

(e)(8), which is considered a more appropriate location than paragraph (b)(8), is amended to clarify the requirements for burners and flamelets to remain lighted.

Part IV, paragraph (e)(3) states that the proper air flow may be set and monitored by either an orifice meter or a rotometer. Because of difficulties experienced in setting and monitoring the air flow with a rotometer, the FAA proposed in Notice 90-12 to amend that paragraph to refer only to an orifice meter. The same commenter cited the successful use of a rotometer by the National Research Council of Canada and recommended that the reference to a rotometer be retained in that paragraph. While the use of a rotometer may be successful in some instances, the FAA does not have sufficient information at this time to conclude that a rotometer is acceptable on a general basis. It is, therefore, not considered appropriate to specifically cite the rotometer in that paragraph as an acceptable alternative means of setting and monitoring air flow. The FAA does recognize, however, that rotometers, or any other devices for that matter, may be improved to the point that their use is acceptable. In that event, those devices could be used under the equivalent safety provisions of § 21.21(b)(1).

The same commenter notes that the area of .02323 m<sup>2</sup> specified in the heat release equation of paragraph (f)(2) is based on a test specimen size of 6 x 6 inches. Since the actual size of the sample is 150 x 150 mm, the commenter believes that an area factor of .0225 m<sup>2</sup> should actually be used in the heat release equation.

Although the commenter is technically correct, the definitive 65/65 and the interim 100/100 standards were established based on the use of a factor of .02323 m<sup>2</sup>. Furthermore all testing completed to date has been based on the use of the .02323 factor. Changing the factor to .0225 at this late date would mean that the 65/65 and 100/100 standards would have to be changed to 67/67 and 103/103, respectively, in order to preclude a degradation of the components approved for use in airplane cabins. This would no doubt cause considerable confusion, particularly when test results obtained with the .0225 factor are compared with earlier test results obtained with the original .02323 factor.

The same commenter notes that considerable confusion is created by the fact that dimensions of the test apparatus are specified in U.S. units in some instances and in metric units in others. The FAA concurs. For clarity,

part IV is revised to show dimensions in both U.S. units and their metric equivalents. Other minor, nonsubstantive changes are also made to Part IV for clarity.

Section 121.312(a) incorporates the heat release standards of § 25.853(a-1) by cross reference. Since the latter section applies only to airplanes with passenger capacities of 20 or more, § 121.312(a) requires compliance with these heat release standards only for airplanes with passenger capacities of 20 or more. As one commenter notes, § 121.312(a) can be misinterpreted to require compliance for all transport category airplanes regardless of their passenger capacity. In order to preclude possible confusion in this regard, both § 121.312(a) and newly adopted § 135.170(b)(1) state specifically that compliance is required only for airplanes with passenger capacities of 20 or more.

Another commenter notes that § 121.312(a) (1) through (6) and the corresponding § 135.170(b)(1) (i) through (vi) are complex and difficult to understand. The FAA acknowledges that these sections are very complex. This is due primarily to the fact that there are differing requirements dependent on such factors as when the airplane was type certificated, when it was manufactured, when there was a substantially complete replacement of the cabin interior components, etc. There is even a distinction between complete replacement of all cabin interior components in one case and just those components identified in § 25.853(a-1) in another. The only way in which the provisions of these sections could be significantly simplified would be to require compliance for all airplanes at one time. While that would simplify the regulatory language considerably, it would impose costly additional burdens on some operators with no commensurate improvement in safety. Nevertheless, minor nonsubstantive changes have been made wherever possible to clarify these requirements.

Proposed § 121.312(a)(8) states, in part, that “\* \* \* galley carts and galley standard containers that do not meet the heat release rate testing requirements \* \* \* may be used \* \* \* provided the galley carts or standard containers were manufactured prior to August 20, 1990.” One commenter believes that this section should refer to galley carts and standard containers manufactured prior to a date two years after the effective date of this amendment.

The FAA concurs that it is inappropriate to specify a date earlier than the date on which this final rule

becomes effective. The FAA does not, however, agree that an additional two-year compliance time is necessary. The amendment does not require galley carts and standard containers manufactured after the specified date to comply. Instead, it relieves operators of the burden of ensuring that only complying galley carts and standard containers are loaded on airplanes that are required to meet the new flammability standards *provided* the galley carts and standard containers are manufactured prior to that date. Section 121.312(a)(8) and the corresponding § 135.170(b)(viii) are, therefore, changed to read, “\* \* \* provided the galley carts or standard containers were manufactured prior to March 6, 1995.”

One commenter believes that there should be a specific definition of what constitutes “substantially complete replacement” as stated in § 121.312. The commenter expresses concern that the definition should allow for the individual replacement of cabin interior components without the mandatory replacement of all components at the same time.

“Complete replacement,” as used in § 121.312 and newly adopted § 135.170(b), means that all of the affected components in the cabin are replaced. (As noted above under *Background*, whether the other components that are not affected, e.g. seat cushions and flooring, are replaced is not relevant.) The qualifying word “substantially” was added simply to prevent operators from avoiding compliance by not replacing a minor, inconsequential cabin component and claiming that there had not been a “complete replacement.” Section 212.312 does, therefore, permit individual replacement of cabin interior components without the mandatory replacement of all components at the same time. This, of course, assumes that the cabin components did not already have to meet the heat release standards because of the date of manufacture of the airplane or because they had been completely replaced previously. It should also be noted that removing components for refinishing and reinstalling them in the same airplane is considered “refurbishment,” not “replacement.”

Proposed § 135.170(b) states, “No person may operate a large airplane unless \* \* \*.” Several commenters note that Part 23 commuter category airplanes are “large airplanes,” as defined by Part 1 of the FAR, and, as such, would be required to meet the new flammability standards contained in that section. Another commenter has a similar concern that proposed