

editorial changes which have been made in the interest of clarity, and except as specifically discussed herein, these amendments and the reasons therefor are the same as those proposed in the Notice.

With respect to the proposed amendment of § 139.15 concerning the contents of the Airport Operating Certificate, a comment objected to the deletion of the requirement for listing the airport owner on the Airport Operating Certificate. The objection was based on the fact that FAA Form 5010 "Airport Master Record" lists the owner and for the sake of uniformity the name of the owner should also be listed on the operating certificate. The FAA agrees that § 139.15(a) should remain as written, and that the Airport Operating Certificate should continue to show both the name and address of the owner and operator.

Regarding the proposal to amend § 139.45(b)(1) to allow for design and construction differences which previously met FAA airport criteria in effect at the time of construction, a comment asserted that such an amendment would reduce the effectiveness of the rule. The comment viewed the proposal as a wholesale lowering of requirements, and argued that the issuance of exemptions in specific cases could more effectively deal with particular situations.

The proposal in the Notice to delete references to specific dimensions was made by the FAA in recognition of the difficulties attendant to prescribing specific standards to meet the situations found at the many airports which predated Part 139. Those standards have proven to be impracticable and unsuited to broad application. The FAA acknowledges that in particular situations the applicable FAA criteria in effect at the time of construction may not have required the runway safety area to extend a distance of 200 feet beyond the runway end. However, program experience indicates that in many cases compliance with the 200-foot requirement is practically or economically infeasible and as indicated in the preamble to the original issuance of Part 139 (37 FR 12278; June 21, 1972), it was not proposed or intended to require already constructed "landing strips" to be enlarged to conform with more recently adopted concepts of "runway safety areas." The FAA believes that with respect to those runway constructed prior to implementation of current FAA criteria, but constructed in conformance with then current FAA criteria, a runway safety area of adequate dimension is provided for.

With respect to the proposed amendment of § 139.47(a)(4) regarding approach aid lighting, the comments received were favorable and the proposal is being adopted. The listing of specific types of approach aid lighting is being deleted since the FAA does not believe it necessary or practicable to include a complete listing. The statements regarding "properly aimed" and "proper guidance" are deleted as inappropriate to a listing of items, and because these

[Docket No. 12750; Amdt. No. 139-7]

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

Miscellaneous Amendments

The purpose of these amendments to Part 139 of the Federal Aviation Regulations is to make a number of miscellaneous changes or amendments to existing provisions of Part 139.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rulemaking (Notice 73-12) issued on April 17, 1973 (38 FR 9517), and due consideration has been given to all comments received in response to the Notice. To the extent that comments or recommendations received were beyond the scope of the Notice, they are not discussed or treated herein. However, they will be considered as part of FAA's continuing study of airport certification and operations, with a view to future rulemaking. Except for a number of minor

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requirements are considered to be included in the statement of requirements (operable condition) contained in paragraph (a) of § 139.47.

Regarding the proposed amendment of § 139.49 (airport fire fighting and rescue equipment service), the FAA has determined that in the second sentence of § 139.49(a), the words "computed on an annual basis" should be inserted between the words "day" and "served." This amendment is to provide clarification on how to determine average departures to identify an Index for an airport.

To permit Index selection or identification of fire fighting and rescue equipment requirements based on forecast aircraft activity included in the FAA National Airport System Plan, paragraphs (a), (a)(1) and (2) of § 139.49 are being amended to provide for determination of the applicable Index, if the applicant elects, based on departures "served or expected to be served" by the airport.

The applicable Index, described in § 139.49(a), is determined by the longest large aircraft operated by an air carrier user on an average of at least five scheduled departures per day. Where an Index has been established, based on scheduled large aircraft departures, additional unscheduled or small aircraft operations will not increase or affect Index selection.

In the second sentence of § 139.49(a), the word "scheduled" was inadvertently omitted in the notice. Amendment of the paragraph to delete the word was not intended and § 139.49(a) is unchanged in this respect.

Paragraph (b)(1) of § 139.49 is being amended, as proposed, by adding the words "for protein foam production" between the word "water" and "and" in the second sentence to make it clear that the required water is for protein foam production. Additionally, the word "compatible" is being inserted between the words "of" and "dry" to make it clear that the dry chemical required must be compatible with the protein foam to be used.

Paragraphs (b)(2), (3), (4), and (5) of § 139.49 are being amended, as proposed, by inserting the word "protein" between the words "for" and "foam" to clearly identify the basic type of protein foam production required.

A new paragraph (c)(3) is being added to § 139.49 to provide for the use of other extinguishing agents acceptable to the Administrator as substitutions for protein based foam that would provide equivalent fire fighting capability.

