

a case by case basis, if a deviation is appropriate. These deviations are issued pursuant to § 121.339(a) which permits the Administrator to allow deviation from the requirement to carry certain equipment for extended overwater operations. Since there are few extended overwater operations conducted by commuters, the FAA does not expect this proposed requirement to have a significant impact.

*Comments:* Four commenters argue against the requirement for a spare life raft on commuter airplanes. One commenter says that the spare life raft is not necessary because seats can be equipped with additional life vest storage pouches. Another commenter says that the spare life raft is appropriate for larger airplanes but not for 10 to 30 seat aircraft. This commenter also suggests that the rule should remain as presently written under § 135.167, and, on a case-by-case basis, the FAA can require certificate holders to obtain a spare life raft. Another commenter states that spare life rafts should not be required on aircraft with less than 20 passenger seats because the requirement will increase operating costs and reduce passenger revenues. A fourth commenter states that the cumulative weight, space, and compliance costs will be significant for affected Alaskan operators and that these costs cannot be spread across a large number of passenger seats as can be done with a larger aircraft.

Three commenters state that the requirement in § 91.205 (b)(11) for a pyrotechnic signaling device is understandable for general aviation aircraft, but is impractical and superfluous for airplanes operating under part 121 in scheduled air carrier service. The commenters recommend that § 91.205 be revised to exclude airplanes operating under part 121.

*FAA Response:* The FAA maintains that airplanes conducting extended overwater flights need to carry enough life rafts to accommodate all passengers in the event of the loss of the life raft with the largest rated capacity. Such a requirement will enhance safety in the event of an accident. Individual flotation devices are not adequate for safety in the event of a water ditching because passengers tend to separate in open water. A life raft enables passengers to stay together. An even greater threat is hypothermia, a sequence of physical reactions resulting from the loss of body heat. In cold water, a person will experience increased difficulty with mobility and intense shivering occurs. In arctic waterways, survival time can be as little as 2 or 3 minutes. Thus, a spare life raft

is appropriate for affected commuters to enhance passenger safety. The requirement in part 121 for equipping each life raft with a pyrotechnic signaling device is identical to part 135 for extended overwater operations. The recommendation to except scheduled air carriers from the provisions of § 91.205(b)(11) is beyond the scope of this rulemaking. Moreover, under § 119.1(c) persons subject to part 119 must comply with other requirements of this chapter, except where those requirements are modified by or where additional requirements are imposed by parts 119, 121, 125, or 135 of this chapter. Therefore, the final rule requires commuter airplanes to adhere to part 121 standards and provides deviation authority on a case by case basis.

*Flotation devices.* Section 121.340 requires that a large airplane in any overwater operation must be equipped with life preservers or with an approved flotation means for each occupant. Because it is practically impossible to operate any place without flying over a body of water of sufficient depth to require some sort of flotation means, § 121.340 has been applied so that virtually every airplane is equipped with either flotation cushions or life preservers. In parts 121 and 135, life preservers are required only for extended overwater operations, (§§ 121.339 and 135.167). Therefore, airplanes used in extended overwater operations are already equipped with life preservers and do not need to have flotation cushions.

The FAA proposed that airplanes equipped with 10 or more seats operating in scheduled passenger operations would comply with § 121.340 and accordingly proposed revising the section to delete the word "large." To allow any replacement of seat cushions to be coordinated with the seat cushion flammability requirements of § 121.312(c), the FAA proposed a compliance date of 2 years after the publication date of the final rule.

*Comments:* The FAA received three comments that oppose the requirement for flotation devices. One commenter opposes the requirement because of the equipment cost and weight penalty. This commenter determines that the seat cushions in the METRO aircraft would not serve as effective flotation devices. The commenter provides a cost estimate for acquiring and retrofitting individual flotation devices for METRO airplanes. The commenter also states that each flotation device for 10 to 30 seat airplanes would have to be equipped with an approved survivor location light. A second commenter

states that the rule should allow exemptions for operations that do not fly over or near large bodies of water. This commenter does not believe that flotation devices would enhance safety. Finally, a third commenter states that flotation devices are already required for extended overwater flights for all airplanes by § 91.205.

*FAA Response:* The FAA concurs that if the seat cushions in a particular airplane model do not serve as flotation devices, then individual flotation devices would have to be acquired. If life preservers are provided as individual flotation devices they would have to have an approved survivor locator light as required by § 121.339(a)(1).

The FAA found during previous rulemaking that all flights traverse a body of water of at least 6 feet deep during the course of a year. Therefore, individual flotation devices or life preservers for 10 to 30 seat airplanes are required on all flights. Section 121.340(b) contains provisions for requesting an approval to operate without the flotation means if the operator shows that the water over which the airplane is to be operated is not of such size and depth that life preservers or flotation devices would be needed for survival.

The FAA concurs with one of the commenters that § 91.205 requires flotation devices for all airplanes involved in extended overwater flights. Section 121.340 is clearly more restrictive.

Although the compliance date for meeting passenger seat cushion flammability requirements has been extended to 15 years, the compliance time of 2 years for providing flotation devices is the same as proposed.

*Equipment for operations in icing conditions.* Section 121.341 requires certain equipment for operations in icing conditions. The proposal would require affected operators to comply with this section. In accordance with § 121.341(b), to operate an airplane in icing conditions at night, a wing ice light must be provided or another means of determining the formation of ice on the parts of the wings that are critical from the standpoint of ice accumulation. This would be a new requirement for 10- to 19-passenger seat airplanes.

No comments were received on this proposal; however, the FAA has determined that the requirements of § 135.227 (c), (e), and (f) need to be incorporated into § 121.341 to accommodate certain affected airplanes. These requirements pertain to operating limitations for flying into known icing