

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Public Notice of Availability of a Finding of No Significant Impact (FONSI)/Record of Decision (ROD) on a Final Environmental Assessment (FEA) for the Proposed Federal Action at Toledo Express Airport, Swanton, OH**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: The FAA is issuing this notice to advise the public of the availability of the FONSI/ROD on an FEA for a proposed Federal action at Toledo Express Airport, Swanton, Ohio. The FONSI/ROD states that the proposed project is consistent with the National Environmental Policy Act of 1969 and will not significantly affect the quality of the environment. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required.

The FEA evaluated Toledo Express Airport's proposal to implement measure LU-13, the purchase of Swanton Township School, of the amended Final Part 150 Noise Compatibility Program and approval of federal funds through the Airport Improvement Program to purchase the Swanton Township School located at 12035 Airport Highway (State Route 2) in Swanton Township, Lucas County, Ohio.

The FEA and the FONSI/ROD are available for review during normal business hours at the following locations: Toledo-Lucas County Port Authority, Toledo Express Airport, 11013 Airport Highway, Swanton, OH 43558; and FAA Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, MI 48174.

Due to current security requirements, arrangements must be made with the point of contact prior to visiting these offices.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Mulcaster, FAA Great Lakes Region, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, MI 48174 (734) 229-2915.

Issued in Detroit, Michigan, August 24, 2004.

Irene Porter,

Manager, Detroit Airport District Office, FAA, Great Lakes Region.

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BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

[Summary Notice No. PE-2004-76]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 12, 2004.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA-200X-XXXXX] by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Tim Adams (202) 267-8033, Sandy Buchanan-Sumter (202) 267-7271, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on September 15, 2004.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA-2004-18676.

Petitioner: Quest Diagnostics, Inc.

Section of 14 CFR Affected: 14 CFR 91.207(d)(4).

Description of Relief Sought: To allow Quest Diagnostics, Inc. to operate certain aircraft without testing the emergency locator transmitter for the presence of a sufficient signal radiated from its antenna.

[FR Doc. 04-21240 Filed 9-21-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Aviation Rulemaking Advisory Committee Meeting**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee to discuss airport issues.

DATES: The meeting will be held on October 6, 2004, 9:30 a.m. EDT.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591, Room 9ABC.

FOR FURTHER INFORMATION CONTACT: Caren Waddell, Office of Rulemaking, ARM-200, FAA, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8199, e-mail caren.waddell@faa.gov.

SUPPLEMENTARY INFORMATION: The referenced meeting is announced pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II).

The agenda will include:

- ARFF Requirements Working Group Status Report.
- Discussion/approval of ARFF Requirements Working Group draft recommendation to ARAC.
- Other business.

AVIATION RULEMAKING ADVISORY COMMITTEE (ARAC)
Airport Certification Issues Group
Meeting Minutes

DATE: October 6, 2004
TIME: 9:30 a.m.
PLACE: Federal Aviation Administration Headquarters
Conference Room 9ABC
Washington, DC

Call to Order

Mr. Ian Redhead, the Assistant Chair, called the meeting to order at 9:38 a.m. The attendees introduced themselves and signed the attendance sheet (Attachment 1 - [PDF](#)).

Mr. Redhead clarified the purpose of the meeting was to discuss the Aircraft Rescue and Firefighting (ARFF) Working Group Draft Recommendation to ARAC.

Mr. Redhead also clarified that official representatives should be seated at the table.

Mr. Redhead noted that no official questions were submitted prior to the meeting. Therefore, no questions were submitted to the working group chairs.

Administrative Guidance

Mr. Ben Castellano, Assistant Executive Director, read instructions governing the conduct of the meeting, and the agenda (Attachment 2 - [WORD](#)) was distributed.

Mr. Tom Phillips noted that he would be the spokesperson for the Airline Pilots Association. He requested that his colleague Pierre Huggins be allowed to sit at the table. Mr. Redhead noted that he would be allowed only one vote. There were no objections.

Presentation Guidelines

Mr. Redhead asked Mr. Jack Kreckie and Mr. Armen DerHohannesian to present each segment of the ARFF Draft Recommendation. Discussion of that segment would then be allowed.

Mr. Redhead thanked Mr. Kreckie, Mr. DerHohannesian, and the ARFF Working Group for their work.

