

139-74 15

federal register

Tuesday
October 18, 1988

Part III

Department of
Transportation

Federal Aviation Administration

14 CFR Part 139

Airport Certification; Extension of Certain
Compliance Dates; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

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

RIN (2120-AA-10)

Airport Certification; Extension of Certain Compliance Dates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; extension of compliance dates.

SUMMARY: This amendment extends the compliance date for certain new requirements applicable to airports certificated under 14 CFR Part 139. In the November 18, 1987, issue of the *Federal Register* (52 FR 44276), the FAA published a final rule revising and reorganizing 14 CFR Part 139. The final rule was effective on January 1, 1988. Subsequent to the issuance of the final rule, numerous airports have petitioned the FAA for exemption from various requirements of the rule. Three new requirements have generated the overwhelming percentage of the petitions. The petitions for exemption have requested additional time to permit the airports an opportunity to come into compliance. The FAA has concluded that the exemption process is an unnecessarily burdensome and inefficient approach for providing an adequate transition period. This document serves to address the problem by amending the final rule published November 18, 1987, to extend the compliance dates for these three requirements to permit airports an opportunity to come into compliance without the need for obtaining an exemption.

EFFECTIVE DATE: October 18, 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: On November 18, 1987, the FAA published a final rule revising and reorganizing 14 CFR Part 139. The final rule resulted in numerous changes in the requirements applicable to certificated airports. Subsequent to the issuance of the final rule, the FAA has received in excess of 800 petitions for exemption. The majority of petitions involve runway marking and lighting (14 CFR 139.311), training of personnel in emergency medical care (14 CFR 139.319(j)(4)), or

training of fueling personnel in fire safety (14 CFR 139.321(b)(6)).

With respect to the marking and lighting provision, the FAA recognizes that immediate compliance with the new requirements by all airports is not possible. Indeed, the preamble in the notice of proposed rulemaking (NPRM) stated that the "FAA would work with airports whose lighting and marking systems do not comply with current standards to bring them into compliance over a 4 to 5-year period." 50 FR 43097. However, at the NPRM stage the FAA believed that "the vast majority of affected airports have these lighting and marking systems." 50 FR 43097. It was envisioned that those airports not in compliance would be granted exemptions pending completion of the needed airport improvements over the next several years.

It is now clear that a significant number of airports do not meet the marking and lighting requirements in at least some fashion, thus making the exemption approach to noncompliance burdensome and inefficient for both airports and the FAA. Indeed, given the large number of airports requiring exemptions, general rulemaking is a far more appropriate administrative approach. The extension of the compliance date will permit airports to come into compliance within the time period identified in the NPRM and without the burden of the exemption process. The amended rule makes clear, however, that marking and lighting systems that are on the airport must be maintained.

Similarly, the limited extension in the compliance date for the two training requirements is designed to better transition from the previous rule requirements to those of the current rule. While there is already substantial compliance with the training provisions, scheduling and completing the training for the remaining individuals will take several more months. Neither the FAA nor the commenters to the NPRM fully appreciated the logistical implications of these otherwise straightforward requirements.

Notice and Public Procedure

Since this final rule merely extends the compliance date for three provisions of a regulation recently issued after an extended rulemaking process, addresses issues fully explored in the process, and imposes no additional burdens on any person, the FAA has determined that notice and public procedure are not necessary. Furthermore, since this final rule involves a situation requiring immediate action to relieve the burden on airports to petition for exemptions,

notice and public procedure are impractical. This rule is effective in less than 30 days to reduce the burden that would otherwise be imposed on airports and to ensure adherence to the exemption process.

Trade Impact Statement

This final rule affects only domestic airports subject to Part 139 of the Federal aviation regulations. Accordingly, this rule has no impact on trade opportunities for U.S. firms doing business in the United States.

Federalism Implications

The regulations adopted herein do not have substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of Government. Thus, in accordance with Executive Order 12812, preparation of a Federalism Assessment is not warranted.

Conclusion

The FAA has determined this final rule will not impose any costs on airport operators. The FAA has not quantified any specific economic benefits from the final rule, although it is expected that the rule will save airport operators some time and expense by eliminating the need to petition for exemptions. For this reason, it has been determined that the expected economic impact of the amendment is so minimal that a full Regulatory Evaluation is not warranted. Therefore, the FAA has determined that this final rule involves a regulation which is not major under Executive Order 12291. The FAA has determined also that this final rule is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that this final rule would not have a significant economic impact, positive or negative, on a substantial number of small entities.

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

In consideration of the foregoing, 14 CFR Part 139 is amended as follows:

PART 139—[AMENDED]

1. The authority citation for Part 139 continues to read as follows:

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

§ 139.311 [Amended]

2. In § 139.311, paragraph (f) is added to read as follows:

* * * * *

(f) Notwithstanding paragraphs (a) and (b) of this section, a certificate holder is not required to provide the identified marking systems or lighting systems until January 1, 1991. Each certificate holder shall maintain each marking system and lighting system that

meets paragraphs (a) and (b) of this section.

§ 139.319 [Amended]

3. In § 139.319, the first sentence of paragraph (j)(4) is revised to read as follows:

* * * * *

(j) * * *

(4) After January 1, 1989, at least one of the required personnel on duty during air carrier operations has been trained and is current in basic emergency medical care. * * *

§ 139.321 [Amended]

4. In § 139.321, paragraph (b)(6) is revised to read as follows:

* * * * *

(b) * * *

(6) After January 1, 1989, training of fueling personnel in fire safety in accordance with paragraph (e) of this section.

Issued in Washington, DC on October 12, 1988.

T. Allan McArtor,
Administrator.

[FR Doc. 88-23951 Filed 10-17-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 139

[Docket No. 24812; Amdt. 139-15]

**Airport Certification; Extension of
Certain Compliance Dates; Correction**

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Final rule; extension of
compliance dates; correction.

SUMMARY: FAA is correcting errors in
Amendment Number 139-14, "Airport
Certification; Extension of Certain
Compliance Dates." In FR Doc. 88-23951,
published Tuesday, October 18, 1988, on
page 40842, please correct the
amendment number "139-14 to read
"139-15."

FOR FURTHER INFORMATION CONTACT:
Mr. Jose Roman, Jr., Safety and
Compliance Division (AAS-300), Office
of Airport Standards, telephone (202)
267-8724.

Michael D. Triplett,
Docket Section, Program Management Staff,
AGC-10.

[FR Doc. 88-25518 Filed 11-3-88; 8:45 am]

BILLING CODE 4910-13-M