

**14 CFR Part 135**

[Docket No. 26192; Amdt. No. 135-56]

RIN 2120-AD28

**Improved Flammability Standards for Materials Used in the Interiors of Airplane Cabins****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of disposition of comments on final rule.

**SUMMARY:** On March 6, 1995, the Federal Aviation Administration (FAA) issued Amendment 135-56 which removed an unintended requirement in the previously issued Amendment 135-55 of part 135 of the Federal Aviation Regulations (FAR) (60 FR 13010). Amendment 135-56 was effective on March 6, 1995, however, the FAA invited public comments on the subject until April 10, 1995. Although the FAA has determined that there is no need for any further amendment to part 135, this document responds to the comments submitted by the public.

**ADDRESSES:** The complete docket for the final rule on Improved Flammability Standards for Materials Used in the Interiors of Airplane Cabins may be examined at the Federal Aviation Administration, Office of the Chief Counsel (AGC-10), Rules Docket, Room 915G, 800 Independence Avenue SW., Washington, DC 20591, weekdays, except Federal holidays between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Transport Airplane Directorate (ANM-100), FAA, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments in the information docket may be inspected weekdays, except Federal holidays, between 7:30 a.m., and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Gary L. Killion, Regulations Branch, ANM-114, Transport Airplane Directorate, Aircraft Certification Service, FAA 1601 Lind Avenue SW., Renton, WA 98055-4956; telephone (206) 227-2194.

**SUPPLEMENTARY INFORMATION:****Background**

On March 6, 1995, the FAA issued Amendment 135-56 (60 FR 13010, March 9, 1995), which removed an unintended requirement in the previously-issued Amendment 135-55 (60 FR 6616, February 2, 1995) to part 135 of the FAR. This action ensued that commuter category airplanes operated

under part 135 would not be grounded for failing to comply with the unintended requirement which became effective on March 6, 1995.

Specifically, § 135.170(b), as revised by Amendment 135-55, stated that no person may operate a "large" airplane unless it meets the flammability requirements contained in §§ 135.170(b)(1) and (2). Section 135.170(b)(2) states, in turn, that seat cushions, except for flight crewmember seat cushions, must comply with the fire blocking standards of § 25.853(c) that became effective on November 26, 1984. (Although these standards are commonly referred to as "fire blocking," § 25.853(c) actually provides the option of using a covering material, i.e., a "fire-blocking" layer, that isolates the cushion from a fire or using a seat cushion that can be shown by itself to provide the necessary fire resistance). Large airplanes are identified in part 1 of the FAR as those with "more than 12,500 pounds maximum certificated takeoff weight." Commuter category airplanes type-certificated under part 23 of the FAR may have a maximum certificated takeoff weight as great as 19,000 pounds, and each of the commuter category airplanes currently in service does in fact have a maximum certificated takeoff weight greater than 12,500 pounds. They are, therefore, "large" airplanes as defined in part 1. Taking literally the wording of § 135.170(b), as revised by Amendment 135-55, operators of these airplanes would have had to comply with the seat cushion fire-blocking standards in addition to the applicable flammability standards of part 23.

Although including commuter category airplanes in the requirements of § 135.170(b) pertaining to seat cushion fire blocking standards was due to an editing error, the FAA has adopted separate rulemaking (Amendment 121-23, 60 FR 65832, December 20, 1995) which requires the seat cushions of those airplanes to comply with the seat cushion fire blocking standards by December 20, 2010. In the meantime, the operators of those airplanes must continue to have seat cushions that meet the applicable flammability standards of part 23.

**Discussion of Comments**

Two commenters responded to the request for comments on Amendment 135-56. One commenter, a pilots association, agrees the final rule (Amendment 135-55) was in error. However, the commenter feels that this is a safety issue for all aircraft

passengers, regardless of the aircraft size. The FAA responded to the commenter noting that the comment more accurately applied to proposals contained in Notice 95-5, Docket No. 28154. The commenter was advised that his comments would be placed in Docket 28154 and considered along with any other comments received in response to Notice 95-5. The second commenter, a manufacturer, wrote only to indicate that the FAA's timely action in correcting this error was appreciated.

**Conclusion**

After carefully considering the comments submitted in response to Amendment 135-56, the FAA has determined that no further rulemaking action is necessary at this time. Accordingly, Amendment No. 135-56 remains in effect as prescribed by the March 6, 1995, final rule. As noted above, the seat cushions in commuter category airplanes may, however, be required to meet the fire blocking standards at some future date as a result of separate rulemaking action.

Issued in Washington, DC, on February 8, 1996.

**Thomas E. McSweeney,**

*Director, Aircraft Certification Service.*

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