The Tasking

Mr. Kreckie presented the tasking as it appeared in the Federal Register on March 22, 2001. This tasking was to review 14 CFR Part 139, subpart D. They were asked to specifically address the following ARFF issues:

- Number of trucks and amount of agent
- Vehicle response times
- Personnel requirements
- Airport ARFF Index

He also distributed copies of the bibliography the Working Group had prepared.

Working Group Members

Mr. Kreckie described the process for selecting the Working Group members. Twenty-seven people submitted letters of interest in serving on the Working Group. Mr. Kreckie and Mr. DerHohannesian selected the Working Group members based on the letters of interest. They balanced the Working Group by selecting representatives from airports of different sizes, from fire fighting backgrounds, trade associations, from pilot unions, and other interested parties. They ensured that the group was balanced as to representation.

Mr. Kreckie noted the dedicated effort Working Group members put into preparing the draft NPRM. He then named all the Working Group members and their credentials.

Mission Statement

Mr. DerHohannesian presented the Working Group's Mission Statement. He described the Work Plan that was submitted and approved in April 2002.

Historic Perspective

Mr. DerHohannesian noted that the original Part 139 was published in 1972 and revised in 1988. Parts of subpart D are 31 years old. He noted the technological changes in aviation during that time. The Working Group suggests that if subpart D had undergone revisions during the last 31 years, the changes presented in this draft NPRM might not seem so drastic.

Assigning the issues to groups

The group, comprised of 16 members, had four issues to address. They set up four task groups to address the issues. They wrapped Response Location into the task of reviewing 139.319. This issue, though not part of the original tasking, had to be included for decisions to make sense.

Meeting schedule

Mr. Kreckie noted the meeting schedule. There were 12 face-to-face meetings over the 2-3 years. Details were also worked out with conference calls. A meeting would last one and a half to two days.

The organizations from which Working Group members came sponsored the various meetings.

They found early in the process that there was information some members took for granted that others knew little about. They set up Interactive Research Sessions so that all members could feel qualified to do the task. All members participated in sessions where they donned protective clothing and breathing apparatus and crawled through a smoke filled aircraft and exited it over the wing. Then they went into a fire training building to experience a fire. They fought interior aircraft fires and fought jet fuel fires. They gained respect for each other on the team.

Other team members detailed the finances of airport operations. Mr. John Goglia provided the perspective of the National Transportation Safety Board to the Working Group.

The group invited speakers on the various issues to address their meetings so that they could gain information need on each of the issues.

Deliverables

Mr. DerHohannesian presented the list of deliverables prepared by the Working Group. They include:

- Work plan
- Final report of 117 pages - [WORD](#)

Meeting minutes and teleconference minutes
Related recommendations outside the context on Part 139
Draft Advisory Circular on staffing analysis
Bibliography of 4½ pages

The Final Report was submitted on 02/14/2004. The Issues Group is now to review that document. If approved, the document will go to the full ARAC group for action.

Preamble makes up 68% of the document and provides the background for the decisions that were made.

Presenting the issues

Section 139.303-Personnel

Mr. Kreckie noted that the items for presentation today would be the four main issues. Section 139.303-Personnel is the first. This section would now also include Training.

Mr. Kreckie noted that when the group could not come to full consensus on an issue, it would put the majority position in the regulatory language as option 1. Option 2 would be the minority position. The preamble would detail the rationale for each position.

Mr. Kreckie drew attention to the staffing task analysis methodology in the final report. All members agreed that this is a good method to determine staffing. Part of group felt that minimum staffing numbers should be set in addition to the staffing task analysis. The others in the group felt that the staffing task analysis was sufficient by itself.

Mr. Redhead asked for clarification on what the group agreed to.

Mr. Kreckie noted that all members agreed that staffing task analysis is a good method to determine staffing. They also agreed that a proposed Advisory Circular provided good guidance for the staffing task analysis.

Mr. Redhead asked to clarify that the minimum standard under option 1 would not change, regardless of the results of the staffing task analysis. Mr. Kreckie stated that the minimum standard would not go down based on staffing analysis. The minimum could only change through applications to the FAA for waivers and exemptions.

Training moved into Section 139.303 because it seemed more appropriate there.

Discussion on Section 139.303

Cost data

Mr. Redhead asked for questions.

Mr. Lotterer stated he had quite a few questions. He didn't see any cost data included in the report. Rulemaking requires that FAA make a reasoned determination that benefits exceed costs. It is difficult for him to make a decision without the cost data.

