[Docket No. 6966; Amdt. 171-2]

PART 171—NON-FEDERAL NAVIGATION FACILITIES

Scope of Applicability of the Regulation of Non-Federal Navigation Facilities

On October 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13169) stating that the Federal Aviation Agency proposed to broaden the applicability of Part 171.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The purpose of this amendment is to broaden the applicability of Part 171 to include all non-Federal navigation facilities for which IFR procedures are requested or established.

Under the present rule, the term "public use facility" is generally interpreted as meaning those facilities which are available to the public and have standard instrument approach procedures contained in the Federal Aviation Regulations, Part 97. The Agency believes that its responsibility to the general public goes beyond the present limited scope of Part 171. By expanding the applicability of Part 171, the new rule sets forth one standard for all non-Federal facilities that are to be used for IFR operations. This rule establishes standards that assure reliability and thereby provides for safer operations at all of these facilities. The Agency believes this amendment to be of special importance since these non-Federal facilities may be used for the transportation of passengers for hire.

Comments received on the notice of proposed rule making (30 F.R. 13169) raised three issues with respect to this amendment. One comment stated that it will be overly burdensome on maintenance personnel to accompany the FAA inspector on each inspection trip, especially where an operator may own several facilities. The Agency does not, however, feel that it should conduct these inspections on the private property of the facility owner without the owner being represented in some way. The rule has been relaxed so that any representative of the owner will be acceptable after the initial inspection.

Secondly, it was suggested that the rule be written so that maintenance personnel maintaining several similar or identical facilities need not repetitiously their "proficiency in maintenance procedures and the use of specialized test equipment." The Agency does not intend that there be any needless repetitious demonstrations of maintenance proficiency. In light of this comment, the amendment has been clarified.

The third comment questions the need for a maintenance manual at each facility. It appears, however, that if only one manual is available for several facilities, the information necessary to the efficient operation, maintenance, and inspection of the facility would not be immediately available. The Agency, accordingly, will not delete the requirement that a maintenance manual be kept at each facility.

In consideration of the foregoing, effective May 30, 1966, Part 171 is amended as follows:

1. Sections 171.1, 171.21, and 171.41 are amended by striking out the words "public use."

2. Sections 171.11(b)(13), 171.31(b)(13), and 171.51(b)(13) are amended by adding the words "(Private use facilities may omit the 'Notices to Airmen')" before the period at the end thereof.

3. The second sentence of §§ 171.11(a), 171.31(a), and 171.51(a) is amended to read as follows: "Each person who maintains a facility must meet at least the Federal Communications Commission's licensing requirements and show that he has the special knowledge and skills needed to maintain the facility including proficiency in maintenance procedures and the use of specialized test equipment."

4. Sections 171.11(e), 171.31(d), and 171.51(e) are amended to read as follows:

"The owner's maintenance personnel must participate in initial inspections made by the FAA. In the case of subsequent inspections, the owner or his representative shall participate."

(Secs. 305, 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958, 49 U.S.C. 1346, 1348, 1354(a), 1421 and 1426)

Issued in Washington, D.C., on March 31, 1966.

WILLIAM F. MCKEE,
Administrator.

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