

[Docket No. 16470; Amdt. No. 139-10]

**PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS**

**Airport Fire Fighting and Rescue Equipment**

The purpose of these amendments to Part 139 of the Federal Aviation Regulations is to make certain editorial changes and to permit the Administrator to exempt the operators of certain air carrier airports from the fire fighting and rescue equipment requirements of that part if he finds that compliance with those requirements is, or would be, unreasonably costly, burdensome, or impractical.

These amendments are necessary to implement section 19 of the Airport and Airway Development Act Amendments of 1976 (AADA) (Pub. L. 94-353, 90 Stat. 871), which amended section 612 of the Federal Aviation Act of 1958 by adding a new paragraph (c). Under that paragraph, the Administrator may exempt operators of air carrier airports enplaning annually less than one-quarter of one percent of the total number of passengers enplaned at all air carrier airports from the fire fighting and rescue equipment requirements of section 612(b) of the Federal Aviation Act, if he finds that those requirements are, or would be, unreasonably costly, burdensome, or impractical.

In light of this legislative provision, §§ 139.19(a) and 139.49 are amended to permit those operators to file petitions for exemption from the fire fighting and rescue equipment requirements of § 139.49. Petitions filed should include a detailed explanation of how compliance with those requirements is, or would be, unreasonably costly, burdensome, or impractical. In this connection, the FAA will, in the near future, issue an advisory circular providing guidance for persons desiring to petition for an exemption under § 139.19, as herein amended.

In addition, § 139.19(a) currently indicates that an applicant for an airport operating certificate may petition for an exemption from the safety equipment requirements of § 139.111. However, § 139.111 does not in fact set forth such requirements. Moreover, paragraph (a) does not include a reference to § 139.107, which contains safety equipment requirements. Thus, to correct these inadvertent errors, the reference to § 139.111 is deleted and a reference to § 139.107 is included in § 139.19(a).

Finally, an applicant may petition the Administrator for an exemption from a safety equipment requirement contained in Part 139 on grounds that compliance would be contrary to the public interest. This provision is set forth in current § 139.19(a), which pertains to the filing of petitions for exemption from safety equipment requirements, and similar language is used in the sections throughout Part 139 which contain those requirements. Since this duplication is considered unnecessary, the similar provisions have been deleted from the sections containing safety equipment requirements.

Since these amendments are necessary to implement a statutory requirement, are editorial in nature, and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective on less than 30 days notice.

These amendments are made under the authority of sections 313(a) and 612(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1432(c)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 139 of the Federal Aviation Regulations is amended, effective February 10, 1977, as follows:

1. By amending § 139.19 by revising paragraph (a) to read as follows:

**§ 139.19 Exemptions: safety equipment.**

(a) Any person required to apply for an airport operating certificate under this part may petition the Administrator, under § 11.25 of this chapter (general rule-making procedures), for an exemption from the safety equipment requirements of §§ 139.49, 139.53, 139.65, 139.105, 139.107, or 139.109, on the grounds that compliance would be contrary to the public interest. In addition, the applicant for an airport operating certificate, for an air carrier airport enplaning annually less than one-quarter of one-percent of the total number of passengers enplaned at all air carrier airports, may petition the Administrator, under § 11.25 of this chapter (general rule-making procedures), for an exemption from the fire fighting and rescue equipment requirements of § 139.49, on grounds that compliance with those requirements is, or would be, unreasonably costly, burdensome or impractical.

2. By amending § 139.49 by revising the introductory paragraph to read as follows:

**§ 139.49 Airport fire fighting and rescue equipment and service.**

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has, and will have, available during air carrier user operations, at least the airport fire fighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

3. By amending § 139.53 by revising the introductory paragraph to read as follows:

**§ 139.53 Traffic and wind direction indicators.**

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport the following:

4. By amending § 139.65 by revising the first sentence thereof to read as follows:

**§ 139.65 Public protection.**

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport appropriate safeguards against inadvertent entry of persons or large domestic animals onto any air operations area.

5. By amending § 139.105 by revising the introductory paragraph to read as follows:

**§ 139.105 Heliport firefighting and rescue equipment and service.**

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has, and will have, available during helicopter operations, at least the airport firefighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

6. By revising § 139.107 to read as follows:

**§ 139.107 Traffic and wind direction indicators.**

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport a wind direction indicator, installed to provide appropriate wind direction information, and lighted during the conduct of night operations.

7. By revising § 139.109 to read as follows:

**§ 139.109 Public protection.**

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport appropriate safeguards against inadvertent entry of persons into any air operations area.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on February 1, 1977.

JOHN L. McLUCAS,  
Administrator.

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