

## Title 14—AERONAUTICS AND SPACE

### Chapter 1—Federal Aviation Administration, Department of Transportation

[Docket No. 12236, Amdt. 11-12]

#### PART 11—GENERAL RULE MAKING PROCEDURES

##### Grant or Denial of Exemptions From Airport; Certification and Operation

The purpose of these amendments to Part 11 of the Federal Aviation Regulations is to (1) state the general course and method by which action is taken on petitions for exemption from provisions of Part 139—Certification and Operations: Land Airports Serving CAB—Certificated Scheduled Air Carriers Operating Large Aircraft (Other Than Helicopters), including petitions filed under § 139.19 for exemptions from safety equipment requirements, on which Regional Directors already are authorized to act; and (2) provide for public dockets in the offices of Regional Counsel relating to rule making actions taken by Regional Directors on all petitions for exemption filed under Part 139.

Section 139.19 specifically provides for petitions for exemption from the safety equipment requirements of §§ 139.49 *Airport firefighting and rescue equipment and service*, 139.53 *Traffic and wind direction indicators*, and 139.65 *Public protection*, on the grounds that compliance would be contrary to the public interest. This provision was responsive to the 1971 amendment to section 612(b) of the Federal Aviation Act of 1958 (Public Law 92-174, approved November 27, 1971) that specifically provides that the terms, conditions, and limitations on each airport operating certificate that are "reasonably necessary to assure safety in air transportation" shall include those relating to adequate safety equipment "unless the Administrator determines that it would be contrary to the public interest." While petitions under that section are to be submitted and processed under Part 11, they are to be filed with FAA airport field offices. It has been provided that thereupon they are to be either granted or denied by the appropriate Regional Director, in view of the fact that the cer-

tification function itself is to be performed in the field. As stated in the preamble to Part 139, relief by exemption may be applied for under Part 11 at any time in situations other than those covered by § 139.19. In the absence of these amendments, petitions other than § 139.19 petitions would be processed by the Director, Airports Service, at the FAA Headquarters in Washington, D.C.

Upon further consideration, it has been determined that it is desirable to have all exemption petitions under Part 139 processed at one location and thus avoid an illogical diversity of authority as to the exemptions filed under that part. Accordingly, it is considered appropriate to have the Regional Directors grant or deny all exemptions under Part 139. It is anticipated that, comparatively, the workload on exemptions filed under Part 139 other than under § 139.19 will be fairly light. As a consequence of these amendments, therefore, all petitions for exemption filed under Part 139 will be referred to Regional Directors for action. These amendments also provide specifically for the establishment of public dockets on these actions in the offices of Regional Counsel.

Since these amendments are procedural in nature and do not impose a burden upon any person, notice and public procedure thereon is not required, and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 11 of the Federal Aviation Regulations is amended, effective September 20, 1972, as follows:

1. By inserting the following sentence after the second sentence in § 11.11 to read as follows:

##### § 11.11 Docket.

\* \* \* A public docket relating to rule making actions taken by each Regional Director on petitions for exemption filed under Part 139 of this chapter is maintained in the office of the Regional Counsel for that region.

2. By amending paragraph (b) (2) of § 11.25 to read as follows:

##### § 11.25 Petitions for rule making or exemptions.

(b) \* \* \*

(2) Be submitted in duplicate—

(i) To the appropriate FAA airport field office in whose area the petitioner proposes to establish or has established its airport, in the case of any petition for exemption filed under Part 139 of this chapter; and

(ii) To the Federal Aviation Administration, Washington, D.C. 20591, in all other cases;

3. By amending the last sentence in paragraph (a) of § 11.41 to read as follows:

##### § 11.41 Scope.

(a) \* \* \* For the purposes of this subpart, the words "Office or Service" include the Aeronautical Center and the

National Aviation Facilities Experimental Center, and include Regional Directors with respect to petitions for exemption filed under Part 139 of this chapter.

4. By inserting a new paragraph (c) at the end of § 11.53 to read as follows:

##### § 11.53 Grant or denial of exemption.

(c) For the purposes of this section, the words "General Counsel" include Regional Counsel as to petitions for exemption filed under Part 139 of this chapter.

(Secs. 303(d), 313(a), 1001, Federal Aviation Act of 1958; 49 U.S.C. 1344(d), 1354(a), 1481; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); sec. 1.47(a) of the regulations, Office of the Secretary of Transportation; 49 CFR 1.47(a))

Issued in Washington, D.C., on September 12, 1972.

J. H. SHAFFER,  
Administrator.

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