

Exit taxiway lighting is no longer required as part of the in-runway lighting system, therefore the basis for 75 percent participation no longer exists. The reason exit taxiway lighting is no longer required is that the benefit originally anticipated was not achieved—that is, as stated in the notice, it is no longer regarded as necessary to Category II operations.

FAA now considers exit taxiway lighting to be a part of the taxiway centerline lighting system, eligible for 50 percent Federal participation. These amendments therefore delete the item from the parenthetical expressions defining "in-runway lighting" in §§ 151.43 (d) (2) and 151.87(e), and in item 2 under the heading "Typical Eligible Items" in Appendix F to Part 151, and it is considered to be taxiway lighting under § 151.87(f) and item 3 under that heading of Appendix F.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

These amendments also change § 151.65(c) to substitute references to 5 U.S.C. 554, 556, and 557 for the prior references to sections of the Administrative Procedure Act that have been repealed and superseded. Notice and public procedure thereon are unnecessary since in this respect these amendments merely reflect changes of law.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective September 26, 1969, as follows:

1. By amending paragraph (d) (2) of § 151.43 to read as follows:

§ 151.43 U.S. share of project costs.

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(d) * * * (2) The costs of installing in-runway lighting (touchdown zone lighting system, and centerline lighting system).

* * * * * 2. By amending paragraph (e) of § 151.87 to read as follows:

§ 151.87 Lighting and electrical work.

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(e) In-runway lighting (touchdown zone lighting system, and centerline lighting system) is eligible on the designated instrument landing runway.

* * * * * 3. By amending item 2 under the heading "Typical Eligible Items" in Appendix F to Part 151 to read as follows:

APPENDIX F

TYPICAL ELIGIBLE ITEMS

* * * * * 2. In-runway lighting (touchdown zone lighting system, and centerline lighting system).

4. By amending the third sentence in paragraph (c) of § 151.65 to read as follows:

§ 151.65 Memoranda and hearings.

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(c) * * * They are not hearings for the purposes of 5 U.S.C. §§ 554, 556, and 557, and do not terminate in an adjudication as defined in that Act.

* * * * * (Secs. 1-15 and 17-21, Federal Airport Act, 49 U.S.C. 1191-1114, 1116-1120, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1855(c), § 1.4(b) (1), Reg. Office of the Secretary of Transportation)

Issued in Washington, D.C., on August 20, 1969.

D. D. THOMAS, Acting Administrator.

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[Docket No. 9257; Amdt. 151-85]

PART 151—FEDERAL AID TO AIRPORTS

U.S. Share of Project Costs; In-Runway Lighting Systems

The purpose of these amendments to Part 151 of the Federal Aviation Regulations is to (1) delete exit taxiway lighting systems, in § 151.43(d) (2), as part of in-runway lighting that is eligible for 75 percent Federal participation under the Federal-Aid Airport Program; and (2) substitute references to 5 U.S.C., 554, 556, and 557 in § 151.65(c) for prior references to sections of the Administrative Procedure Act, that has been repealed and superseded.

Deletion of the exit taxiway lighting systems as part of in-runway lighting was proposed in Notice 68-31 and published in the FEDERAL REGISTER on November 22, 1968 (33 F.R. 17315). The two public comments received on the notice objected to the proposal because they considered exit taxiway lighting systems, as a useful tool and essential for safe and efficient operations during adverse weather, to be properly eligible for Federal funds on the same basis as is in-runway centerline lighting.

Basically, the reason for 75 percent Federal participation is because the sponsor is required to include the installation of in-runway lighting in its next FAAP project when the FAA determines it is needed for the safe and efficient use of the airport by aircraft.