

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5, must be made or completed on or before Monday, November 30, 1987. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, November 25, 1987. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, November 30, 1987. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87-26707 Filed 11-16-87; 1:53 pm]

BILLING CODE 4810-40-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

There will be a meeting of the Commissioner's Advisory Group on December 9 and 10, 1987. The meeting will be held in Room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Avenue, NW., Washington, DC. The meeting will begin at 8:00 a.m. on Wednesday, December 9 and 8:00 a.m. on Thursday, December 10. The agenda will include the following topics:

Wednesday, December 9, 1987

Role of the Practitioner
Complexity and Change
Audit Quality
Criminal Enforcement Program

Thursday, December 10, 1987

Recurring Collection Problems
General Discussion and Observations

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people, including members of the Commissioner's Advisory Group and IRS officials. Due to the limited conference space, notification of intent to attend the meeting must be made with Robert F. Hilgen, Assistant to the Senior Deputy Commissioner, no later than December 1, 1987. Mr. Hilgen can be reached on (202) 566-4143 (not toll-free).

If you would like to have the committee consider a written statement, please call or write Robert F. Hilgen, Assistant to the Senior Deputy Commissioner, 1111 Constitution Ave. NW., Room 3014, Washington, DC 20224. **FOR FURTHER INFORMATION CONTACT:** Robert F. Hilgen, Assistant to the Senior Deputy Commissioner, (202) 566-4143 (Not toll-free).

Lawrence B. Gibbs,
Commissioner.

[FR Doc. 87-26540 Filed 11-17-87; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 222

Wednesday, November 18, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY CREDIT CORPORATION

TIME AND DATE: 2:00 p.m., November 23, 1987.

PLACE: Room 104A-Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda to be announced.

CONTACT PERSON FOR MORE

INFORMATION: James V. Hansen, Secretary, Commodity Credit Corporation, Room 3603 South Building, U.S. Department of Agriculture, Post Office Box 2415, Washington, D.C. 20013; telephone (202) 475-5490.

Date: November 16, 1987.

George E. Rippel,

Acting Secretary, Commodity Credit Corporation.

[FR Doc. 87-26696 Filed 11-16-87; 2:39 pm]

BILLING CODE 3410-05-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

November 13, 1987.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 52, No. 218, November 12, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: November 12, 1987, 10:00 a.m.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

CHANGES IN THE MEETING: The meeting scheduled for November 12, 1987 has been rescheduled for November 19, 1987. See item #3 below.

TIME AND DATE: 10:00 a.m., Thursday, November 19, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *U.S. Steel Mining Company, Inc.*, Docket Nos. PENN 87-37, etc. (Issues include

consideration of U.S. Steel's petition for discretionary reviews.)

2. *Secretary of Labor v. Michael Brunson*, Docket No. SE 86-40-M. (Issues include whether the Administrative Law Judge properly concluded that Michael Brunson knowingly permitted a violation of a mandatory safety standard within the meaning of section 110(c) of the Mine Act.)

3. Consideration of possible revisions to Commission Procedural Rules 1-12. 29 CFR 2700.1 through 2700.12.

It was determined by a unanimous vote of Commissioners that this meeting be held and no earlier announcement of the meeting was possible. The November 12 rescheduling was due to inclement weather.

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87-26691 Filed 11-16-87; 2:53 pm]

BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, November 23, 1987.

PLACE: Marriner S. Eccles Federal Reserve Building, C Street entrance between 29th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: November 13, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-26600 Filed 11-13-87; 5:10 pm]

BILLING CODE 6210-01-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Tuesday, November 17, 1987 at 10:00 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Inv. 701-TA-282 (Final) (Certain Forged Steel Crankshafts from Brazil)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,

Secretary.

November 6, 1987.

[FR Doc. 87-26625 Filed 11-13-87; 5:13 pm]

BILLING CODE 7020-02-M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, December 9, 1987.

PLACE: Board Hearing Room 8th Floor, 1425 K. Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of November, 1987.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523-5920.

Date of Notice: November 16, 1987.

Charles R. Barnes,
Executive Director, National Medication Board.

[FR Doc. 87-26722 Filed 11-16-87; 2:59 pm]

BILLING CODE 7550-01-M

Test Report

Wednesday
November 18, 1987

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 139

Airport Certification; Revision and
Reorganization; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

[Docket No. 24812; Amdt. No. 139-14]

Airport Certification; Revision and Reorganization

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises and reorganizes the part of the Federal Aviation Regulations dealing with the certification and operation of airports serving certain air carriers. It is needed to clarify the language in the part, to make it more understandable, to define certain requirements more specifically, to impose additional safety requirements, and to modify other requirements considered unnecessary and unduly costly.

DATE: The effective date of this amendment is January 1, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. Jose Roman, Jr., Safety and Compliance Division (AAS-300), Office of Airport Standards, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-8724.

SUPPLEMENTARY INFORMATION:**Background**

This amendment was proposed in Notice of Proposed Rulemaking (NPRM), Notice No. 85-22 (50 FR 43094; October 23, 1985), which provided all interested persons with the opportunity to comment and to participate in this rulemaking.

Since 1970, section 612 of the Federal Aviation Act of 1958 (FAA) (49 U.S.C. 1432) has empowered the Administrator to issue airport operating certificates to airports serving certain air carriers, and to establish minimum safety standards for the operation of those airports. Part 139 of the Federal Aviation Regulations (FAR), adopted on June 12, 1972, effective July 21, 1972 (37 FR 12278; June 21, 1972), as amended, prescribes rules governing the certification and operation of airports served by air carriers with aircraft having a seating capacity of more than 30 passengers. As was explained in Notice No. 85-22, with the experience gained and advancements made since the adoption of Part 139, with the recommendations made by the National Transportation Safety Board (NTSB), and with the comments offered by various segments of the public, it became apparent that substantial revisions of Part 139 were needed. It was recognized that the organization of

the part was in many places cumbersome and confusing, and certain sections required clarification to better define the requirements and to make them more understandable. In addition, it was clear that certain requirements needed to be added or strengthened to enhance safety. Others needed modification to improve the benefit to cost ratio without affecting safety.

Notice No. 85-22 was issued to address these concerns. Comments were received covering all parts of the rule and have been considered in developing this amendment.

Discussion of the Comments and the Amendment

A total of 179 commentators responded to Notice No. 85-22. The comments represented the views of airport operators, pilots, airlines, consumer groups, Federal agencies, state and local governments, and Congress.

A significant number of the comments suggested word changes, clarification, and organization. For the most part, these comments were accepted. The changes resulted in a better organized and more understandable regulation. Where a section or change in wording is not discussed in this preamble, the amendment is adopted for the same reasons as were stated in the notice.

Subpart A—General*Section 139.1 Applicability.*

As with former Part 139, the part is not applicable to airports at which only air carrier training, ferry, or aircraft check or test operations are conducted. Section 139.1 has been amended to make clear that it does not apply to airports at which air carrier operations are conducted only by reason of the airport being designated as an alternate airport.

Section 139.3 Definitions.

Many commentators expressed concern with the proposed definition of a "movement area" and suggested instead the retention of the term "air operations area." The concern dealt primarily with including the loading ramps and aircraft parking areas within the definition of "movement area." Under proposed § 139.325 (adopted as § 139.329), this would have required two-way radio communication between service vehicles on the loading ramps and parking areas and the airport traffic control tower, or other controlling means. This was not the intent of the proposed "movement area" definition and hence the final rule has been changed to exclude the loading ramps

and parking areas from the definition. Where a section is meant to apply to loading ramps and parking areas, it specifically so states.

Additional definitions have been added since the NPRM was issued to facilitate using Part 139. These definitions are intended to clarify terminology, not change the requirements.

A new definition, "air carrier operation", includes the period of time from 15 minutes prior to, until 15 minutes after, the takeoff or landing, to ensure that aircraft rescue and firefighting (ARFF) equipment are in place to provide the level of protection required by this part.

Section 139.5 Airport certification standards and procedures.

A few commenters opposed the reference to the Advisory Circulars as acceptable means of compliance with the rule. It was felt that the reference would impose on the airport operators additional requirements which are contained in the Advisory Circulars but not in the rule. However, the majority of the comments agreed with referencing the Advisory Circulars provided that these publications were kept current. The Advisory Circulars are intended to identify acceptable means of compliance with Part 139, but are not the only means.

Subpart B—Certification*Section 139.109 Duration of certificate.*

A number of responders opposed the provision which would permit the FAA to reduce an airport operating certificate to a limited airport operating certificate if the airport no longer serves or is expected to serve any scheduled operations of air carrier aircraft. They suggested that a reduction of a certificate should be at the option of the airport operator and not at the option of the Administrator. Many expressed concern that the costs to upgrade the certificate would prove burdensome in the event that this upgrading was needed at some later date. The FAA is not aware of any reason why it is more expensive to surrender a full certificate and then later regain the certificate than it is to continue the certificate uninterrupted. Further, the airport may maintain Part 139 standards without a full certificate if it chooses. In deciding whether to revoke a full certificate and issue a limited certificate, the airport's reasonable expectation of future air carrier service will be considered.

The FAA has determined that it is unnecessary to state in Part 139 the

authority and procedures under which the FAA suspends or revokes an airport operating certificate or a limited airport operating certificate. It is clear from section 609 of the Federal Aviation Act of 1958 (the Act) that the Administrator may suspend or revoke such a certificate if he determines that safety in air commerce or air transportation and the public interest requires it. As indicated in the proposed section, such a determination may be based on a failure to comply with any requirement of the Act, Part 139, the provisions or limitations of the certificate, or the airport's approved certification manual or specifications. Included in these grounds for suspension or revocation is the failure to continue to meet the eligibility requirements for a certificate. Also, it should be noted that under section 609 a certificate could be suspended or revoked for violation of other regulations, such as a failure of the airport to comply with the aviation security requirements of Part 107. The applicable procedures for any certificate action are clearly set forth in Part 13.

Subpart C—Airport Certification Manual and Airport Certification Specifications

Section 139.201 Airport operating certificate: Airport certification manual.

Proposed § 139.201 stated: "only those items required by the Administrator for certification under this part are deemed approved by the Administrator." A number of commenters agreed with this proposal. However, after further consideration, it appears that the provision could be misinterpreted by a certificate holder to allow it to disregard portions of the manual which it felt were not strictly necessary under Part 139. This was not intended. The manual is intended to clearly specify the certificate holder's responsibilities, and thus minimize uncertainties in the program. The rule, as adopted, requires that a certificate holder must comply with its manual, even if it believes the manual has requirements beyond the minimum necessary for Part 139 certification. For instance, if a certificate holder's manual requires it to conduct an inspection of the airport specified in § 139.327 7 days a week, but it has air carrier operations only 5 days a week, the certificate holder must comply with its manual. While the certificate holder may have grounds to amend its manual, it is not free to disregard it. On the other hand, subjects not addressed in Part 139 should not be included in the manual and would not be enforced by the FAA. The rule as adopted provides: "only those items addressing subjects required for certification under this Part shall be

included in the airport certification manual."

A few commenters suggested that the manual required by Part 139 should be termed "Airport Certification Manual", to emphasize that the manual covers only airport certification requirements, not all aspects of airport operations. The FAA has decided to adopt the term "Airport Certification Manual." It was also suggested that a lead time or grace period should be provided for revising the manual to comply with the rule revision. Some expressed concern that a total rewrite of the existing manuals would be required to reflect the reorganization of Part 139. It is not FAA's intent that a new manual would have to be developed for every certificated airport. However, existing manuals would require modification and some restructuring to comply with the new requirements. The FAA is allowing 1 year from the effective date of this amendment to bring existing manuals into compliance with the new requirements. If there are extenuating circumstances or compelling reasons why additional time is necessary, the Administrator may approve a time extension.

Section 139.205 Contents of airport certification manual.

