increase the temptation for some passengers to smoke illicitly in the lavatory and thereby increase the possibility of a fire originating in that compartment. The presence of a smoke detector serves as a deterrent to illicit smoking as well as a means of warning when it does occur.

Contrary to the commenter's belief, the presence of a flight attendant in the cabin would not compensate for the lack of a lavatory smoke detector and fire extinguisher. A lavatory is designed with an effective ventilation system to preclude normal odors from entering the cabin. In the absence of a smoke detector, the ventilation systems also precludes early detection of illicit smoking or a fire by persons in the cabin. In addition, the materials typically contained in the waste receptacles are highly flammable and could burn out of control quickly if there were no automatically discharging extinguishers. It is possible that a flight attendant would not know the fire exists until it has grown to catastrophic proportions.

The cost estimates provided by two commenters appear to be based on a misunderstanding concerning the qualifications of a required lavatory smoke detector. Such detectors serve primarily to enhance the capability of crewmembers to detect lavatory fires visually. They are, therefore, not required to meet all of the performance and environmental requirements applicable to primary detectors used in isolated compartments, such as cargo compartments. Anything that meets the ordinary dictionary definition of a lavatory would be covered by this requirement.

Therefore, because the adverse service experience that prompted the adoption of § 121.308 applies equally to any airplane, large or small, with a lavatory and because the commenters' cost estimates are obviously based on a misunderstanding of the required smoke detector qualification, the FAA is adopting this requirement in substance as proposed. The final rule has been revised to provide operators 2 years from the date of publication to comply with the lavatory smoke detector system and fire extinguisher requirements. In addition, the rule states that operators of 10- to 19-seat airplanes that have a lavatory must have a smoke detector system or equivalent that provides either a warning light in the cockpit or an audio warning that can be readily heard by the flightcrew. This will accommodate airplanes that do not have flight attendants.

Emergency equipment inspection. Section 121.309(b) requires that each item of emergency and flotation equipment must be inspected regularly in accordance with inspection periods established in the operations specifications to ensure its condition for continued serviceability and immediate readiness to perform its intended emergency purpose. Section 135.177(b) contains a similar requirement for part 135 operators of airplanes with more than 19 seats. In this section, the FAA proposed requiring affected commuter operations, including those with airplanes of 10 to 19 seats, to comply with the existing part 121 requirement. Other provisions in the proposal would require affected commuters to install additional emergency equipment. No comments were received on this issue and the final rule is adopted as proposed.

Hand-held fire extinguishers. Sections 121.309(c) and 135.155 contain similar requirements for hand-held fire extinguishers aboard airplanes. Part 121 requires at least two of the fire extinguishers to contain Halon, or an equivalent, and mandates placement of the fire extinguishers, while part 135 does not. In Notice 95–5, the FAA proposed that affected commuters comply with the part 121 requirements for fire extinguishers and that § 121.309(c)(7) be amended to require that at least one of the fire extinguishers in the passenger compartment contain Halon or the equivalent. No comments were received on this issue and the final rule is adopted as proposed.

First aid kits and medical kits. Section 121.309(d) requires that both approved first aid kits and approved emergency medical kits be carried on board passenger-carrying airplanes. The medical kits are intended to be used only by medically qualified persons, such as doctors, who may be on board the airplane. Section 135.177(a)(1) requires first aid kits to be carried on board airplanes with more than 19 passengers.

The FAA proposed that first aid kits be required for all airplanes with more than 9 passenger seats operating under part 121 and medical kits be required for airplanes that are required to have a flight attendant. The FAA stated in Notice 95–5 that, after review of the comments, the FAA might decide to require a medical kit for all 10–19 seat airplanes.

In Notice 95–5 the FAA pointed out that affected commuters would have to comply with a recent rule requiring disposable latex gloves for first aid kits and medical kits.

Comments: Six commenters disagree with the proposed requirement to have first aid kits on 10- to 19-seat airplanes. Most of the commenters cite lack of space and the lack of necessity for the equipment. Commenters believe that the first aid kit would not provide enough of a medical benefit to justify its cost. Two of these commenters oppose the addition of latex gloves as part of the first aid kit. One commenter believes that the equipment would place additional liability on employees. One commenter concurs with both proposed requirements.

Two commenters provide additional cost information for first aid kits. One of the commenters estimates $1,500 per airplane and the other estimates $1,500 without specifying the number of entities involved (i.e., airplane(s) or fleet).

AACA agrees with the requirement for first aid kits on all commuter airplanes whether a flight attendant is available or not. According to the commenter, regardless of the size of the airplane, inflight emergencies could occur and a first aid kit may be needed. In the