Mr. Kreckie stated that the Working Group was supposed to have an FAA economist and attorney to work with them. It was difficult to have that expertise and to keep it. It was a year and a half into the process when they had the first visit from an economist. He wasn't assigned to the group, but was told to attend the meeting. They put together their recommendations to move the process forward. The group fully understands that any rulemaking requires a full economic analysis. It will also have to go through a comment period from the public. During the NPRM process, the economist would have 60 days to do a full analysis. There are a number of

rules the economist has to consider.

Mr. Lotterer stated that a lot of the costs are known to industry. If the group had concerned itself more with costs, it would have reached more consensus. The group could have provided recommendations that were more cost effective.

Mr. Kreckie stated that the group attempted to do just that. They asked how many airports might have to purchase another truck, for example. How can they get that information? They asked the FAA if they could find out how many airports have a certain number of trucks. FAA could not provide that information. People only put the number of trucks in their emergency plan that they are required to have. They don't want to say they have a training truck, because if it breaks down, they drop below their minimum in their plan. Without the data, it's hard to generate costs and predictions.

Mr. Lotterer stated it was unfortunate the FAA could not provide this data and support. He cited an example where data had not been available, but the FAA obtained data. The group he had worked with was then able to make some good estimates. With this report, decisions are difficult. Does the equipment out there now meet these new requirements? And what do you have to do to be recertified? The Working Group could have recommended grandfathering a certain activity that would minimize the impact on costs. Well-equipped existing airports would then not have to be recertified for the new rules.

Mr. Kreckie stated that each airport would have to present its case for consideration of its circumstances in meeting new rules. The process allows for that. The Working Group's task was to generate recommendations based on safety.

Mr. Lotterer stated that he could not see how the FAA could put together an NPRM based on this report, when the Working Group experts could not provide guidance on the difference in costs between what exists now and what is proposed. To him, this is a key element in a recommendation.

Mr. Phillips expanded on Mr. Kreckie's comments. The operational side has good data and its getting better. Due to the lack of a requirement for ground data at any given airport, the data Mr. Lotterer is seeking is difficult to obtain.

Mr. Kreckie stated that he was willing to bet that if the FAA had the data, they would have given it to the Working Group.

Vehicle staffing

Mr. Williams stated that might not always be true. Their ACM outlines what they have for vehicles from which they can derive agents, but it does not include staffing.

Mr. Phillips asked if there was a vehicle response to a brake fire, was there a mandatory reporting requirement to the FAA.

Mr. Williams said no, the airports track that though. If FAA were to do a survey, they could readily get the data.

Mr. Phillips stated that the Working Group was not able to obtain that level of data.

Obtaining cost data

Mr. Kreckie stated that what airports put in the ACM is what they know they can maintain. They may have five trucks, but only list three because they don't want to be accountable for five. Does that mean the airport will have to buy another truck if they have to bring their minimum equipment up to four trucks? Maybe, maybe not.

Mr. Redhead noted that many airports choose to exceed the minimum requirements of the AC. To say that airports wouldn't suffer financially if the standard were raised to a certain level is inaccurate.

Mr. Williams noted the point Mr. Lotterer made was not that the data wasn't easy to get to, but that the group did not provide the FAA the information needed to move forward to get a regulation.

Mr. Lotterer noted that it would help the process of reaching consensus if there was cost data.

Mr. Redhead asked Mr. Castellano if it was possible to turn this report over to an FAA economist and have that person work with the Working Group to allocate costs to the recommendations.

Mr. Kreckie noted that the Working Group had asked the cost questions. They were given direction by the FAA to put the recommendations together based on the expertise in the group. Then the FAA would take the recommendations and work with them.

Mr. Redhead noted that now the Issues Group was asking the same questions. Hence he was asking Mr. Castellano if there is a way to accomplish the cost estimates.

Mr. DerHohannesian indicated there might be a problem giving the report back to the Working Group. They don't have members available to tap.

Mr. Redhead noted that the recommendations are available in the report. The Working Group should be able to extrapolate from that.

Mr. Kreckie noted an economist might be able to develop that. He went on to clarify that the Working Group spent 39 months developing this report. Based on guidance from the FAA, they proceeded exactly as directed and produced a product that FAA knew was coming based on that guidance. They weren't able to provide the data; at the same time, they pressured the Working Group to finish the report.

Mr. Redhead acknowledged the difficulty, but also noted there was a question he was trying to answer.

Mr. Kreckie noted it would be nearly impossible to reconvene the Working Group.

Mr. Redhead asked if an economist could work with the report and extrapolate the costs and benefits.