Some commenters expressed concern with the requirement to include, in the airport certification manual, a description of each access road designated for use by firefighting and rescue vehicles. Other comments suggested that the access routes to be included in the manual be limited to those in the "air operation areas." Others felt that the entire road network be addressed rather than just the access roads. The FAA has determined that the wording in the rule is adequate, permitting the certificate holder to determine, as part of its planning for emergencies, which roads will most likely be needed during emergency conditions and to designate them as such in the manual.

Section 139.209 Airport operating certificate: Airport certification specifications.

As with proposed § 139.201, proposed § 139.209 stated: "only those items required by the Administrator for certification under this part are deemed approved by the Administrator." Commenters agreed with this proposal. However, the FAA is equally concerned that the provision could be misinterpreted by a certificate holder to allow it to disregard portions of the specifications which it felt were not

strictly necessary under Part 139. Accordingly, § 139.209, as adopted, specifies that the certificate holder must comply with its specifications, even if it believes the specifications have requirements beyond the minimum necessary for Part 139 certification. As with the airport certification manual, subjects not addressed in Part 139 should not be included in the specifications and would not be enforced by the FAA. This section also provides: "only those items addressing subjects required for certification under this part shall be included in the airport certification specifications."

In response to comments, a similar terminology has been used to require that the specifications required by Part 139 be termed "Airport Certification Specifications", to emphasize that the specifications cover only airport certification requirements, and not all aspects of airport operations. A lead time or grace period has also been provided for revising the specifications to comply with the rule revision. The FAA is allowing 1 year from the effective date of this amendment to bring existing specifications into compliance with the new requirements. As in the case of airport certification manuals, if there are extenuating circumstances or compelling reasons why additional time is necessary, the Administrator may approve a time extension.

Subpart D—Operations

Section 139.305 Paved areas.

A number of commenters indicated that a better definition for a pavement hole was needed. The proposed maximum surface area of 12 square inches would be reasonable if maximum and minimum dimensions were also specified, they stated. As proposed, a very thin, long crack would fall within the stated definition of a hole. This was not the intent of the proposed rule. Consequently, the rule has been changed to define a hole specifically with maximum and minimum dimensions. A crack would be prohibited if it could impair the directional control of the aircraft. A few commenters from Alaska recommended the addition of a section dealing with unpaved areas. Since there are some certificated airports in the state with gravel runways, this recommendation was accepted. One commenter did not agree with the 3-inch lip criteria for pavement edges. Instead, it was recommended that a 1-inch criteria be used. The FAA has determined that a 1-inch criteria would be unduly restrictive.

The 3-inch criteria has withstood the test of time, proved to be reasonable, and to have provided a satisfactory margin of safety.

Section 139.309 Safety areas.

Some commenters expressed concern with the requirement for a safety area and suggested allowing exemptions by the Administrator. The NTSB recommended that all runways utilized by air carrier aircraft have safety areas or safety areas constructed as close to the standards as possible. A few commentators recommended that the FAA define the dimensions for safety areas to eliminate the confusion which has existed in the past. Two pilot associations suggested establishing a timeframe for those airports whose safety areas are not in accordance with standards to bring all safety areas into conformity with current standards. While safety areas are a highly desirable safety feature, the FAA recognizes that requiring full-size safety areas or requiring upgrading of existing safety areas when FAA criteria are upgraded is not practicable either physically or economically. Although the FAA will continue to require full-size safety areas to the extent practicable, it has determined that certificate holders should not be required to upgrade safety areas each time the FAA changes its criteria. This section also clarifies and codifies certain existing safety area criteria.

The rule, as adopted, requires that the certificate holder maintain the dimensions of safety areas as they existed on the day before the effective date of this amendment. For runways and taxiways constructed, reconstructed, or significantly expanded on or after the effective date, to the extent practicable, the safety area must meet criteria acceptable to the Administrator at the time of construction, reconstruction, or expansion.

Section 139.311 Marking and lighting.

A number of commenters stated that airport rotating beacons are not necessary at all airports and should be installed at the discretion of the airport operator. The FAA has received numerous recommendations from air carrier pilots to the effect that a rotating beacon is a valuable visual aid and should be required. These latter recommendations were accepted.

A number of commenters requested clarification of the provision requiring taxiway centerline lighting and edge lights or reflectors. The requirement has been clarified to state that only one of these items is required. The NTSB and a

pilot's association support the requirements for signs and markings.

The NTSB and others recommended requiring runway hold marking and signs for all runways, not just those runways with an ILS and runway critical areas. After further consideration, the FAA agrees with these recommendations. These markings and signs should help to reduce runway incursions.

Section 139.313 Snow and ice control.

A significant number of commenters expressed concern with the proposed requirement that there be "no ice on movement areas". The commenters felt, however, that a certificate holder should, in accordance with the airport snow removal plan, mitigate as much as possible the effects of snow and ice on air carrier operations. A pilots' association supported the complete removal of all ice, snow, and slush from the movement areas. Criticism of the proposal has merit. In some areas of the country, for instance, snow is compacted in a manner which provides an acceptable surface for aircraft operations. The final rule provides procedures for prompt removal and control, as completely as practical, of snow, ice, and slush.

A number of commentators suggested that a better definition of "it is likely that snow conditions will exist" is required. This has been modified to "where snow and icing conditions regularly occur."

The NTSB supports more definitive standards and the need for a written snow removal plan. The FAA accepts the recommendations and they are reflected in the rule as adopted.

Section 139.315 Aircraft rescue and firefighting: Index determination.

With respect to the airport firefighting index, a few commentators expressed concern that the level of aircraft rescue and firefighting (ARFF) capability required for the busiest 3 consecutive months may serve to unnecessarily penalize airports serving largely seasonal tourist traffic. The comments suggested that instead, the index should be based on the average daily departures over the entire year. From the commenters there was considerable support for the busiest 3 months criteria. This requirement was adopted in the rule. Basing the level on the busiest 3 consecutive months of the year ensures that airports have an adequate level of service during high-use periods and is consistent with guidance issued by the International Civil Aviation Organization. At times when the actual air carrier aircraft size serving the

airport would permit a lower designated airport index, the certificate holder may reduce its firefighting service accordingly under § 139.319(c).

A number of commentators expressed concern that the method of determining the required index contains anomalies that would allow a Boeing 727, or higher index aircraft, to operate with the minimum firefighting capabilities provided by Index A. This could have occurred if there were less than five average daily departures of all air carrier aircraft serving the airport. Based on these comments, the method of determining the required index was revised to eliminate this anomaly and to require all certificated airports to provide an appropriate level of ARFF during air carrier operations.

The rule, as adopted, will require an Index which is determined by the largest aircraft serving the airport. If there are 5 or more air carrier operations of that aircraft group, the Index will be for that group's level. However, if there are less than 5 air carrier operations, the Index will be one Index below that specified for that aircraft group.

For example, assume the airport is served by 5 Boeing 727s and two Boeing 737s, the Index would be Index C. If the number of Boeing 727 operations dropped to 3 operations, the Index required would be Index B. If there is only one Boeing 727 operation, and no other operations by other air carrier aircraft, then the Index would remain Index B, one below the specified Index for the airport. The operator may use the next lower Index when there are less than 5 air carrier operations in any one air carrier aircraft group. The FAA has determined that this change will have no economic impact on existing airports. In the future, airports applying for airport operating certificates which might experience an adverse economic impact can apply for an exemption to the ARFF requirements.

Section 139.317 Aircraft rescue and firefighting: Equipment and agents.

A few commenters suggested that the requirements for ARFF at small airports was economically indefensible, inefficient, and a waste of resources. The NTSB and others felt that firefighting capabilities should not be determined on a case-by-case basis as permitted under the NPRM for Index A. The latter group felt that minimum standards should be provided. After carefully considering these comments, the FAA concluded that ARFF determination on a case-by-case basis is not in keeping with its responsibility under the Federal Aviation Act of 1958.

Section 601 of the Act gives full consideration during rulemaking to the air carrier's duty to perform its services with the highest possible degree of safety in the public interest. Reducing the requirements for the smaller airports would be inconsistent with this responsibility. Instead, a specific requirement for Index A airports, similar to existing requirements, is specified in § 139.317(a).

We believe that Index A requirements have been minimal and have not been unduly burdensome on the certificate holders. Nevertheless, we continue to be sensitive to the cost to the airports of providing an adequate rescue and firefighting capability. While the FAA has the responsibility to ensure that adequate safety standards are maintained, we are equally cognizant of the need to minimize costs. If, in the future, there appears to be a method of achieving adequate airport fire safety that is less burdensome on certificate holders, we will consider modifying our requirements accordingly.

A number of commentators opposed reducing the number of ARFF vehicles for Index B while others supported the reduction. Those opposed were concerned that a reduction would provide an inadequate ARFF capability. The FAA has determined that the capacity of the proposed vehicle is sufficient. However, the rule, as adopted, provides a one or a two-vehicle option to meet Index B requirements. Airport operators may want to select the one-vehicle option, since it offers a potential economic benefit.

A number of commenters were concerned with the opportunity under Index B or C to select an option that did not include a rapid response vehicle. It was argued that no justification existed to support requiring a vehicle, carrying 1500 gallons of water and AFFF, to respond in 3 minutes. It was alleged that this sophisticated equipment and short response requirement was not warranted. The rule, prior to this amendment, provided no option since each index required an Index A-type vehicle that could be used to satisfy the 3-minute criteria. The commenters are concerned that there would be an immediate requirement to require new vehicles to satisfy the new standard. However, the certificate holder's current equipment is "grandfathered in" under § 139.37(f) and may be used until all vehicles are replaced or rehabilitated. Advances in the state-of-the-art have now made it feasible for the new, larger ARFF vehicles to meet the response time requirements. Accordingly, the FAA has determined that it is reasonable to

require a 3-minute response time for the larger vehicles, when the option selected by the airport limits available ARFF equipment to that type.

The final rule makes it clear that the amount of dry chemical required contemplates use of sodium-based dry chemical. An appropriate amount of potassium-based dry chemical may be substituted under § 139.317(i)(6).

The final rule specifies, as with AFFF discharge capacity, discharge rates for dry chemical or halon.

Section 139.319 Aircraft rescue and firefighting: Operational requirements.

A number of commenters opposed relaxing the response time for Index A. This aspect was also considered in the reevaluation of the Index A ARFF requirements, with the conclusion that a response time is essential in order to provide an effective rescue capability.

A number of commenters suggested that the requirement for ARFF vehicle communications should be outlined in the airport emergency plan. The FAA believes that the operational requirements for ARFF equipment should be specified in only one section of the regulation to avoid misinterpretation and possible confusion. The emergency plan itself, may restate these communications procedures. However, they will only be specified in the regulation in § 139.319.

A significant number of commenters disagreed with the proposal to require restricting air carrier operations after an ARFF vehicle becomes inoperable for a period greater than 8 hours, rather than the 10 days currently permitted in the rule. Concern was expressed that it might be impossible to obtain replacement parts in that timeframe, and that it was overly restrictive and would impose an economic burden on airport operators. A number of commenters recommended restricting air carrier operations after 24-48 hours of a ARFF vehicle downtime rather than 8 hours. After taking into consideration these views, and after assessing possible risks associated with airports having insufficient equipment for up to 10 days, the rule, as adopted, permits down time of up to 48 hours before restricting air carrier operations.

A significant number of commenters recommended that different levels of emergency medical care training should be set forth considering the wide range of airport firefighting indexes. It was argued that it is not realistic for Index A to have the same requirements as Index E. Some found the emergency medical care requirements unacceptable and recommended that they be entirely removed. This group maintained that the

cost of implementing this requirement had been grossly underestimated and that inadequate consideration was given to the increased liability and insurance costs, increased training costs, reduced flexibility in assignment of personnel, etc. The NTSB believes that one Emergency Medical Technician (EMT) is inadequate and recommended indexing by airport size. A pilots' association recommended that at least 50 percent of ARFF personnel be EMT-trained.

