to cargo only. They do not believe that it is practical to modify any of the combi configurations to comply with any of the cargo compartment classes defined by § 25.857. They assert there has been no history of service problems indicating a need for such features.

No comments were received concerning compartments other than those of combi airplanes. Also, no commenters responded to the request in the preamble to Notice No. 95–5 for information concerning less-costly alternatives such as requiring only liners and smoke detection.

FAA Response: The FAA agrees that the present requirements of § 25.857 are not entirely suitable for airplanes with a passenger seating capacity of less than 20 and the FAA has initiated a rulemaking project to develop and propose similar standards that would be suitable for these airplanes. In view of this project the FAA has decided to defer this proposal for future rulemaking.

Fuel tank access covers. As a result of the 1985 Manchester British Air Tours accident (in which a piece of metal from the aircraft engine punctured the fuel tank access panel and created a fire), § 25.963(e) was amended in 1989 to require that all covers located in an area where a strike by foreign objects is likely must have as much resistance to fire or debris penetration as the surrounding structure. Concurrent with the part 25 amendment, § 121.316 was amended to require airplanes already in service to comply with § 25.963(e) on a retrofit basis. These requirements pertain to all transport category, turbine-powered airplanes. Due to their smaller size and turbo-propeller configuration, part 23 airplanes generally do not present the same hazard. The FAA did not propose to require part 23 airplanes to comply with §§ 25.963(e) and 121.316. Since § 121.316 applies only to ''turbine-powered transport category'' airplanes, no rule change is needed. The FAA points out that turbine-powered transport category airplanes previously operated under part 135 would have to comply with § 121.316.

Comments: Raytheon Corporation submitted comments on the costs of complying with § 25.963(e) for airplanes that in the future would be required to be type certificated in the transport category under part 25.

FAA Response: As previously discussed, the applicability of all present part 25 requirements to airplanes with a passenger seating capacity in the 10–19 range for which a type certificate is applied for after March 29, 1995, will be dealt with in a future rulemaking action. Since Notice No. 95–5 did not propose any change for airplanes in existence or for airplanes newly manufactured under existing type certificates, this issue need not be discussed further in this rulemaking.

Passenger information. Notice 95–5 proposed that affected commuters would comply with the passenger information requirements in § 121.317. There was no preamble discussion of this section because the FAA determined that current requirements for affected commuters in §§ 135.127 and 91.517 were substantively the same as those in § 121.317.

Comments: Three comments were received on this section. Commuter Air Technology suggests that seatbelts should be worn the entire time for flights of less than an hour and a half. According to the commenter, requiring seatbelts at all times while engines are running would provide better passenger safety, remove an unnecessary checklist item from the flight station, and eliminate the probability of missing a flight due to an inoperative sign. According to the commenter, each seat could be placarded and the co-pilot could make a visual check of passenger compliance after closing the door hatch prior to departure.

Two commenters state that § 121.317(a) should be revised to allow permanently lighted no-smoking signs or conspicuous placards, since smoking is prohibited on all flights.

FAA Response: Section 121.317 sets minimum requirements. Both §§ 121.317 and 135.127 allow the use of no smoking placards that meet the requirements of § 25.1541 if the placards are posted during the entire flight segment. Section 121.317(a) requires passenger information signs (fasten seatbelt signs and no smoking signs) that the pilots can turn on and off and § 121.317(b) specifies when fasten seatbelt signs must be turned on. To ensure that the present requirements of § 121.317 are not interpreted so as to prohibit the use of placards in certain airplanes, a clarifying amendment is included in the final rule. New § 121.317(l) provides that a person may operate a nontransport category airplane type certificated after December 31, 1964, having a passenger-seating configuration of 10–19 seats manufactured before 15 months after the publication date of this final rule if it is equipped with one placard that is legible to each person seated in the cabin that states ''Fasten Seat Belt'' if the flightcrew orally instructs the passengers to fasten their seatbelts at the necessary times. Newly manufactured airplanes must comply with lighted seat belt sign requirements of § 121.317(a) within 2 years after the date of publication of this final rule. In addition, § 121.317(d) requires one legible sign or placard that reads ''fasten seat belt while seated'' that is visible from each passenger seat. Affected commuters must comply with § 121.317(d) at the time of recertification under part 121, or within 15 months, whichever occurs first.

Instruments and equipment for operations at night. Section 121.323 requires two landing lights for night operations. Under the proposal, the requirement would apply to all affected commuters. While no comments were received on the proposal, the FAA had intended to revise § 121.323 to except nontransport category airplanes certificated after December 31, 1964, from having more than one landing light. The exception was intended because small airplanes with shorter wing spans can be operated safely with only one landing light. The exception was inadvertently omitted from Notice 95–5 but is included in the final rule.

Oxygen requirements. Sections 121.327 through 121.335 cover supplemental oxygen requirements and oxygen equipment requirements. The requirements are similar to the oxygen requirements in § 135.157 except that for certain airplanes, part 121 requires less oxygen. Each affected commuter who would have to comply with part 121 oxygen requirements as a result of this rulemaking should be able to operate its airplanes in accordance with the oxygen requirements specified in part 121.

Comments: Fairchild Aircraft comments that the first aid oxygen requirements of § 121.333(e)(3) are inappropriate for smaller commuter service and that this section should be revised to exclude airplanes with fewer than 20 seats. This commenter also asks that § 121.335 be revised to allow oxygen flow rates based on the airplane's certification basis rather than Civil Air Regulation 4b.651. Fairchild finds that this would avoid unnecessary complication and expense.

FAA Response: In the case of first aid oxygen, since Notice 95–5 proposed no flight attendant for the 10- to 19-seat airplane, requiring the first aid oxygen that would be dispensed by a flight attendant would not be logical. Since the airplanes operated by the affected commuters were not type certificated for flight above 25,000 feet and since § 121.333(e)(3) only applies to pressurized airplanes that operate above 25,000 feet, it would not as a practical matter apply to commuter (or predecessor) airplane operations. The requirement does apply to airplanes