Mr. Kreckie stated that is the economist's job.

Ms. McKinley asked if the Issues Group could get an explanation from the FAA on why they weren't able to provide economist support.

Mr. Castellano stated that the policy people (the economists) were committed to other tasks and could not be spared for this effort.

Mr. Redhead asked again if the FAA could take the report and put some costs to it.

Mr. Castellano stated he could not speak for the economists, but he could check it out and see if it could be done.

Mr. Redhead noted that an economic evaluation is part of the rulemaking process. How quickly could the economic evaluation be done for this report?

Mr. Lotterer stated that he is being asked at this Issues Group meeting to approve a document without the costs. When an NPRM comes out, often economists will ask for comments to be submitted to the docket. It's hard to submit to something when the information is not there.

Mr. Redhead asked if the position was that the report be sent to the economist with the request to develop some numbers on it.

Mr. Kreckie noted that this would go to an economist anyway during the rulemaking process. He did not know if the economist had the ability to reach back to the working group for background. They would be welcome to ask for comment from the Working Group, but the Working Group would probably not be willing to come together in a single location.

Mr. Redhead agreed. He asked Ben to see if an economist could evaluate the costs and report back to the Issues Group. He would circulate the response. He also asked if there was a timeline involved in developing the numbers.

Mr. Kreckie asked if the report is being pulled out of the normal chain followed for rulemaking and obtain the economic analysis before the report leaves the Issues Group.

Mr. Redhead stated that it was not leaving the Issues Group. It can only leave the Issues Group if it is a complete document. The group is not putting forward a partial recommendation.

Mr. Kreckie stated that this is a complete document based on how they were directed to proceed.

Mr. Redhead stated that it was not complete if the Issues Group had not voted on it.

Mr. Kreckie stated that when the group votes on it, that would be what the group decides.

Mr. Redhead stated that if there was a request to have a cost evaluation and the group had not voted to put that recommendation forward, it would not go to the next level.

Mr. Kreckie stated that the vote would have to be unanimous.

Mr. Redhead stated that it had to be a consensus. Before pursuing a discussion of the meaning of consensus, Mr. Redhead asked that the remaining issues be presented.

**Section 139.315-ARFF Index
Determination**

Mr. DerHohannesian presented Working Group recommendations on ARFF index determination. The Work Plan allowed for exploring the possibility of harmonizing with ICAO. ICAO has 10 aircraft categories defining aircraft by length and width. The issue for the Working Group was

does it make sense to harmonize with ICAO in this regard.

The current index has five categories. ICAO categories would give airports more flexibility than the current index. Mr. Castellano had informed Mr. DerHohannesian that there might be a problem using the term category. Air Traffic Control refers to categories. There could be an element of confusion.

The group added aircraft width to the categories. ICAO and NFPA already include aircraft width in their categories. This better reflects the addition of wide-body aircraft. Use of aircraft width provides a better calculation of the amount of agent needed to fight a fire.

Part 139 does not address air cargo aircraft. The group discussed this issue. The general feeling was that it should. Cargo aircraft have occupants aboard. There is an increased concern about hazardous materials carried on cargo aircraft. The group recognizes that 49 U.S.C. 44706 would have to be changed in order to include cargo aircraft. This means that Congress would have to get involved.

The most contentious issue was that of remission. The majority felt that the largest aircraft (not the longest) involved in scheduled air carrier service deserved as much protection as the indexed aircraft for that airport. The minority contends the concept of remission has not degraded safety in any way and there is a low risk factor involved. They also noted that the NTSB has never required the FAA to change this rule.

Full consensus on harmonization with ICAO's categorization. No consensus regarding remission, though the majority favored eliminating it.

Mr. Phillips noted that ICAO will eliminate the remission factor as of January 2005. The NFPA makes no mention of remission.

Mr. DerHohannesian noted that the regulatory language states the index shall be determined by the largest aircraft serving the airport on a daily basis. He drew attention to the tables in the preamble.

Section 139.315 Discussion

Reference to cargo aircraft in preamble

Mr. Phillips noted that when the original rule was written, large cargo aircraft were not a significant factor. Now we have larger aircraft flying cargo. With the closure of military fields and the exclusionary use of military fields for cargo only, the group noted that aircraft the size of 747s could have no possibility for rescue or firefighting. This is something that would have to be worked through Congress.