The commenters did not provide support for their assertion as to the cost of training and the FAA has found that the training is available for little or no cost in many areas. Further, it appears that many current airport firefighters already have this training (even though they may not be termed "EMT" under state licensing requirements) and virtually all professional firefighters have the training. Therefore, it appears the rule would not provide an undue burden and should provide significant benefits. After evaluating the comments, the rule is adopted, as proposed, to require that, during air carrier operations, at least one of the required firefighting personnel on duty be trained and current in basic emergency medical care.

A few commenters proposed that the access roads provision be deleted in its entirety. It was contended that the regulation should address the issue of road network and not access roads. The proposal would not require that all existing access roads be maintained but only those designated for ARFF use. The FAA is aware that there are many access roads on airports which would not be appropriate or necessary for emergency vehicle use. It would be an unnecessary burden to maintain the entire road system for such purposes. This issue can be effectively addressed by designating those roads considered essential to ARFF in the certification manual. This would clearly identify the roads to be maintained for the intended use and would ensure that the firefighters would know which roads could be relied on to gain rapid access to various parts of the airport.

Section 139.321 Handling and storing hazardous substances and materials.

Comments were received from the public and governmental sources such as NTSB. They recommended that revisions be made to the fuel handling and storage requirements. Additionally, a number of Congressional comments were received expressing concern about the safety of fueling operations on airports. Other comments suggested that FAA develop regulatory procedures to

ensure more effective monitoring of aircraft fueling. In this regard, it was also suggested that the FAA encourage voluntary industry efforts to address these concerns. A series of industry meetings were held regarding this issue. Subsequently, a consensus industry position was adopted consisting of a five-point program which included the recommendation that misfueling and fuel contamination precautions would be undertaken on a voluntary basis by the fuelers.

The preponderance of the commenters favored Option 2, which would rely on a voluntary industry program of tenant fueling practices and procedures to protect against misfueling, fuel contamination and provide the necessary training. This option relies heavily on the guidance contained in the FAA Advisory Circular on recommended fueling practices and procedures. Under this option the airport operator will retain responsibility for exercising control over tenant fueling practices with respect to safety from fire and explosion. A few commenters favored Option 1, which would continue to require airport operators to exercise general oversight of fueling activities, including assuming risks of fire, contamination, and misfueling. Some commenters favored certification of fuelers, and relieving airport operators from all responsibility for these hazards, while retaining airport operator responsibility for exercising some control with respect to safety from fire and explosion.

A number of concerns have been raised about each of these options. The option to certificate fuelers would be very costly and time consuming for both the FAA and industry. There are about 700 certificated airports, many with more than one tenant fueller. To create a new Federal administrative program to regulate this large and diverse number of operators would be burdensome and impractical.

Some commenters felt continuing to require airport operators to exercise general oversight over quality control and aircraft fueling and the necessary training to support these activities imposes on airport operators an inappropriate responsibility. Many expressed the view that airport personnel did not possess the necessary technical knowledge to conduct this surveillance. Other commenters expressed concern over the adequacy of obtaining a consistent level of safety by relying on voluntary programs.

Sections 121.133 and 135.21 require all air carriers to prepare and keep current a manual containing maintenance information and instructions for the use

and guidance of ground operations personnel in conducting their operations. The manual must contain procedures for refueling aircraft, eliminating fuel contamination, protection from fire, and supervising and protecting passengers during refueling. For this reason, this amendment relieves Part 139 certificate holders of the requirement to exercise oversight over air carrier refueling operations.

The FAA has considered the recent advances made by the industry in the areas of protection against misfueling and contamination. A number of aviation fuel suppliers are issuing a "seal of approval" to Fixed Base Operators that meet or exceed the fuel company standards. NATA, AAEA and other organizations have developed a series of fueling courses and are making them available to fueling personnel throughout the industry. These courses cover areas such as quality control, filtration, loading and unloading, storage, handling, testing, etc. In addition, insurance companies, air carriers, and aviation fuel suppliers conduct fuel quality inspections. Through industry's own self inspection efforts quality control and reductions of fuel contamination have significantly improved.

Industry has taken a number of additional steps such as developing and installing special fuel hose nozzles and retrofit filler openings for aircraft to prevent misfueling. NATA estimates that ninety percent of the jet fuel hoses in the United States have been retrofitted with new nozzles. Although, progress has been slow in persuading the owners of aircraft which should not receive jet fuel to install preventive inserts in the aircraft's fuel filler openings, industry education programs for both the fueller and the owner have been successful in significantly reducing incidents of misfueling. In addition, the largest aviation insurance carrier for general aviation aircraft is offering to rebate to the owner all of the cost of retrofitting these filler openings.

It has been determined that voluntary programs instituted by industry have significantly reduced the safety concerns related to these activities. The FAA is not aware of any misfueling or contamination accident, since the industry voluntary programs went into effect. Under the circumstances, the FAA has concluded that relieving the airport operator of oversight responsibility for quality control and aircraft fueling activities of its tenant fuelers will not result in a derogation of safety. The rule as adopted, conforms to this option (Option 2). However, the FAA will continue to monitor fueling to

determine if any additional action will be needed in the future.

Section 139.323 Traffic and wind direction indicators.

The reference to wind "tees" has been deleted because they are considered obsolete by the industry.

Section 139.325 Airport emergency plan.

A number of commenters suggested deleting the requirements for water rescue since water areas off the airport are beyond the jurisdiction of the certificate holder. Others felt that water rescue, "to the extent practicable," should have the broadest interpretation possible in order to be effective. The rule is being adopted as proposed. It requires certificate holders to attempt to locate, and coordinate with, organizations which would agree to provide water rescue services. The rule does not require the certificate holder to provide water rescue if such services are not available in the community, and therefore, does not rely on the certificate holder's jurisdiction over the water. Bodies of water adjacent to the airport have been specifically described to eliminate a concern over ambiguity expressed by a few comments. The one-quarter square mile criteria was developed to define a body of water which, in most instances, is sufficient to create significant difficulty in rescuing persons from an aircraft coming to rest in the water. Should a certificate holder have a body of water which meets the criteria, but which, due to its unique features would not create such difficulties, an exception from the requirements may be appropriate.

A number of commenters recommended that a full-scale demonstration of the emergency plan be required. The recommended time interval between demonstrations varied between 2-4 years. To assist in the evaluation, the FAA requested comments on the costs to conduct a demonstration, the extent to which airports now conduct such demonstrations, and the extent to which such demonstrations are useful. Most of the comments only addressed the time interval between demonstrations. The FAA has decided to require a full-scale demonstration of the emergency plan every 3 years. This interval will be adequate to deal with personnel turnover and provide for retraining and training of new personnel. This full-scale demonstration will require a simulated emergency having each facet of the airport emergency plan exercised as it would in an actual aircraft disaster.

This will include ARFF, local medical resources, and other activities as required in the plan.

Section 139.329 Ground vehicles.

A number of commenters recommended deleting the requirements limiting vehicles on the movement areas to those necessary for airport operations. The definition of movement area, including loading ramps and parking areas, raised questions about control and access of numerous ground vehicles needed to serve aircraft during loading and unloading. It was argued that this would generate an unreasonable requirement for two-way radios or other communication methods. The definition of a movement area has been changed to specifically exclude loading ramps and parking areas. Communication with and control of vehicles involved in inspection, fueling, baggage handling, and other normal activities on the ramps and parking areas, because of the definition change, will no longer be a matter of concern.

A number of commenters believed that maintaining a record of accidents should apply to the airside only. The proposal has been clarified to cover only accidents or incidents on the movement areas involving aircraft and/or ground vehicles.

Section 139.333 Protection of navais.

A pilots' association expressed concern that other activities on the airport, such as mowing, could interfere with navais. The intent of the proposal was to prevent such interference. In response to this comment, a new § 139.333(c) clarifies the certificate holder's responsibility.

Section 139.335 Public protection.

As a result of evaluating the comments, the FAA concluded it would be more consistent with the subject matter to remove "large animals" from this section and include it under § 139.337 Wildlife hazard management. The section is now limited to inadvertent entry of persons and vehicles.

Section 139.337 Wildlife hazard management.

A number of commenters objected to the proposal requiring safeguards against inadvertent entry onto the airport operations area by large animals. They contend that ordinary fencing is ineffective in preventing deer from entering the airport. The NTSB and a pilots' association supported the proposal which requires reasonable safeguards against inadvertent entry by all large animals. It is necessary for

safety that, when a significant wildlife safety hazard has been identified, reasonable steps be taken to eliminate or reduce the hazard. A number of means, including special fencing, are available to control large animal hazards, without undue expense.

A number of commenters recommended deleting the section dealing with bird hazard management in its entirety and retaining the requirements as stated in § 139.67 of the current regulation. It was asserted that the proposal was too detailed for a regulation and more properly belongs in an Advisory Circular. A few responders felt that the proposal does not deal with other wildlife hazards. Others recommended that a definition of what constitutes a bird hazard was needed and a minimum bird control criteria be defined. As used in the final rule, wildlife has been defined to include domestic animals while out of the control of their owners. The regulation has been revised to include criteria for the identification of a wildlife hazard. These criteria were based on recommendations received from industry comments. The criteria identifies situations which may reasonably present a significant safety hazard. Section 139.337 provides for the conduct of an ecological study when any one of the specific events identified in the rule occur on or near the airport. The FAA can arrange for the Animal and Plant Health Inspection Service, of the Department of Agriculture, to conduct the ecological study at no cost to the certificate holder. In response to several comments, the final rule provides further clarification as to what is needed to make a workable wildlife hazard management plan which is consistent with all requirements.

Part 139 has required airport operators to have procedures to eliminate wildlife hazards. A new paragraph (f) has been added to § 139.337 to make it clear that airports continue to have this responsibility and implement procedures that respond immediately to wildlife hazards.

Section 139.343 Noncomplying conditions.

A number of commenters expressed concern that certificate holders should not be placed in a position requiring them to prohibit air carrier operations for whatever the reason. The group also recommended deleting the section dealing with noncomplying conditions and moving the contents to the section dealing with airport condition reporting. While the FAA agrees that these conditions should be listed in § 139.339, which requires reporting, it might still be

necessary to limit air carrier operations if the condition is determined to be unsafe. Accordingly, the list of conditions has been moved to § 139.339, but § 139.343 will still require limiting air carrier operations, when appropriate. The FAA has determined that this is necessary to assure that operations are not conducted on parts of the airport that do not meet minimum safety requirements.

After considering all of the comments, the FAA has decided to adopt the amendment proposed in Notice No. 85-22, as modified by FAA's evaluation of the comments as set forth above. The amendment substantially reorganizes Part 139. Subpart A—General, contains the applicability provisions and definitions used in the Part. Subpart B—Certification, sets forth the general rules pertaining to the eligibility, application, and issuance of certificates. Subpart C—Airport Certification Manual and Airport Certification Specifications, contains rules for the preparation and maintenance of the certification manual and certification specifications. Subpart D—Operations, contains all of the requirements for equipment, facilities, maintenance procedures, and personnel.

Regulatory Evaluation

The following is a summary of the final regulatory evaluation for the regulatory changes adopted in this amendment. A full final regulatory evaluation has been prepared and placed in the regulatory docket.

Assumptions used to prepare economic estimates for the various changes to Part 139 have been developed by the FAA. The estimates of economic impacts for the final rule revisions have been constructed from unit cost and other data obtained from operators, industry trade associations, and manufacturers.

