

of the commentators expressed general agreement with the objectives of the proposal. On the other hand, many expressed opposition or suggested revisions.

The FAA has reviewed, at random, a number of airport emergency plans and has found that many do not provide for medical assistance, transportation, and crowd control. Since it is believed that a detailed plan for providing medical and other assistance is essential for safety, this amendment adopts most of the provisions set forth in Notice No. 76-6. However, in light of comments received, several changes of a clarifying, relaxatory, or substantive nature have been made.

Under proposed § 139.55(b)(2), each applicant for an airport operating certificate would have had to plan for transportation and medical services for the maximum number of persons that could be carried on board the largest air carrier aircraft served or expected to be served by its airport. On further consideration, the FAA concludes that some applicants or operators would be unable to comply with this standard since the communities they serve cannot provide the medical assistance and transportation that would be necessary to achieve compliance.

Since it is intended to achieve compliance through community participation rather than through the purchase of additional vehicles and services, this provision has been revised. Under § 139.55(b)(2) of this amendment, the applicant must show, if practicable, that its plan provides for transportation and medical assistance for the number of persons specified in proposed § 139.55(b)(2). Under this standard, it must make a reasonable effort to obtain assistance for that number of persons from appropriate facilities, agencies, and personnel located on its airport and within the communities served by its airport. If this effort fails, the applicant has to provide, in its plan, for transportation and medical assistance to the extent that it is available on the airport and in those communities. It does not have to purchase additional vehicles or services or go beyond the communities in search of assistance.

With regard to that portion of the proposal dealing with agreements between an airport operator and appropriate facilities, agencies, and personnel, the FAA wishes to point out that the term "agreement" was defined in the notice as an "understanding", not a formal, written contract. The FAA recognizes that certain facilities, agencies, and personnel may not desire to obligate themselves, or may be unable to obligate themselves, to assist in the event of an emergency. However, to eliminate any misunderstanding, the word "agreement" is not used in the amendment.

Several commentators observed that Notice 76-6, rather than proposing a requirement that applicants exercise emergency plans periodically to determine their effectiveness, merely recommends such action. These commentators

feel that periodic exercise of the plan is important and should be required. While this practice is desirable, to require periodic exercise of the plans would impose an undue economic burden on certain airport operators, and for that reason such a requirement is not considered appropriate at this time.

Other commentators objected to the preparation of detailed plans citing the effort and expense involved or the existence of community plans that incorporate their airports. In this connection, the FAA wishes to point out that the practice of incorporating appropriate portions of community emergency plans into airport plans is considered acceptable. On the other hand, certain communities do not have emergency plans, and, therefore, airport operators serving those communities will have to develop their own plans. The FAA believes that the preparation of a detailed plan, where necessary, and its periodic review, do not impose an undue burden, especially since most facilities, agencies, and personnel providing needed assistance operate from fixed locations within the community.

Several comments dealt with matters considered beyond the scope of Notice No. 76-6. These are being retained and will be given due consideration, where appropriate, in the event of future rule-making actions.

In addition, several editorial changes have been made for purposes of clarity. The most significant of these involves the elimination of the phrase "in the vicinity of the airport", used in proposed § 139.55(b)(2)(i)-(iv), and use in lieu thereof of the phrase "in the communities served by the airport."

Finally, it should be noted that a person operating an airport, for which an airport operating certificate has been issued, must operate, maintain, and provide facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of the airport operating certificate for that airport. This provision, set forth in §§ 139.81(a) and 139.121(a), requires the current holder of an airport operating certificate to comply with new standards, such as those set forth in this Amendment.

(Secs. 313, 610 and 612, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1430 and 1432) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, § 139.55 of the Federal Aviation Regulations is amended, effective April 18, 1977, by revising paragraphs (b)(2), (b)(3), and (c), and by adding a new paragraph (e), to read as follows:

§ 139.55 Emergency plan.

(b) * * *

(2) Medical services. In addition, after October 18, 1977, the applicant must show that its plan provides, to the extent practicable, for transportation and medical assistance for the maximum number of persons that can be carried on board the largest air carrier aircraft that its airport reasonably can be expected to

[Docket No. 15530; Amdt. No. 139-11]

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

Emergency Plans

The purpose of this amendment to § 139.55 of the Federal Aviation Regulations is to require an applicant for (and holder of) an airport operating certificate to plan for medical and other assistance that may be needed in the event of an aircraft accident on its airport.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (Notice No. 76-6) issued on March 25, 1976, and published in the FEDERAL REGISTER on April 1, 1976 (41 FR 13953). Due consideration has been given to all comments received in response to the notice.

Comments on the notice were received from 85 private organizations and individuals and eight Federal agencies. Some

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serve. The applicant must list in its plan the following:

(i) The name, location, and emergency capability of each hospital and other medical facility, and the business address of medical personnel, on the airport and in the communities it serves, that will provide medical assistance or transportation, or both.

(ii) The name and location of each rescue squad, ambulance service, and military installation, on the airport or in the communities it serves, that will provide medical assistance, or transportation, or both.

(iii) Surface vehicles or aircraft, or both, that the facilities, agencies, and personnel included in its plan under items (i) and (ii) of this subdivision will provide to transport injured and deceased passengers and crewmembers to locations on the airport, and in the communities it serves, where medical and other assistance is provided.

(iv) 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.

(3) Crowd control. In addition, after October 18, 1977, the applicant must specify the name and location of each safety or security agency that will provide assistance for the control of crowds in the event of an aircraft accident on its airport.

* * * * *

(c) The applicant must show before applying that it has coordinated its emergency plan with law enforcement, firefighting and rescue agencies, medical resources, the principal tenants at the airport, and other interested persons. In addition, after October 18, 1977, the applicant must show that all facilities, agencies, and personnel specified in this paragraph have participated in the development of the plan and have indicated that they will participate, to the extent practicable, in the implementation of the plan during an emergency.

* * * * *

(e) After October 18, 1977, the applicant must show that it has a plan for notifying the facilities, agencies, and personnel, specified in paragraph (c) of this section, of the location of an aircraft accident on the airport and the number of persons involved in that accident, immediately after receiving that information.

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

Issued in Washington, D.C., on March 10, 1977.

JOHN L. McLUCAS,
Administrator.