Mr. DerHohannesian noted the A-380 would fly in and out of Memphis as a cargo aircraft. It carries 44% more fuel than the 777-200 and 42% than the 747-400. If there should be an accident with the A-380, there would be an enormous fire. The airport needs to consider this.

Mr. Williams noted that he agrees that the FAA should look at this issue and maybe Congress should consider it, but this is outside the task assigned to the ARAC Working Group. It should not be part of this recommendation document. If anything, it should be a separate recommendation.

Mr. Lotterer asked why it is in the document.

Mr. DerHohannesian stated that the majority of the group felt it should be included.

Mr. Lotterer asked if it shouldn't be a separate recommendation, separate from the NPRM. The FAA can't lobby Congress. What is the Working Group recommending that the Issue Group do with respect to the all cargo aircraft?

Mr. Redhead directed a question to Mr. Castellano. If the cargo recommendation stays in the report, what does it do to this document, since Part 139 does not cover cargo aircraft?

Mr. Castellano stated that the FAA wouldn't be able to do anything to an all-cargo aircraft without a change in the law.

Mr. Kreckie stated that the Working Group knew it could not make a recommendation to include cargo aircraft. They wanted to evaluate the rest of the document and make small changes that would prepare the way for the inclusion of cargo aircraft. For example, change the term "passenger" to "occupant." If a law is passed to include cargo aircraft, the language is already in place. The Working Group is not proposing any law. They wanted the preamble to reflect all of the information the Working Group considered.

Mr. Phillips asked Mr. Castellano is the Issue Group could ask the FAA to review the Federal Aviation Act.

Mr. Castellano asked for clarification.

Mr. Phillips asked if Mr. Huggins could speak for him.

Mr. Huggins stated that he thought there was some direction in the Federal Aviation Act that allows the FAA to give guidance to Congress as to changes in the law.

Mr. Castellano stated that the FAA does submit agency proposals to Congress.

Mr. Redhead stated that that would be a separate recommendation from the report. There is no regulatory language to include cargo.

Mr. Redhead stated that what the group needs to vote on is the recommendation to adopt the ICAO index.

Mr. Kreckie asked for clarification. He didn't think the Issue Group was to vote on each item. It was to determine if the task had been satisfied.

Mr. Redhead stated his interpretation was that if there was a vote on each of the four tasks and the Issue Group has a consensus on each task, then the overall tasking has been satisfied.

Mr. Kreckie stated that this task presents only one option, but another one might have two options. The Working Group presents both because they feel all the information should go forward to the next body for consideration.

Mr. Williams stated that the cargo discussion should not be in the report. It has nothing to do with the regulatory language. There is no reason to have the information in the preamble. The cargo recommendation should be in a separate document. The preamble should not have extra information that is not there to discuss the rule.

Mr. Castellano noted that there is precedent for that. He would have to

recommend that reference to cargo be taken out of the preamble and put in a separate report.

Mr. Kreckie asked how that would work. Would the references to cargo be taken out at the ARAC level?

Mr. Castellano stated he believed that was the process, if there was a vote to take out the references.

Action on cargo language

Mr. Redhead asked for a motion to delete all references to the all-cargo air carriers based on the fact that it has nothing to do with the regulatory language.

It was so moved.

Mr. Biechman seconded and had a question. He wanted to communicate to the next level that this issue be considered.

Mr. Redhead asked if the recommendations on cargo should be in a separate document.

Mr. Redhead asked for a vote. There were 7 in favor and 1 opposed.

Reference to cargo document

Mr. Kreckie asked for a separate document regarding cargo. That document ought to be referenced in the preamble.

Mr. DerHohannesian noted that would be important. Someday, down the road, there will be another review. This information is important.

Mr. Redhead asked if there was a way to reference something in the preamble that was not required for the rule.

Mr. Castellano indicated that was possible.

Mr. Lotterer noted that the FAA can't lobby Congress, so what is the purpose of such a reference? What is the recommendation of the Issue Group with respect to the separate package?

Mr. Redhead stated there is no recommendation with respect to the separate package. What Mr. Kreckie wants is a reference to that package in the preamble. Down the road, a future group will then have access to that information.

Mr. Williams disagreed that the reference should be in the preamble, mostly on procedural grounds. Any future rulemaking will have historical data. Anyone would have access to the separate document. This rulemaking doesn't need one or two sentences that don't come close to serving the issue. There could be a general sentence that the Working Group looked at issues outside the scope of the task. That information can be found in the named document.