In the Notice of Proposed Rulemaking (NPRM), the FAA invited public comments concerning the technical and operational considerations and economic impact assumptions as these apply to emergency medical services, aviation fuel training courses, the cost of collisions with large wildlife, and the conduct of full-scale emergency demonstrations. Comments on the proposal were submitted by airport industry trade associations, local and state governments, and private sector organizations. The majority of the comments recommended only technical modifications and clarifications. A number of comments, however, disagreed with the economic impact estimates of various proposals. The FAA has evaluated the public comments and

made a final determination regarding their impact. With one exception, the FAA finds the initial determination of the expected economic impact of the proposals to be the same for the final rule. The exception is the proposal requiring additional fencing for several airports to safeguard against inadvertent entry onto operations areas by all large animals. This requirement has been eliminated as a result of industry comments and subsequent FAA technical assessment.

The FAA finds that with the exception of the optional reduction in the number of firefighting vehicles provided by §§ 139.317 (b)(1) and (2) and 139.317 (c)(1) and (2), and the emergency medical services training requirements of § 139.319 (j)(4), the remaining proposals affecting Part 139 airports will have a negligible cost or no cost impact.

If all 74 of the affected Index B airports disposed of one of their two vehicles, the maximum potential savings under § 139.317 (b)(1) and (2) would have a current value of \$9,990,000. The FAA, however, has not been able to determine how many of the 74 airports subject to the firefighting and rescue provisions of Index B will adopt the option provided by this amendment. The FAA, therefore has not estimated the actual benefit that will accrue to Index B airports from this amendment. An undetermined number of Index B airports, however, will realize annualized savings of \$135,000 as a result of not being required to maintain and replace one of the two firefighting vehicles required by the current rule.

If all 97 of the affected Index C airports disposed of one of their three vehicles, the maximum potential savings under § 139.317 (c)(1) and (2) would have a current value of \$15,520,000. The FAA however, has not been able to determine how many of the 97 airports subject to the firefighting and rescue provisions of Index C will adopt the option provided by this amendment. The FAA, therefore, has not estimated the actual benefit that will accrue to Index C airports from this amendment. An undetermined number of Index C airports, however, will realize annualized individual savings of \$160,000 as a result of not being required to maintain and replace one of the three firefighting vehicles required by the current rule.

The cost of requiring at least one person on duty during air carrier operations to be trained in basic emergency medical care will be a one-time cost of \$930 or a combined cost of \$357,000 on the 384 Index A and limited certificated airports which will be

required to train two persons in basic emergency medical services.

The benefits of this rule have not been quantified. Underdetermined benefits are expected to accrue to travelers and airport personnel from the provision of emergency medical services in the event of sudden illness or accident. The FAA estimates that for benefits to exceed costs, the proposed rule would have to prevent only one fatality valued at \$1,000,000, in 1986 dollars, over the 11 year period following its implementation.

The FAA has determined that these amendments will not have a significant economic impact on a substantial number of small entities. The revision to § 139.317(b) (1) and (2) would affect the 74 airports not complying with the firefighting and rescue provisions of Index B. Since only 16 of these airports are small entities, the revision to § 139.317(b) (1) and (2) would not affect a substantial number of the 74 impacted airports. The rule change to § 139.317(c) (1) and (2) will provide the 97 airports, currently subject to Index C of this part, the option of disposing of one of their three firefighting vehicles. Since only 8 of these airports are small entities, the amendment to § 139.317(c) (1) and (2) would also not affect a substantial number of the 97 impacted airports.

The cost impact of the emergency medical training provisions § 139.319(j)(4) is a one-time cost of \$930 per airport. The sum of \$930 is less than the annualized threshold of \$5,400 established for significant economic impact.

Accordingly, the amendments to Part 139 will not have a significant economic impact on a substantial number of small entities.

The FAA has determined that, because these amendments would only affect airports located in U.S. communities, the sale of foreign products domestically, or the sale of U.S. products or services in foreign countries will not be influenced.

Therefore, it is FAA's opinion that this rule will not eliminate existing, or create additional barriers to the sale of foreign aviation products or services in the United States. FAA also certifies that the rule will not eliminate existing, or create additional barriers to the sale of U.S. aviation products and services in foreign countries.

Reporting and Recordkeeping

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the new reporting or recordkeeping provisions in this amendment were submitted to the Office of Management and Budget (OMB) and have been

approved. This final rule adds the OMB control number assigned to these requirements to the list of control numbers in § 11.101.

Conclusion

The only cost that will be imposed on airport operators by this final rule is a one-time cost for the training of a limited number of individuals in basic emergency medical care. This cost is expected to total \$357,000 for 384 airports. The rule is otherwise expected to have a minimal cost impact.

Therefore, the FAA has determined that this amendment involves a regulation which is not major under Executive Order 12291. However, because of the substantial public interest generated by some subjects, the FAA has determined that this amendment is significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

With respect to the cost savings under the final rule, only 16 of the 74 airports affected by § 139.317(b) and only 8 of the 97 airports affected by § 139.317(c) are small entities. The one-time medical training costs of \$930 imposed by § 139.319(j)(4) are less than the annualized threshold of \$5,400 established for significant impact.

Therefore, it is certified that this amendment would not have a significant economic impact on a substantial number of small entities. A final regulatory evaluation has been prepared and placed in the regulatory docket. A copy may be obtained by contacting the person listed under "FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR Part 139

Air carriers, Aircraft, Airports, Airplanes, Air safety, Aviation safety, Air transportation, Helicopters, Heliports, Rotocraft, Safety, Transportation.

The Amendment

Accordingly, the Federal Aviation Administration revises 14 CFR Part 139, effective January 1, 1988, to read as follows:

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CERTAIN AIR CARRIERS

Subpart A—General

Sec.

- 139.1 Applicability.
- 139.3 Definitions.
- 139.5 Standards and procedures for compliance with the certification and operations requirements of this part.

Subpart B—Certification

- Sec.
 139.101 Certification requirements: General.
 139.103 Application for certificate.
 139.105 Inspection authority.
 139.107 Issuance of certificate.
 139.109 Duration of certificate.
 139.111 Exemptions.
 139.113 Deviations.

Subpart C—Airport Certification Manual and Airport Certification Specifications

- 139.201 Airport operating certificate: Airport certification manual.
 139.203 Preparation of airport certification manual.
 139.205 Contents of airport certification manual.
 139.207 Maintenance of airport certification manual.
 139.209 Limited airport operating certificate: Airport certification specifications.
 139.211 Preparation of airport certification specifications.
 139.213 Contents of airport certification specifications.
 139.215 Maintenance of airport certification specifications.
 139.217 Amendment of airport certification manual or airport certification specifications.

Subpart D—Operations

- 139.301 Inspection authority.
 139.303 Personnel.
 139.305 Paved areas.
 139.307 Unpaved areas.
 139.309 Safety areas.
 139.311 Marking and lighting.
 139.313 Snow and ice control.
 139.315 Aircraft rescue and firefighting: Index determination.
 139.317 Aircraft rescue and firefighting: Equipment and agents.
 139.319 Aircraft rescue and firefighting: Operational requirements.
 139.321 Handling and storing of hazardous substances and materials.
 139.323 Traffic and wind direction indicators.
 139.325 Airport emergency plan.
 139.327 Self-inspection program.
 139.329 Ground vehicles.
 139.331 Obstructions.
 139.333 Protection of navigaids.
 139.335 Public protection.
 139.337 Wildlife hazard management.
 139.339 Airport condition reporting.
 139.341 Identifying, marking, and reporting construction and other unserviceable areas.
 139.343 Noncomplying conditions.

Authority: 49 U.S.C. 1354(a) and 1432; 49 U.S.C. section 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

Subpart A—General**§ 139.1 Applicability.**

This part prescribes rules governing the certification and operation of land airports which serve any scheduled or unscheduled passenger operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers. This part does

not apply to airports at which air carrier passenger operations are conducted only by reason of the airport being designated as an alternate airport.

§ 139.3 Definitions.

The following are definitions of terms as used in this part:

"AFFF" means aqueous film forming foam agent.

"Air carrier" means a person who holds or who is required to hold an air carrier operating certificate issued under this Chapter while operating aircraft having a seating capacity of more than 30 passengers.

"Air carrier aircraft" means an aircraft with a seating capacity of more than 30 passengers which is being operated by an air carrier.

"Air carrier operation" means the takeoff or landing of an air carrier aircraft and includes the period of time from 15 minutes before and until 15 minutes after the takeoff or landing.

"Airport" means an area of land or other hard surface, excluding water, that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

"Airport operating certificate" means a certificate, issued under this part, for operation of an airport serving scheduled operations of air carriers.

"Average daily departures" means the average number of scheduled departures per day of air carrier aircraft computed on the basis of the busiest 3 consecutive months of the immediately preceding 12 calendar months; except that if the average daily departures are expected to increase, then "average daily departures" may be determined by planned rather than current activity in a manner acceptable to the Administrator.

"Certificate holder" means the holder of an airport operating certificate or a limited airport operating certificate, except that as used in Subpart D "certificate holder" does not mean the holder of a limited airport operating certificate if its airport certification specifications, or this part, do not require compliance with the section in which it is used.

"Heliport" means an airport or an area of an airport used or intended to be used for the landing and takeoff of helicopters.

"Index" means an airport ranking according to the type and quantity of aircraft rescue and firefighting equipment and agent required, determined by the length and frequency of air carrier aircraft served by the airport, as provided in Subpart D of this part.

"Limited airport operating certificate" means a certificate, issued under this part, for the operation of an airport serving unscheduled operations of air carriers.

"Movement area" means the runways, taxiways, and other areas of an airport which are used for taxiing or hover taxiing, air taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and aircraft parking areas.

"Regional Director" means the head of the FAA region in which the airport is located.

"Safety area" means a designated area abutting the edges of a runway or taxiway intended to reduce the risk of damage to an aircraft inadvertently leaving the runway or taxiway.

"Wildlife hazard" means a potential for a damaging aircraft collision with wildlife on or near an airport. As used in this part, "wildlife" includes domestic animals while out of the control of their owners.

§ 139.5 Standards and procedures for compliance with the certification and operations requirements of this part.

Certain requirements prescribed by Subparts C and D of this part must be complied with in a manner acceptable to the Administrator. FAA Advisory Circulars contain standards and procedures that are acceptable to the Administrator for compliance with Subparts C and D. Some of these advisory circulars are referenced in specific sections of this part. The standards and procedures in them, or other standards and procedures approved by the Administrator, may be used to comply with those sections.

Subpart B—Certification**§ 139.101 Certification requirements: General.**

(a) No person may operate a land airport in the United States serving any scheduled passenger operation of an air carrier while operating an aircraft having a seating capacity of more than 30 passengers without or in violation of an airport operating certificate, the applicable provisions of this part, or the approved airport certification manual for that airport.

(b) No person may operate a land airport in the United States serving any unscheduled passenger operation of an air carrier while operating an aircraft having a seating capacity of more than 30 passengers without or in violation of a limited airport operating certificate, the applicable provisions of this part, or the approved airport specifications for that airport.

§ 139.103 Application for certificate.

(a) Each applicant for an airport operating certificate or a limited airport operating certificate must submit an application, in a form and in the manner prescribed by the Administrator, to the Regional Director.

(b) The application must be accompanied by two copies of an airport certification manual or airport certification specifications, as appropriate, prepared in accordance with Subpart C of this part.

§ 139.105 Inspection authority.

Each applicant for an airport operating certificate or a limited airport operating certificate must allow the Administrator to make any inspections, including unannounced inspections, or tests to determine compliance with—

(a) The Federal Aviation Act of 1958, as amended; and

(b) The requirements of this part.

§ 139.107 Issuance of certificate.

(a) An applicant for an airport operating certificate is entitled to a certificate if—

(1) The provisions of § 139.103 of this subpart are met;

(2) The Administrator, after investigation, finds that the applicant is properly and adequately equipped and able to provide a safe airport operating environment in accordance with—

(i) Subpart D of this part, and

(ii) Any limitations which the Administrator finds necessary in the public interest; and

(3) The Administrator approves the airport certification manual.

