25 that are listed in § 121.313(c): however, the commenter has apparently overlooked the alternative provisions contained in that section. In part, § 121.313(c) also reads: ''or that is able to produce and distribute the load for the required instruments and equipment * * * .'' This additional text of § 121.313(c) allows the use of a power supply and distribution system that performs this function regardless of whether it complies with the listed sections of part 25. The commenter's proposed amendment is not needed because § 121.313(c) already includes provisions for alternate means of compliance. The commenter's products have already been shown to comply with this alternative.

The commenter is correct in believing that some airplanes currently operated in part 121 service might not meet the current sections of part 25 listed in § 121.313(c). The issue is moot, however, since § 121.313(c) provides for alternative means of compliance.

Cockpit doors and door keys. Section 121.313 (f) and (g) require that there be a lockable door between the cockpit and the cabin and that there be a key for each cockpit door that is readily available to each crewmember. Part 135 does not have such requirements. The FAA proposed that the affected commuters be required to comply with the part 121 rules if there is a door with a lock or a door that can be retrofitted with a lock. (Curtains or accordion doors are not considered lockable doors.) If a lockable door already exists or can be retrofitted, the certificate holder would be required to provide a cockpit key that is readily available to each crewmember. Accordingly, the language of § 121.313(f) was changed to except nontransport category airplanes certificated after December 31, 1964, without a door. Transport category airplanes already are required to have a door and a lock with a key.

Comments: Most of the comments received on this issue oppose the requirement for a locking cockpit door and key. Several commenters say that the cockpit door on EMB–120 airplanes cannot be locked when the observer jumpseat is in use. These commenters are concerned that strict adherence to the wording of the rule would require them to retrofit the door, redesign the cabin, and probably remove a revenue seat, all at a high cost. These commenters recommend that the EMB–120 be exempted from the requirement when the observer jump seat is in use. One commenter states that some nontransport category aircraft that will transition to part 121 do not have a cockpit door lock and key and may not be able to install one. One commenter states that operators will be required to obtain a supplemental type certificate to retrofit airplane doors with key locks. Another commenter states that this requirement would force operators to choose between removing the high-quality cockpit door installed at great expense on BE 1900D aircraft which provides protection from cabin illumination glare during night operations, or installing and using a lock on this door, both of which are contrary to safety. One commenter states that the 1900C and 1900D airplanes have frangible doors between the cockpit and cabin to reduce distractions. According to the commenter, as proposed, the rule would require installation of locks on those doors. Finally, one commenter says that the wording of the cockpit door requirement should be clarified to exclude 10 to 19 seat aircraft not yet produced. According to the commenter, the proposal resolves the problem for existing 10–19 seat airplanes. However, proposed § 121.2(f) would require all new airplanes to be certificated in transport category. The commenter states that new 10–19 passenger airplanes will have the same problem as existing nontransport category types; that is, cockpit doors will neither be practical nor appropriate. The commenter recommends amending § 121.313(f) to read ''* * * except that airplanes type-certificated for a maximum of 19 or fewer passengers are not required to comply with this paragraph.''

AACA notes that the language of § 121.313(f), which lists required equipment for operating an aircraft, should be changed to exclude airplanes that do not have cockpit doors.

FAA Response: The FAA maintains that the cockpit key and door lock requirement should be retained to enhance aviation safety. However, the final rule language is clarified to require compliance only for airplanes with a passenger-seating configuration of 20 or more seats. Therefore, the requirement for a door lock and cockpit key does not apply to nontransport category airplanes type certificated after December 31, 1964 even if the airplane has a cockpit door.

In response to the comments regarding the EMB–120, § 121.587 allows for the door to remain open, if necessary, to provide access for a person authorized admission to the flightcrew compartment. This allows for the door to be open if the jump seat is in use by an authorized person. Section 121.587 applies to large airplanes which includes the EMB–120.

The FAA acknowledges that the commenters correctly state that keyless locks in airplanes with a passenger seating configuration of 20 or more would have to be retrofitted to work with keys. Certificate holders that would have to retrofit their door locks would incur a higher cost to comply with the requirement. Yet, the FAA strongly believes that keyless locks which only lock from the cockpit side pose a severe safety hazard if the pilots become incapacitated. The FAA maintains that an extended time period to retrofit locks is not justified in light of the many other new requirements which are even broader in scope.

Cargo and baggage compartments. Part 25 (as referenced in § 121.314) contains requirements for cargo or baggage compartment liners, smoke detection, and fire extinguishment for various classes of compartments. The compartment classification system, also duplicated in § 121.221 (which as previously discussed applies only to certain airplanes type certificated before November 1, 1946), is based on the compartment's accessibility for fire detection and extinguishment. Part 25 was amended in 1989 to require the liners of Class C and D compartments to meet more stringent flammability standards. Section 121.314 was also adopted at that time to require the improved liners in existing transport category airplanes on a retroactive basis.

Part 23 contains no classification system or requirements for compartment fire protection; however, a proposed rule to add comparable requirements was issued on July 22, 1994 (59 FR 37620). The FAA proposed in § 121.2(e)(2)(ii) by referencing § 121.314 to require this modification for commuter category (or its predecessor) airplanes manufactured 4 years or more after the publication date of the final rule. However, in Notice No. 95–5, the FAA did not propose to amend § 121.314, which currently applies only to transport category airplanes.

Comments: Two commenters submitted identical comments concerning this proposal. Both commenters believe that the cargo or baggage compartment classification system of § 25.857, referenced in § 121.314, is not suitable for smaller airplanes with fewer than 20 seats and that the smoke detector and fire extinguisher requirements are unreasonable and unnecessary in those airplanes. In that regard, they note that many commuter category airplanes are convertible from a full passenger configuration with a relatively small baggage compartment to combination passenger/cargo (combi) configurations