For clarification, the words "foam type" are being inserted between the words "each" and "fire" in § 139.49(d) to identify the fire fighting and rescue vehicles that must be capable of the discharge rate specified therein and the requirement has been revised to make it clear that the discharge is applicable to these vehicles only.

The FAA has determined that in the first sentence of § 139.49(d), the words

"less than 1¼ minutes nor" should be deleted. Since the rule was promulgated, fire fighting equipment has been improved. The discharge rates, as provided by the manufacturers, are more efficient and the nozzles are more responsive to the pumping capacities. By deleting the 1¼-minute time restriction, a greater degree of safety will be provided for and airport operators will have more flexibility in meeting the requirements of the rule.

In § 139.49(f), the specification of the color of the flashing beacon is being deleted since certain State laws permit or require other beacon colors for fire fighting vehicles.

Paragraph (g)(2) of § 139.49 is being amended, as proposed, to allow for means to be used other than a firehouse or station to insure vehicle operation and agent discharge under freezing conditions. Additionally, the "35 degrees F." in the proposed amendment was a typographical error and, therefore, the current 33 degrees F. criterion has been retained.

Paragraph (g)(3) of § 139.49 is being amended, as proposed, to allow for alerting fire fighting and rescue personnel by siren, alarm, or other means satisfactory to the Administrator.

A new paragraph (g)(4) is being added to § 139.49 to require that at airports with control towers or equipped with radio communications systems used for ground vehicle traffic management, the applicant have the capability to communicate by radio between each required fire fighting and rescue vehicle and the control tower or other central control point.

With respect to the proposed amendment to § 139.53(b) dealing with a segmented circle with traffic pattern indicator, comments requested clarification of the requirement for a segmented circle in § 139.53(b) when a control tower is not in operation for all air carrier operations. A comment recommended that the section be amended to indicate that traffic pattern indicators would be required only when traffic patterns are nonstandard.

The FAA has concluded in the light of comments received that the wording of § 139.53(b) should be changed to make it clear that a segmented circle around at least one wind direction indicator would be required if the airport has no control tower or if the control tower is not operating during air carrier operations, and that landing strip indicators and traffic pattern indicators, in addition to the segmented circle, would be required only if the airport has a right hand traffic pattern.

Regarding the proposed addition of a new paragraph (d) to § 139.89 which deals with airport fire fighting and rescue equipment and service, the comments received were favorable and the proposal is being adopted, and the airport operator will be required to meet the requirements of the higher Index when traffic increases make that higher Index applicable.

These amendments are made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430) and of 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 October 3, 1974, as follows:

1. By revising paragraph (b) of § 139.45 to read as follows:

§ 139.45 Safety areas.

(b) As used in this section, "safety areas" are the following:

(1) "Runway safety area"—a cleared, drained, and graded area abutting the edges of a usable runway and symmetrically located about the runway (if constructed before February 18, 1970, the central portion of which is the usable runway, which extends beyond each end of the runway), conforming with FAA criteria in effect at the time of construction of the runway.

(2) "Taxiway safety area"—a cleared, drained, and graded area abutting the edges of a taxiway and symmetrically located about the taxiway conforming with FAA criteria in effect at the time of construction of the taxiway.

(3) "Extended runway safety area"—a rectangular area along the extended runway centerline that begins 200 feet from the end of a usable runway and extending outward in conformance with FAA criteria in effect at the time of construction of the runway.

2. By revising paragraph (a)(4) of § 139.47 to read as follows:

§ 139.47 Marking and lighting runways, thresholds, and taxiways.

(a) * * *

(4) Approach aid lighting owned by the applicant.

3. By revising § 139.49 to read as follows:

§ 139.49 Airport fire fighting and rescue equipment and service.

Except to the extent that the Administrator determines under § 139.19 of this Part that it would be contrary to the public interest, 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.

(a) The applicant must show that it has at least the required fire fighting and rescue equipment assigned to the currently applicable Index listed in paragraph (b) of this section or, if the applicant elects, to the Index applicable to its airport under the 5-year forecast of aircraft activity reflected in the current FAA National Airport System Plan. The applicable Index is determined by the longest large aircraft, operated by an air

carrier user, with an average of five or more scheduled departures per day (computed on an annual basis), served or expected to be served by the airport. However—

(1) Where the airport serves or is expected to serve an average of five or more scheduled departures per day of large aircraft by air carrier users, but less than five scheduled departures of any one Index large aircraft, the required fire fighting and rescue equipment is that assigned to the next Index below that applicable to the longest aircraft operated by the air carrier users served by the airport; or

(2) Where the airport serves or is expected to serve an average of less than five scheduled departures per day of large aircraft by air carrier users, the required fire fighting and rescue equipment is that assigned to Index A aircraft.