(b) An applicant for a limited airport operating certificate is entitled to a certificate if—

(1) The provisions of § 139.103 of this subpart are met;

(2) The Administrator, after investigation, finds that the applicant is properly and adequately equipped and able to provide a safe airport operating environment in accordance with—

(i) The provisions of Subpart D listed in § 139.213(a) of this part, and

(ii) Any other provisions of this part and any limitations which the Administrator finds necessary in the public interest; and

(3) The Administrator approves the airport certification specifications.

§ 139.109 Duration of certificate.

An airport operating certificate or a limited airport operating certificate issued under this part is effective until it is surrendered by the certificate holder or is suspended or revoked by the Administrator.

§ 139.111 Exemptions.

(a) An applicant or a certificate holder may petition the Administrator under § 11.25, Petitions for Rule Making or Exemptions, of this chapter for an exemption from any requirement of this part.

(b) An applicant or a certificate holder, enplaning annually less than one-quarter of 1 percent of the total number of passengers enplaned at all air carrier airports, may petition the Administrator under § 11.25, Petitions for Rule Making or Exemptions, of this chapter for an exemption from all or part of the rescue and firefighting equipment requirements of this part on the grounds that compliance with those requirements is, or would be, unreasonably costly, burdensome, or impractical.

(c) Each petition filed under this section must be submitted in duplicate to the Regional Director.

§ 139.113 Deviations.

In emergency conditions requiring immediate action for the protection of life or property, involving the transportation of persons by air carriers, the certificate holder may deviate from any requirement of Subpart D of this part to the extent required to meet that emergency. Each certificate holder who deviates from a requirement under this paragraph shall, as soon as practicable, but not later than 14 days after the emergency, report in writing to the Regional Director stating the nature, extent, and duration of the deviation.

Subpart C—Airport Certification Manual and Airport Certification Specifications

§ 139.201 Airport operating certificate: airport certification manual.

(a) An applicant for an airport operating certificate must prepare, and submit with an application, an airport certification manual for approval by the Administrator. Only those items addressing subjects required for certification under this part shall be included in the airport certification manual.

(b) Except as provided in paragraph (c) of this section, each certificate holder shall comply with an approved airport certification manual that meets the requirements of §§ 139.203 and 139.205.

(c) A certificate holder with an approved airport operations manual on January 1, 1988, may use the manual in lieu of the manual required by paragraph (b) of this section until January 1, 1989. Until the certificate holder has an approved airport certification manual, it shall comply

with § 139.207 as if that section applied to its airport operations manual

§ 139.203 Preparation of airport certification manual.

(a) Each airport certification manual required by this part shall—

(1) Be typewritten and signed by the airport operator;

(2) Be in a form that is easy to revise;

(3) Have the date of initial approval or approval of the latest revision on each page or item in the manual and include a page revision log; and

(4) Be organized in a manner helpful to the preparation, review, and approval processes.

(b) FAA Advisory Circulars in the 139 series contain standards and procedures for the development of airport certification manuals which are acceptable to the Administrator.

§ 139.205 Contents of airport certification manual.

(a) Each airport certification manual required by this part shall include operating procedures, facilities and equipment descriptions, responsibility assignments, and any other information needed by personnel concerned with operating the airport in order to comply with—

(1) The provisions of Subpart D of this part; and

(2) Any limitations which the Administrator finds necessary in the public interest.

(b) In complying with paragraph (a) of this section, the airport certification manual must include at least the following elements:

(1) Lines of succession of airport operational responsibility.

(2) Each current exemption issued to the airport from the requirements of this part.

(3) Any limitations imposed by the Administrator.

(4) A grid map or other means of identifying locations and terrain features on and around the airport which are significant to emergency operations.

(5) The system of runway and taxiway identification.

(6) The location of each obstruction required to be lighted or marked within the airport's area of authority.

(7) A description of each movement area available for air carriers and its safety areas and each road described in § 139.319(k) that serves it.

(8) Procedures for avoidance of interruption or failure during construction work of utilities serving facilities or navigational aids which support air carrier operations.

(9) Procedures for maintaining the paved areas as required by § 139.305.

(10) Procedures for maintaining the unpaved areas as required by § 139.307.

(11) Procedures for maintaining the safety areas as required by § 139.309.

(12) A description of, and procedures for maintaining, the marking and lighting systems as required by § 139.311.

(13) A snow and ice control plan as required by § 139.313.

(14) A description of the facilities, equipment, personnel, and procedures for meeting the rescue and firefighting requirements in §§ 139.317 and 139.319.

(15) Procedures for complying with the requirements of § 139.321 relating to hazardous substances and materials.

(16) A description of, and procedures for maintaining, the traffic and wind direction indicators required by § 139.323.

(17) An emergency plan as required by § 139.325.

(18) Procedures for conducting the self-inspection program as required by § 139.327.

(19) Procedures for controlling ground vehicles as required by § 139.329.

(20) Procedures for obstruction removal, marking, or lighting as required by § 139.331.

(21) Procedures for protection of navigable airspace as required by § 139.333.

(22) A description of public protection as required by § 139.335.

(23) A wildlife hazard management plan as required by § 139.337.

(24) Procedures for airport condition reporting as required by § 139.339.

(25) Procedures for identifying, marking, and reporting construction and other areas as required by § 139.341.

(26) Any other item which the Administrator finds is necessary in the public interest.

§ 139.207 Maintenance of airport certification manual.

Each holder of an airport operating certificate shall—

(a) Keep its airport certification manual current at all times;

(b) Maintain at least one complete and current copy of its approved airport certification manual on the airport;

(c) Furnish the applicable portions of the approved airport certification manual to the airport personnel responsible for their implementation;

(d) Make the copy required by paragraph (b) of this section available for inspection by the Administrator upon request; and

(e) Provide the Administrator with one complete and current copy required by paragraph (b) of this section.

§ 139.209 Limited airport operating certificate: Airport certification specifications.

(a) An applicant for a limited airport operating certificate must prepare, and submit with an application, airport certification specifications for approval by the Administrator. Only those items addressing subjects required for certification under this part shall be included in the airport certification specifications.

(b) Except as provided in paragraph (c) of this section, each certificate holder shall comply with the approved airport certification specifications that meet the requirements of §§ 139.211 and 139.213.

(c) A certificate holder with an approved airport operations specification on January 1, 1988, may use those specifications in lieu of the specifications required by paragraph (b) of this section until January 1, 1989. Until the certificate holder has approved airport certification specifications, it shall comply with § 139.215 as if that section applied to its airport operations specifications.

§ 139.211 Preparation of airport certification specifications.

(a) Each airport certification specifications required by this part shall—

(1) Be typewritten and signed by the airport operator;

(2) Be in a form that is easy to revise;

(3) Have the date of initial approval or approval of the latest revision on each page or item in the specifications and include a page revision log; and

(4) Be organized in a manner helpful to the preparation, review, and approval processes.

(b) FAA Advisory Circulars in the 139 series contain standards and procedures for the development of airport certification specifications which are acceptable to the Administrator.

§ 139.213 Contents of airport certification specifications.

(a) The airport certification specifications required by this part shall include operating procedures, facilities and equipment descriptions, responsibility assignments, and any other information needed by personnel concerned with operating the airport in order to comply with—

(1) The following provisions of Subpart D of this part:

(i) Section 139.301 Inspection authority.

(ii) Section 139.303 Personnel.

(iii) Section 139.305 Paved areas.

(iv) Section 139.307 Unpaved areas.

(v) Section 139.309 Safety areas.

(vi) Section 139.311 Marking and lighting.

(vii) Section 139.339 Airport condition reporting.

(2) Any other provisions of Subpart D of this part, and any limitations, which the Administrator finds necessary in the public interest.

(b) In complying with paragraph (a) of this section, the airport certification specifications shall include at least the following elements:

(1) Lines of succession of airport operational responsibility.

(2) Each current exemption issued to the airport from the requirements of this part.

(3) Any limitations imposed by the Administrator.

(4) The system of runway and taxiway identification.

(5) The location of each obstruction required to be lighted or marked within the airport's area of authority.

(6) A description of each movement area available for air carriers and its safety areas.

(7) Procedures for maintaining the paved areas as required by § 139.305.

(8) Procedures for maintaining the unpaved areas as required by § 139.307.

(9) Procedures for maintaining the safety areas as required by § 139.309.

(10) A description of, and procedures for maintaining, the marking and lighting systems as required by § 139.311.

(11) A description of the facilities, equipment, personnel, and procedures for emergency response to aircraft rescue and firefighting needs.

(12) Procedures for safety in storing and handling of hazardous substances and materials.

(13) A description of, and procedures for maintaining, any traffic and wind direction indicators on the airport.

(14) A description of the procedures used for conducting self-inspections of the airport.

(15) Procedures and responsibilities for airport condition reporting as required by § 139.339.

(16) Procedures for compliance with any other provisions of Subpart D of this part, and any limitations, which the Administrator finds necessary in the public interest.

§ 139.215 Maintenance of airport certification specifications.

Each holder of a limited airport operating certificate shall—

(a) Keep its airport certification specifications current at all times;

(b) Maintain at least one complete and current copy of its approved airport certification specifications on the airport;

(c) Furnish the applicable portions of the approved airport certification

specifications to the airport personnel responsible for their implementation;

(d) Make the copy required by paragraph (b) of this section available for inspection by the Administrator upon request; and

(e) Provide the Administrator with one complete and current copy required by paragraph (b) of this section.

§ 139.217 Amendment of airport certification manual or airport certification specifications.

(a) The Regional Director may amend any airport certification manual or any airport certification specifications approved under this part, either—

(1) Upon application by the certification holder; or

(2) On the Regional Director's own initiative if the Regional Director determines that safety in air transportation or air commerce and the public interest require the amendment.

(b) An applicant for an amendment to its airport certification manual or its airport certification specifications shall file its application with the Regional Director at least 30 days before the proposed effective date of the amendment, unless a shorter filing period is allowed by that office.

(c) At any time within 30 days after receiving a notice of refusal to approve the application for amendment, the certificate holder may petition the Administrator to reconsider the refusal to amend.

(d) In the case of amendments initiated by the Regional Director, the office notifies the certificate holder of the proposed amendment, in writing, fixing a reasonable period (but not less than 7 days) within which the certificate holder may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Regional Director notifies the certificate holder of any amendment adopted or rescinds the notice. The amendment becomes effective not less than 30 days after the certificate holder receives notice of it, except that prior to the effective date the certificate holder may petition the Administrator to reconsider the amendment, in which case its effective date is stayed pending a decision by the Administrator.

(e) Notwithstanding the provisions of paragraph (d) of this section, if the Regional Director finds that there is an emergency requiring immediate action with respect to safety in air transportation or air commerce that makes the procedures in this paragraph impractical or contrary to the public interest, the Regional Director may issue an amendment, effective without stay on

the date the certificate holder receives notice of it. In such a case, the Regional Director incorporates the finding of the emergency, and a brief statement of the reasons for the finding, in the notice of the amendment. Within 30 days after the issuance of such an emergency amendment, the certificate holder may petition the Administrator to reconsider either the finding of an emergency or the amendment itself or both. This petition does not automatically stay the effectiveness of the emergency amendment.

Subpart D—Operations

§ 139.301 Inspection authority.

Each certificate holder shall allow the Administrator to make any inspections, including unannounced inspections, or tests to determine compliance with this part.

§ 139.303 Personnel.

Each certificate holder shall maintain sufficient qualified personnel to comply with the requirements of its airport certification manual or airport certification specifications and the applicable rules of this part.

§ 139.305 Paved areas.

(a) Each certificate holder shall maintain, and promptly repair the pavement of, each runway, taxiway, loading ramp, and parking area on the airport which is available for air carrier use as follows:

(1) The pavement edges shall not exceed 3 inches difference in elevation between abutting pavement sections and between full strength pavement and abutting shoulders.

(2) The pavement shall have no hole exceeding 3 inches in depth nor any hole the slope of which from any point in the hole to the nearest point at the lip of the hole is 45 degrees or greater as measured from the pavement surface plane, unless, in either case, the entire area of the hole can be covered by a 5-inch diameter circle.

(3) The pavement shall be free of cracks and surface variations which could impair directional control of air carrier aircraft.

(4) Except as provided in paragraph (b) of this section, mud, dirt, sand, loose aggregate, debris, foreign objects, rubber deposits, and other contaminants shall be removed promptly and as completely as practicable.

(5) Except as provided in paragraph (b) of this section, any chemical solvent that is used to clean any pavement area shall be removed as soon as possible, consistent with the instructions of the manufacturer of the solvent.

(6) The pavement shall be sufficiently drained and free of depressions to prevent ponding that obscures markings or impairs safe aircraft operations.

(b) Paragraphs (a)(4) and (a)(5) of this section do not apply to snow and ice accumulations and their control, including the associated use of materials such as sand and deicing solutions.

(c) FAA Advisory Circulars in the 150 series contain standards and procedures for the maintenance and configuration of paved areas which are acceptable to the Administrator.

§ 139.307 Unpaved areas.

(a) Each certificate holder shall maintain and promptly repair the surface of each gravel, turf, or other unpaved runway, taxiway, or loading ramp and parking area on the airport which is available for air carrier use as follows:

(1) No slope from the edge of the full-strength surfaces downward to the existing terrain shall be steeper than 2:1.

(2) The full-strength surfaces shall have adequate crown or grade to assure sufficient drainage to prevent ponding.

(3) The full-strength surfaces shall be adequately compacted and sufficiently stable to prevent rutting by aircraft, or the loosening or buildup of surface material which could impair directional control of aircraft or drainage.

(4) The full-strength surfaces must have no holes or depressions which exceed 3 inches in depth and are of a breadth capable of impairing directional control or causing damage to an aircraft.

(5) Debris and foreign objects shall be promptly removed from the surface.

(b) Standards and procedures for the maintenance and configuration of unpaved full-strength surfaces shall be included in the airport certification manual or the airport certification specifications, as appropriate, for compliance with this section.

§ 139.309 Safety areas.

(a) To the extent practicable, each certificate holder shall provide and maintain for each runway and taxiway which is available for air carrier use—

(1) If the runway or taxiway had a safety area on December 31, 1987, and if no reconstruction or significant expansion of the runway or taxiway was begun on or after January 1, 1988, a safety area of at least the dimensions that existed on December 31, 1987; or

(2) If construction, reconstruction, or significant expansion of the runway or taxiway began on or after January 1, 1988, a safety area which conforms to the dimensions acceptable to the

Administrator at the time construction, reconstruction, or expansion began.

(b) Each certificate holder shall maintain its safety areas as follows:

(1) Each safety area shall be cleared and graded, and have no potentially hazardous ruts, humps, depressions, or other surface variations.

(2) Each safety area shall be drained by grading or storm sewers to prevent water accumulation.

(3) Each safety area shall be capable under dry conditions of supporting snow removal equipment, and aircraft rescue and firefighting equipment, and supporting the occasional passage of aircraft without causing major damage to the aircraft.

(4) No object may be located in any safety area, except for objects that need to be located in a safety area because of their function. These objects shall be constructed, to the extent practical, on frangibly mounted structures of the lowest practical height with the frangible point no higher than 3 inches above grade.

(c) FAA Advisory Circulars in the 150 series contain standards and procedures for the configuration and maintenance of safety areas acceptable to the Administrator.

§ 139.311 Marking and lighting.

(a) Each certificate holder shall provide and maintain at least the following marking systems for air carrier operations on the airport:

(1) Runway markings meeting the specifications for the approach with the lowest minimums authorized for each runway.

(2) Taxiway centerline and edge markings.

(3) Signs identifying taxiing routes on the movement area.

(4) Runway holding position markings and signs.

(5) ILS critical area markings and signs.

(b) Each certificate holder shall provide and maintain, when the airport is open during hours of darkness or during conditions below VFR minimums, at least the following lighting systems for air carrier operations on the airport:

(1) Runway lighting meeting the specifications for the approach with the lowest minimums authorized for each runway.

(2) One of the following taxiway lighting systems:

- (i) Centerline lights.
- (ii) Centerline reflectors.
- (iii) Edge lights.
- (iv) Edge reflectors.

(3) An airport beacon.

(4) Approach lighting meeting the specifications for the approach with the

lowest minimums authorized for each runway, unless otherwise provided and maintained by the FAA or another agency.

(5) Obstruction marking and lighting, as appropriate, on each object within its authority which constitutes an obstruction under Part 77 of this chapter. However, this lighting and marking is not required if it is determined to be unnecessary by an FAA aeronautical study.

(c) Each certificate holder shall properly maintain each marking or lighting system installed on the airport which is owned by the certificate holder. As used in this section, to "properly maintain" includes: To clean, replace, or repair any faded, missing, or nonfunctional item of lighting; to keep each item unobscured and clearly visible; and to ensure that each item provides an accurate reference to the user.

(d) Each certificate holder shall ensure that all lighting on the airport, including that for aprons, vehicle parking areas, roadways, fuel storage areas, and buildings, is adequately adjusted or shielded to prevent interference with air traffic control and aircraft operations.

(e) FAA Advisory Circulars in the 150 series contain standards and procedures for equipment, material, installation, and maintenance of light systems and marking listed in this section which are acceptable to the Administrator.

§ 139.313 Snow and ice control.

(a) Each certificate holder whose airport is located where snow and icing conditions regularly occur shall prepare, maintain, and carry out a snow and ice control plan.

(b) The snow and ice control plan required by this section shall include instructions and procedures for—

(1) Prompt removal or control, as completely as practical, of snow, ice, and slush on each movement area;

(2) Positioning snow off of movement area surfaces so that all air carrier aircraft propellers, engine pods, rotors, and wingtips will clear any snowdrift and snowbank as the aircraft's landing gear traverses any full strength portion of the movement area;

(3) Selection and application of approved materials for snow and ice control to ensure that they adhere to snow and ice sufficiently to minimize engine ingestion;

(4) Timely commencement of snow and ice control operations; and

(5) Prompt notification, in accordance with § 139.339, of all air carriers using the airport when any portion of the movement area normally available to

them is less than satisfactorily cleared for safe operation by their aircraft.

(c) FAA Advisory Circulars in the 150 series contain standards for snow and ice control equipment, materials, and procedures for snow and ice control which are acceptable to the Administrator.

§ 139.315 Aircraft rescue and firefighting: Index determination.

(a) An Index is required by paragraph (c) of this section for each certificate holder. The Index is determined by a combination of—

(1) The length of air carrier aircraft expressed in groups; and

(2) Average daily departures of air carrier aircraft.

(b) For the purpose of Index determination, air carrier aircraft lengths are grouped as follows:

(1) Index A includes aircraft less than 90 feet in length.

(2) Index B includes aircraft at least 90 feet but less than 126 feet in length.

(3) Index C includes aircraft at least 126 feet but less than 159 feet in length.

(4) Index D includes aircraft at least 159 feet but less than 200 feet in length.

(5) Index E includes aircraft at least 200 feet in length.

(c) Except as provided in § 139.319(c), the Index required by § 139.319 is determined as follows:

(1) If there are five or more average daily departures of air carrier aircraft in a single Index group serving that airport, the longest Index group with an average of 5 or more daily departures is the Index required for the airport.

(2) If there are less than five average daily departures of air carrier aircraft in a single Index group serving that airport, the next lower Index from the longest Index group with air carrier aircraft in it is the Index required for the airport. The minimum designated Index shall be Index A.

§ 139.317 Aircraft rescue and firefighting: Equipment and agents.

The following rescue and firefighting equipment and agents are the minimum required for the Indexes referred to in § 139.315:

(a) *Index A:* One vehicle carrying at least—

(1) 500 pounds of sodium-based dry chemical or halon 1211; or

(2) 450 pounds of potassium-based dry chemical and water with a commensurate quantity of AFFF to total 100 gallons, for simultaneous dry chemical and AFFF foam application.

(b) *Index B:* Either of the following:

(1) One vehicle carrying at least 500 pounds of sodium-based dry chemical or

halon 1211, and 1,500 gallons of water, and the commensurate quantity of AFFF for foam production.

(2) Two vehicles—

(i) One vehicle carrying the extinguishing agents as specified in paragraph (a)(1) or (2) of this section; and

(ii) One vehicle carrying an amount of water and the commensurate quantity of AFFF so that the total quantity of water for foam production carried by both vehicles is at least 1,500 gallons.

(c) *Index C:* Either of the following:

(1) Three vehicles—

(i) One vehicle carrying the extinguishing agents as specified in paragraph (a)(1) or (2) of this section; and

(ii) Two vehicles carrying an amount of water and the commensurate quantity of AFFF so that the total quantity of water for foam production carried by all three vehicles is at least 3,000 gallons.

(2) Two vehicles—

(i) One vehicle carrying the extinguishing agents as specified in paragraph (b)(1) of this section; and

(ii) One vehicle carrying water and the commensurate quantity of AFFF so that the total quantity of water for foam production carried by both vehicles is at least 3,000 gallons.

(d) *Index D:* Three vehicles—

(1) One vehicle carrying the extinguishing agents as specified in paragraph (a)(1) or (2) of this section; and

(2) Two vehicles carrying an amount of water and the commensurate quantity of AFFF so that the total quantity of water for foam production carried by all three vehicles is at least 4,000 gallons.

(e) *Index E:* Three vehicles—

(1) One vehicle carrying the extinguishing agents as specified in paragraph (a)(1) or (2) of this section; and

(2) Two vehicles carrying an amount of water and the commensurate quantity of AFFF so that the total quantity of water for foam production carried by all three vehicles is at least 6,000 gallons.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, any certificate holder whose vehicles met the requirements of this part for quantity and type of extinguishing agent on January 1, 1988, may comply with the Index requirements of this section by carrying extinguishing agents to the full capacity of those vehicles. Whenever any of those vehicles is replaced or rehabilitated, the capacity of the replacement or rehabilitated vehicle shall be sufficient to comply with the requirements of the required Index.

(g) *Foam discharge capacity.* Each aircraft rescue and firefighting vehicle used to comply with Index B, C, D, or E requirements with a capacity of at least 500 gallons of water for foam production shall be equipped with a turret. Vehicle turret discharge capacity shall be as follows:

(1) Each vehicle with a minimum rated vehicle water tank capacity of at least 500 gallons but less than 2,000 gallons shall have a turret discharge rate of at least 500 gallons per minute but not more than 1,000 gallons per minute.

(2) Each vehicle with a minimum rated vehicle water tank capacity of at least 2,000 gallons shall have a turret discharge rate of at least 600 gallons per minute but not more than 1,200 gallons per minute.

(3) Notwithstanding the requirements of paragraph (g) of this section, any certificate holder whose aircraft rescue and firefighting vehicles are not equipped with turrets or do not have the discharge capacity required in this section, but otherwise meet the requirements of this part on January 1, 1988, need not comply with paragraph (g) of this section for a particular vehicle until that vehicle is replaced or rehabilitated.

(h) *Dry chemical and halon 1211 discharge capacity.* Each aircraft rescue and firefighting vehicle which is required to carry dry chemical or halon 1211 for compliance with the index requirements of this section must meet one of the following minimum discharge rates for the equipment installed:

(1) Dry chemical or halon 1211 through a hand line, 5 pounds per second.

(2) Dry chemical or halon 1211 through a turret, 16 pounds per second.

(i) *Extinguishing agent substitutions.* The following extinguishing agent substitutions may be made:

(1) Protein or fluoroprotein foam concentrates may be substituted for AFFF. When either of these substitutions is selected, the volume of water to be carried for the substitute foam production shall be calculated by multiplying the volume of water required for AFFF by the factor 1.5.