(b) The following are the Indexes referred to in paragraph (a) of this section:

(1) *Index A: aircraft not more than 90 feet long.* One lightweight vehicle providing at least either 500 pounds of dry chemical extinguishing agents, or 450 pounds of dry chemical and 50 gallons of water for aqueous film forming foam (AFFF) production. However, when at the time of application the applicant shows that it serves or is expected to serve Index B turbine engine powered aircraft under conditions described in paragraph (a) (1) or (2) of this section, a lightweight vehicle providing at least 500 gallons of water for protein foam production and 300 pounds of compatible dry chemicals is required for Index A.

(2) *Index B: aircraft more than 90 and not more than 126 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and one additional self-propelled fire extinguishing vehicle. The total quantity of water for protein foam production required for this Index is 1,500 gallons.

(3) *Index C: aircraft more than 126 and not more than 160 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for protein foam production required for this Index is 3,000 gallons.

(4) *Index D: aircraft more than 160 and not more than 200 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for protein foam production required for this Index is 4,000 gallons.

(5) *Index E: aircraft more than 200 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for protein foam

production required for this Index is 6,000 gallons.

(c) The quantity of water specified for each Index does not include any foam concentrate. One of the following substitutions for protein foam may be made:

(1) Aqueous film forming foam (AFFF) may be substituted for protein based foam and the quantity of water reduced by 30 percent from that specified.

(2) Dry chemicals in the ratio of 2.8 pounds per gallon of water may be substituted for up to 30 percent of the water specified for protein based foam.

(3) Other extinguishing agents acceptable to the Administrator that would provide an equivalent fire fighting capability.

(d) Each foam type fire fighting and rescue vehicle carrying less than 4,000 gallons of water and used under Indexes B through E must be capable of discharging one complete tank capacity with appropriate foam concentrate in not more than 2¼ minutes with all orifices open. Each vehicle carrying 4,000 or more gallons of water must be capable of discharging at a minimum rate of at least 1,800 gallons per minute.

(e) The applicant must show by a demonstration run that—

(1) At least one fire fighting and rescue vehicle required by the applicable Index can reach the midpoint of the farthest runway serving air carrier users from its assigned post within 3 minutes from the time of alarm to the time of initial agent application;

(2) At least one other fire fighting and rescue vehicle required by the applicable Index can reach the midpoint of the farthest runway serving air carrier users from its assigned post within 4 minutes from the time of alarm to the time of initial agent application; and

(3) All other fire fighting and rescue vehicles required by the applicable Index can reach the midpoint of the farthest runway serving air carrier users from their assigned posts 4½ minutes from the time of alarm to the time of initial agent application.

(f) The applicant must show that each item of required fire fighting and rescue equipment has a flashing beacon and is marked to insure rapid and positive identification. The color of each vehicle must insure contrast with the background environment for easy identification.

(g) The applicant must show that it has the capability to—

(1) Operate and maintain all required fire fighting and rescue equipment owned by it in operable condition;

(2) Provide cover or other means to insure vehicle operation and discharge under freezing conditions for all required fire fighting and rescue equipment owned by it, if the airport is located in a geographical area subject to prolonged temperatures below 33 degrees F.;

(3) Alert fire fighting and rescue personnel by siren, alarm, or other means satisfactory to the Administrator, to any existing or impending emergency that requires or might require their assistance; and

(4) Communicate by radio between each fire fighting and rescue vehicle required by Indexes A through E and the control tower or other central control point, at airports with control towers or equipped with radio communications systems used for ground vehicle traffic management.

(h) The applicant must show that it has available appropriately clothed and sufficiently qualified fire fighting and rescue personnel to insure at least 85 percent of the required maximum agent discharge rate of fire fighting equipment.

(i) The applicant must show that the fire fighting and rescue personnel are familiar with the operation of the fire fighting and rescue equipment and understand the basic principles of fire fighting and rescue techniques.

4. By revising paragraph (b) of § 139.53 to read as follows:

§ 139.53 Traffic and wind direction indicators.

(b) A segmented circle around at least one wind direction indicator, and a landing strip and traffic pattern indicator for each right hand traffic pattern, if the airport has no control tower or if the control tower is not operating during air carrier operations.

5. By amending § 139.89 by adding a new paragraph (d) to read as follows:

§ 139.89 Airport fire fighting and rescue equipment and service.

(d) When scheduled air carrier service at an airport is increased either by volume or length of aircraft to the extent that a higher fire fighting and rescue equipment Index applies, the operator shall comply with the appropriate Index requirements.

Issued in Washington, D.C., on August 23, 1974.

JAMES E. DOW,
Acting Administrator.

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