(2) Sodium- or potassium-based dry chemical or halon 1211 may be substituted for AFFF. Up to 30 percent of the amount of water specified for AFFF production may be replaced by dry chemical or halon 1211, except that for airports where such extreme climatic conditions exist that water is either unmanageable or unobtainable, as in arctic or desert regions, up to 100 percent of the required water may be replaced by dry chemical or halon 1211. When this substitution is selected, 12.7 pounds of dry chemical or halon 1211

shall be substituted for each gallon of water used for AFFF foam production.

(3) Sodium or potassium-based dry chemical or halon 1211 may be substituted for protein or fluoroprotein foam. When this substitution is selected, 8.4 pounds of dry chemical or halon 1211 shall be substituted for one gallon of water for protein or fluoroprotein foam production.

(4) AFFF may be substituted for dry chemical or halon 1211. For airports where meteorological conditions, such as consistently high winds and precipitation, would frequently prevent the effective use of dry chemical or halon 1211, up to 50 percent of these agents may be replaced by water for AFFF production. When this substitution is selected, one gallon of water for foam production with the commensurate quantity of AFFF shall be substituted for 12.7 pounds of dry chemical or halon 1211.

(5) Potassium-based dry chemical may be substituted for sodium-based dry chemical. Where 500 pounds of sodium-based dry chemical is specified, 450 pounds of potassium-based dry chemical may be substituted.

(6) Other extinguishing agent substitutions acceptable to the Administrator may be made in amounts that provide equivalent firefighting capability.

(j) In addition to the quantity of water required, each vehicle required to carry AFFF shall carry AFFF in an appropriate amount to mix with twice the water required to be carried by the vehicle.

(k) FAA Advisory Circulars in the 150 series contain standards and procedures for AFFF equipment and agents which are acceptable to the Administrator.

§ 139.319 Aircraft rescue and firefighting: Operational requirements.

(a) Except as provided in paragraph (c) of this section, each certificate holder shall provide on the airport, during air carrier operations at the airport, at least the rescue and firefighting capability specified for the Index required by § 139.317.

(b) *Increase in Index.* Except as provided in paragraph (c) of this section, if an increase in the average daily departures or the length of air carrier aircraft results in an increase in the Index required by paragraph (a) of this section, the certificate holder shall comply with the increased requirements.

(c) *Reduction in rescue and firefighting.* During air carrier operations with only aircraft shorter than the Index aircraft group required by paragraph (a) of this section, the certificate holder

may reduce the rescue and firefighting to a lower level corresponding to the Index group of the longest air carrier aircraft being operated.

(d) Any reduction in the rescue and firefighting capability from the Index required by paragraph (a) of this section in accordance with paragraph (c) of this section shall be subject to the following conditions:

(1) Procedures for, and the persons having the authority to implement, the reductions must be included in the airport certification manual.

(2) A system and procedures for recall of the full aircraft rescue and firefighting capability must be included in the airport certification manual.

(3) The reductions may not be implemented unless notification to air carriers is provided in the Airport/Facility Directory or Notices to Airmen (NOTAM), as appropriate, and by direct notification of local air carriers.

(e) *Vehicle communications.* Each vehicle required under § 139.317 shall be equipped with two-way voice radio communications which provides for contact with at least—

(1) Each other required emergency vehicle;

(2) The air traffic control tower, if it is located on the airport; and

(3) Other stations, as specified in the airport emergency plan.

(f) *Vehicle marking and lighting.* Each vehicle required under § 139.317 shall—

(1) Have a flashing or rotating beacon; and

(2) Be painted or marked in colors to enhance contrast with the background environment and optimize daytime and nighttime visibility and identification.

(g) FAA Advisory Circulars in the 150 series contain standards for painting, marking and lighting vehicles used on airports which are acceptable to the Administrator.

(h) *Vehicle readiness.* Each vehicle required under § 139.317 shall be maintained as follows:

(1) The vehicle and its systems shall be maintained so as to be operationally capable of performing the functions required by this subpart during all air carrier operations.

(2) If the airport is located in a geographical area subject to prolonged temperatures below 33 degrees Fahrenheit, the vehicles shall be provided with cover or other means to ensure equipment operation and discharge under freezing conditions.

(3) Any required vehicle which becomes inoperative to the extent that it cannot perform as required by § 139.319(h)(1) shall be replaced immediately with equipment having at least equal capabilities. If replacement

equipment is not available immediately, the certificate holder shall so notify the Regional Director and each air carrier using the airport in accordance with § 139.339. If the required Index level of capability is not restored within 48 hours, the airport operator, unless otherwise authorized by the Administrator, shall limit air carrier operations on the airport to those compatible with the Index corresponding to the remaining operative rescue and firefighting equipment.

(i) *Response requirements.* (1) Each certificate holder, with the airport rescue and firefighting equipment required under this part and the number of trained personnel which will assure an effective operation, shall—

(i) Respond to each emergency during periods of air carrier operations; and

(ii) When requested by the Administrator, demonstrate compliance with the response requirements specified in this section.

(2) The response required by paragraph (i)(1)(ii) of this section shall achieve the following performance:

(i) Within 3 minutes from the time of the alarm, at least one required airport rescue and firefighting vehicle shall reach the midpoint of the farthest runway serving air carrier from its assigned post, or reach any other specified point of comparable distance on the movement area which is available to air carriers, and begin application of foam, dry chemical, or halon 1211.

(ii) Within 4 minutes from the time of alarm, all other required vehicles shall reach the point specified in paragraph (i)(2)(i) of this section from their assigned post and begin application of foam, dry chemical, or halon 1211.

(j) *Personnel.* Each certificate holder shall ensure the following:

(1) All rescue and firefighting personnel are equipped in a manner acceptable to the Administrator with protective clothing and equipment needed to perform their duties.

(2) All rescue and firefighting personnel are properly trained to perform their duties in a manner acceptable to the Administrator. The training curriculum shall include initial and recurrent instruction in at least the following areas:

(i) Airport familiarization.

(ii) Aircraft familiarization.

(iii) Rescue and firefighting personnel safety.

(iv) Emergency communications systems on the airport, including fire alarms.

(v) Use of the fire hoses, nozzles, turrets, and other appliances required for compliance with this part.

(vi) Application of the types of extinguishing agents required for compliance with this part.

(vii) Emergency aircraft evacuation assistance.

(viii) Firefighting operations.

(ix) Adapting and using structural rescue and firefighting equipment for aircraft rescue and firefighting.

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(x) Familiarization with firefighters' duties under the airport emergency plan.

(xi) Familiarization with firefighters' duties under the airport emergency plan.

(3) All rescue and firefighting personnel participate in at least one live-fire drill every 12 months.

(4) At least one of the required personnel on duty during air carrier operations has been trained and is current in basic emergency medical care. This training shall include 40 hours covering at least the following areas:

(i) Bleeding.

(ii) Cardiopulmonary resuscitation.

(iii) Shock.

(iv) Primary patient survey.

(v) Injuries to the skull, spine, chest, and extremities.

(vi) Internal injuries.

(vii) Moving patients.

(viii) Burns.

(ix) Triage.

(5) Sufficient rescue and firefighting personnel are available during all air carrier operations to operate the vehicles, meet the response times, and meet the minimum agent discharge rates required by this part;

(6) Procedures and equipment are established and maintained for alerting rescue and firefighting personnel by siren, alarm, or other means acceptable to the Administrator, to any existing or impending emergency requiring their assistance.

(k) *Emergency access roads.* Each certificate holder shall ensure that roads which are designated for use as emergency access roads for aircraft rescue and firefighting vehicles are maintained in a condition that will support those vehicles during all-weather conditions.

§ 139.321 Handling and storing of hazardous substances and materials.

(a) Each certificate holder which acts as a cargo handling agent shall establish and maintain procedures for the protection of persons and property on the airport during the handling and storing of any material regulated by the Hazardous Materials Regulations (49 CFR Part 171, et seq.), that is, or is

intended to be, transported by air. These procedures shall provide for at least the following:

(1) Designated personnel to receive and handle hazardous substances and materials.

(2) Assurance from the shipper that the cargo can be handled safely, including any special handling procedures required for safety.

(3) Special areas for storage of hazardous materials while on the airport.

(b) Each certificate holder shall establish and maintain standards acceptable to the Administrator for protecting against fire and explosions in storing, dispensing, and otherwise handling fuel, lubricants, and oxygen (other than articles and materials that are, or are intended to be, aircraft cargo) on the airport. These standards shall cover facilities, procedures, and personnel training and shall address at least the following:

(1) Grounding and bonding.

(2) Public protection.

(3) Control of access to storage areas.

(4) Fire safety in fuel farm and storage areas.

(5) Fire safety in mobile fuelers, fueling pits, and fueling cabinets.

(6) Training of fueling personnel in fire safety in accordance with paragraph (e) of this section.

(7) The fire code of the public body having jurisdiction over the airport.

(c) Each certificate holder shall, as a fueling agent comply with and except as provided in paragraph (h) of this section required all other fueling agents operating on the airport to comply with, the standards established under paragraph (b) of this section and shall perform reasonable surveillance of all fueling activities on the airport with respect to those standards.

(d) Each certificate holder shall inspect the physical facilities of each airport tenant fueling agent at least once every 3 months for compliance with paragraph (b) of this section and maintain a record of that inspection for at least 12 months. The certificate holder may use an independent organization to perform this inspection if—

(1) It is acceptable by the Administrator; and

(2) It prepares a record of its inspection sufficiently detailed to assure the certificate holder and the FAA that the inspection is adequate.

(e) The training required in paragraph (b)(6) of this section shall include at least the following:

(1) At least one supervisor with each fueling agent shall have completed an aviation fuel training course in fire

safety which is acceptable to the Administrator.

(2) All other employees who fuel aircraft, accept fuel shipments, or otherwise handle fuel shall receive at least on-the-job training in fire safety from the supervisor trained in accordance with paragraph (e)(1) of this section.

(f) Each certificate holder shall obtain certification once a year from each airport tenant fueling agent that the training required by paragraph (e) of this section has been accomplished.

(g) Unless otherwise authorized by the Administrator, each certificate holder shall require each tenant fueling agent to take immediate corrective action whenever the certificate holder becomes aware of noncompliance with a standard required by paragraph (b) of this section. The certificate holder shall notify the appropriate FAA Regional Director immediately when noncompliance is discovered and corrective action cannot be accomplished within a reasonable period of time.

(h) A certificate holder need not require an air carrier operating under Part 121 or Part 135 of this chapter to comply with the standards required by paragraph (b)(6) of this section.

(i) FAA Advisory Circulars in the 150 Series contain standards and procedures for the handling and storage of hazardous substances and materials which are acceptable to the Administrator.

§ 139.323 Traffic and wind direction indicators.

Each certificate holder shall provide the following on its airport:

(a) A wind cone that provides surface wind direction information visually to pilots. For each airport in a terminal control area, supplemental wind cones shall be installed at each runway end or at least at one point visible to the pilot while on final approach and prior to takeoff. If the airport is open for air carrier operations during hours of darkness, the wind direction indicators must be lighted.

(b) For airports serving any air carrier operation when there is no control tower operating, a segmented circle around one wind cone and a landing strip and traffic pattern indicator for each runway with a right-hand traffic pattern.

§ 139.325 Airport emergency plan.

(a) Each certificate holder shall develop and maintain an airport emergency plan designed to minimize the possibility and extent of personal injury and property damage on the

airport in an emergency. The plan must include—

(1) Procedures for prompt response to all of the emergencies listed in paragraph (b) of this section, including a communications network; and

(2) Sufficient detail to provide adequate guidance to each person who must implement it.

(b) The plan required by this section must contain instructions for response to—

(1) Aircraft incidents and accidents;

(2) Bomb incidents, including designated parking areas for the aircraft involved;

(3) Structural fires;

(4) Natural disaster;

(5) Radiological incidents;

(6) Sabotage, hijack incidents, and other unlawful interference with operations;

(7) Failure of power for movement area lighting; and

(8) Water rescue situations.

(c) The plan required by this section must address or include—

(1) To the extent practicable, provisions for medical services including transportation and medical assistance for the maximum number of persons that can be carried on the largest air carrier aircraft that the airport reasonably can be expected to serve;

(2) The name, location, telephone number, and emergency capability of each hospital and other medical facility, and the business address and telephone number of medical personnel on the airport or in the communities it serves, agreeing to provide medical assistance or transportation;

(3) The name, location, and telephone number of each rescue squad, ambulance service, military installation, and government agency on the airport or in the communities it serves, that agrees to provide medical assistance or transportation;

(4) An inventory of surface vehicles and aircraft that the facilities, agencies, and personnel included in the plan under paragraphs (c)(2) and (c)(3) of this section will provide to transport injured and deceased persons to locations on the airport and in the communities it serves;

(5) Each hangar or other building on the airport or in the communities it serves that will be used to accommodate uninjured, injured, and deceased persons;

(6) Crowd control, specifying the name and location of each safety or security agency that agrees to provide assistance for the control of crowds in

the event of an emergency on the airport:

(7) The removal of disabled aircraft including to the extent practical the name, location and telephone numbers of agencies with aircraft removal responsibilities or capabilities; and

(d) The plan required by this section must provide for—

(1) The marshalling, transportation, and care of ambulatory injured and uninjured accident survivors;

(2) The removal of disabled aircraft;

(3) Emergency alarm systems; and

(4) Coordination of airport and control tower functions relating to emergency actions.

(e) The plan required by this section shall contain procedures for notifying the facilities, agencies, and personnel who have responsibilities under the plan of the location of an aircraft accident, the number of persons involved in that accident, or any other information necessary to carry out their responsibilities, as soon as that information is available.

(f) The plan required by this section shall contain provisions, to the extent practicable, for the rescue of aircraft accident victims from significant bodies of water or marsh lands adjacent to the airport which are crossed by the approach and departure flight paths of air carriers. A body of water or marsh land is significant if the area exceeds one-quarter square mile and cannot be traversed by conventional land rescue vehicles. To the extent practicable, the plan shall provide for rescue vehicles with a combined capacity for handling the maximum number of persons that can be carried on board the largest air carrier aircraft that the airport reasonably can be expected to serve.

(g) Each certificate holder shall—

(1) Coordinate its plan with law enforcement agencies, rescue and fire fighting agencies, medical personnel and organizations, the principal tenants at the airport, and all other persons who have responsibilities under the plan;

(2) To the extent practicable, provide for participation by all facilities, agencies, and personnel specified in paragraph (g)(1) of this section in the development of the plan;

(3) Ensure that all airport personnel having duties and responsibilities under the plan are familiar with their assignments and are properly trained;

(4) At least once every 12 months, review the plan with all of the parties with whom the plan is coordinated as specified in paragraph (g)(1) of this section, to ensure that all parties know their responsibilities and that all of the information in the plan is current; and

(5) Hold a full-scale airport emergency plan exercise at least once every 3 years.

(h) FAA Advisory Circulars in the 150 Series contain standards and procedures for the development of an airport emergency plan which are acceptable to the Administrator.

§ 139.327 Self-inspection program.

(a) Each certificate holder shall inspect the airport to assure compliance with this subpart—

(1) Daily, except as otherwise required by the airport certification manual or airport certification specifications;

(2) When required by any unusual condition such as construction activities or meteorological conditions that may affect safe air carrier operations; and

(3) Immediately after an accident or incident.

(b) Each certificate holder shall provide the following:

(1) Equipment for use in conducting safety inspections of the airport;

(2) Procedures, facilities, and equipment for reliable and rapid dissemination of information between airport personnel and its air carriers;

(3) Procedures to ensure that qualified inspection personnel perform the inspections; and

(4) A reporting system to ensure prompt correction of unsafe airport conditions noted during the inspection.

(d) Each certificate holder shall prepare and keep for at least 6 months, and make available for inspection by the Administrator on request, a record of each inspection prescribed by this section, showing the conditions found and all corrective actions taken.

(e) FAA Advisory Circulars in the 150 Series contain standards and procedures for the conduct of airport self-inspections which are acceptable to the Administrator.

§ 139.329 Ground vehicles.

Each certificate holder shall—

(a) Limit access to movement areas and safety areas only to those ground vehicles necessary for airport operations;

(b) Provide adequate procedures for the safe and orderly access to, and operation on, the movement area and safety areas by ground vehicles;

(c) When an air traffic control tower is in operation, ensure that each ground vehicle operating on the movement area is controlled by one of the following:

(1) Two-way radio communications between each vehicle and the tower,

(2) An escort vehicle with two-way radio communications with the tower to accompany any vehicle without a radio, or

(3) Measures acceptable to the Administrator for controlling vehicles, such as signs, signals, or guards, when it is not operationally practical to have two-way radio communications with the vehicle or an escort vehicle;

(d) When an air traffic control tower is not in operation, provide adequate procedures to control ground vehicles on the movement area through prearranged signs or signals;

(e) Ensure that each employee, tenant, or contractor who operates a ground vehicle on any portion of the airport which has access to the movement area is familiar and complies with the airport's rules and procedures for the operation of ground vehicles; and

(f) On request by the Administrator, make available for inspection any record of accidents or incidents on the movement areas involving air carrier aircraft and/or ground vehicles.

§ 139.331 Obstructions.

Each certificate holder shall ensure that each object in each area within its authority which exceeds any of the heights or penetrates the imaginary surfaces described in Part 77 of this chapter is either removed, marked, or lighted. However, removal, marking, and lighting is not required if it is determined to be unnecessary by an FAA aeronautical study.

§ 139.333 Protection of nav aids.

Each certificate holder shall—

(a) Prevent the construction of facilities on its airport that, as determined by the Administrator, would derogate the operation of an electronic or visual nav aid and air traffic control facilities on the airport;

(b) Protect, or if the owner is other than the certificate holder, assist in protecting, all nav aids on its airport against vandalism and theft; and

(c) Prevent, insofar as it is within the airport's authority, interruption of visual and electronic signals of nav aids.

§ 139.335 Public protection.

(a) Each certificate holder shall provide—

(1) Safeguards acceptable to the Administrator to prevent inadvertent entry to the movement area by unauthorized persons or vehicles; and

(2) Reasonable protection of persons and property from aircraft blast.

(b) Fencing meeting the requirements of Part 107 of this chapter in areas subject to that part is acceptable for meeting the requirements of paragraph (a)(1) of this section.

§ 139.337 Wildlife hazard management.

(a) Each certificate holder shall provide for the conduct of an ecological study, acceptable to the Administrator, when any of the following events occurs on or near the airport:

(1) An air carrier aircraft experiences a multiple bird strike or engine ingestion.

(2) An air carrier aircraft experiences a damaging collision with wildlife other than birds.

(3) Wildlife of a size or in numbers capable of causing an event described in paragraph (a) (1) or (2) of this section is observed to have access to any airport flight pattern or movement area.

(b) The study required in paragraph (a) of this section shall contain at least the following:

(1) Analysis of the event which prompted the study.

(2) Identification of the species, numbers, locations, local movements, and daily and seasonal occurrences of wildlife observed.

(3) Identification and location of features on and near the airport that attract wildlife.

(4) Description of the wildlife hazard to air carrier operations.

(c) The study required by paragraph (a) of this section shall be submitted to the Administrator, who determines whether or not there is a need for a wildlife hazard management plan. In reaching this determination, the Administrator considers—

(1) The ecological study;

(2) The aeronautical activity at the airport;

(3) The views of the certificate holder;

(4) The views of the airport users; and

(5) Any other factors bearing on the matter of which the Administrator is aware.

(d) When the Administrator determines that a wildlife hazard management plan is needed, the certificate holder shall formulate and implement a plan using the ecological study as a basis. The plan shall—

(1) Be submitted to, and approved by, the Administrator prior to implementation; and

(2) Provide measures to alleviate or eliminate wildlife hazards to air carrier operations.

(e) The plan shall include at least the following:

(1) The persons who have authority and responsibility for implementing the plan.

(2) Priorities for needed habitat modification and changes in land use identified in the ecological study, with target dates for completion.

(3) Requirements for and, where applicable, copies of local, state, and Federal wildlife control permits.

(4) Identification of resources to be provided by the certificate holder for implementation of the plan.

(5) Procedures to be followed during air carrier operations, including at least—

(i) Assignment of personnel responsibilities for implementing the procedures;

(ii) Conduct of physical inspections of the movement area and other areas critical to wildlife hazard management sufficiently in advance of air carrier operations to allow time for wildlife controls to be effective;

(iii) Wildlife control measures; and

(iv) Communication between the wildlife control personnel and any air traffic control tower in operation at the airport.

(6) Periodic evaluation and review of the wildlife hazard management plan for—

(i) Effectiveness in dealing with the wildlife hazard; and

(ii) Indications that the existence of the wildlife hazard, as previously described in the ecological study, should be reevaluated.

(7) A training program to provide airport personnel with the knowledge and skills needed to carry out the wildlife hazard management plan required by paragraph (d) of this section.

(f) Notwithstanding the other requirements of this section, each certificate holder shall take immediate measures to alleviate wildlife hazards whenever they are detected.

(g) FAA Advisory Circulars in the 150 Series contain standards and procedures for wildlife hazard management at airports which are acceptable to the Administrator.

§ 139.339 Airport condition reporting.

(a) Each certificate holder shall provide for the collection and dissemination of airport condition information to air carriers.

(b) In complying with paragraph (a) of this section, the certificate holder shall utilize the NOTAM system and, as appropriate, other systems and procedures acceptable to the Administrator.

(c) In complying with paragraph (a) of

this section, the certificate holder shall provide information on the following airport conditions which may affect the safe operations of air carriers:

(1) Construction or maintenance activity on movement areas, safety areas, or loading ramps and parking areas.

(2) Surface irregularities on movement areas or loading ramps and parking areas.

(3) Snow, ice, slush, or water on the movement area or loading ramps and parking areas.

(4) Snow piled or drifted on or near movement areas contrary to § 139.313.

(5) Objects on the movement area or safety areas contrary to § 139.309.

(6) Malfunction of any lighting system required by § 139.311.

(7) Unresolved wildlife hazards as identified in accordance with § 139.337.

(8) Nonavailability of any rescue and firefighting capability required in § 39.317 and 139.319.

(9) Any other condition as specified in the airport certification manual or airport certification specifications, or which may otherwise adversely affect the safe operations of air carriers.

(d) FAA Advisory Circulars in the 150 series contain standards and procedures for using the NOTAM system for dissemination of airport information which are acceptable to the Administrator.

§ 139.341 Identifying, marking, and reporting construction and other unserviceable areas.

(a) Each certificate holder shall—

(1) Mark and, if appropriate, light in a manner acceptable to the Administrator—

(i) Each construction area and unserviceable area which is on or adjacent to any movement area or any other area of the airport on which air carrier aircraft may be operated;

(ii) Each item of construction equipment and each construction roadway, which may affect the safe movement of aircraft on the airport; and

(iii) Any area adjacent to a navigaid that, if traversed, could cause derogation of the signal or the failure of the navigaid, and

(2) Provide procedures, such as a review of all appropriate utility plans prior to construction, for avoiding damage to existing utilities, cables, wires, conduits, pipelines, or other underground facilities.

(b) FAA Advisory Circulars in the 150 series contain standards and procedures for identifying and marking construction areas which are acceptable to the Administrator.

§ 139.343 Noncomplying conditions.

Unless otherwise authorized by the Administrator, whenever the requirements of Subpart D of this part cannot be met to the extent that uncorrected unsafe conditions exist on the airport, the certificate holder shall limit air carrier operations to those portions of the airport not rendered unsafe by those conditions.

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T. Allan McArtor,
Administrator.

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