Mr. DerHohannesian noted that a reference is helpful. If the reference is there, one doesn't have to wonder how to find a discussion on an issue.

Mr. Biechman noted that Mr. Kreckie wanted to have communicated that the issue of cargo aircraft was discussed.

Mr. Kreckie stated he wanted to note that the issue was discussed. It was not included because it was not appropriate, but the information is available in the named document.

Mr. Redhead asked Mr. Castellano to check with FAA legal counsel and see if there is a way to put in a reference to the cargo discussion.

Mr. Phillips asked that the term “due diligence” be included. The group used due diligence in their discussion.

Action on cargo reference

Mr. Redhead asked for a motion that Mr. Castellano consults with FAA legal counsel to find out if a short reference to the work on cargo aircraft can be placed in the preamble.

It was moved and seconded. The vote was unanimous.

Mr. Redhead stated there was consensus on adopting the ICAO categories. The Working Group used due diligence in considering cargo aircraft. Mr. Castellano will consult with FAA legal counsel to find out if a short reference to the work on cargo aircraft can be placed in the preamble.

Section 139.317 Equipment and Agents

Agents – Use of MIL standard

Airports are using AFFF foam; most are using 3% foam, some are using 6%. Mr. Kreckie stated that the Working Group wanted to establish a standard. The Working Group chose the MIL standard. There was no opposition to this.

Mr. Redhead noted there is an AC on agents. Does the AC specify the MIL standard?

Mr. Gilliam stated that the AC does now specify the MIL standard.

Mr. Redhead asked if the Working Group was now asking that this be regulation.

Mr. Kreckie said yes.

Mr. Redhead stated that when the Issue Group considered deicing agents, the FAA could not specify certain things because they were threatened with lawsuits from manufacturers because they couldn't compete. Is there a danger to the same problem if we put the MIL standard in the regulation as opposed to the AC? The question was directed to Mr. Castellano.

Mr. Castellano stated that he didn't believe there was a danger at this time because all of the agent has to meet a certain standard and the FAA asks the military to provide that standard.

Mr. Lotterer asked if there was a risk. Part 139 has not been changed in 30 some years. The FAA has limited resources. The FAA is also moving to performance-based rules and using ACs to specify standards. Is this regulation going to be good for the next 40 years?

Mr. Redhead acknowledged that if we put a standard in the regulation and the standard changes, the regulation then lags behind.

Mr. Kreckie stated that the MIL standard is what is used throughout the industry. This is not going to be a big change for too many people. It does offer a certain level of assurance for the agent.

Mr. Williams asked if we could put in a reference to a list of approved substances.

Mr. Castellano stated that the way to clarify the standard would be the MIL spec or as approved by the FAA. Then if the MIL spec changed or the number changed, it would still be that approved by the FAA. The wording

of the regulation would be such that it would accommodate any pitfalls.

Mr. Redhead asked if the language proposed by Mr. Castellano was acceptable to the group. Everyone agreed that it was.

Complimentary agents

Mr. Kreckie detailed the information added to 139.317 regarding Complementary Agents.

Mr. Redhead asked if everyone agreed to the language on complementary agents. Everyone did.

Quantity of agents

Mr. Kreckie discussed the Quantity of Agents. There was consensus on the Working Group that current quantities were not appropriate. The group looked at ICAO and NFPA quantities. The majority of the group agreed that the NFPA quantities were appropriate. The others thought the ICAO quantities were appropriate with 1000 gallons added back. A table in the preamble compares these quantities. For double-deck aircraft especially the current quantities are not appropriate. Table 3 in the rule language details the group's majority position. This represents the NFPA quantities. Discharge rates are also on Table 3. These are not controversial.

Mr. Redhead asked if there were any representatives from the aircraft manufacturers to represent the need for quantities, etc., from their perspective.

Mr. Kreckie noted that Tom Ferrier from ATA represented that component for the group. No manufacturers were brought in to address the group.

Mr. Redhead asked how the group arrived at the discharge rates used in the tables.

Mr. Kreckie stated that it was the quantities that were the discussion points, not the discharge rates.

Mr. Phillips noted that the purpose was to protect a physical area around the airplane. Regardless of interior protection installed inside the aircraft, the idea is to protect a specific physical area outside the aircraft and determine how to provide a clear escape path.

Mr. Redhead noted that the area was enlarged because the slide projected out.

Mr. Kreckie stated this was due to the height of the aircraft in category 10. There the slide projects 10' outside the protected area. Therefore the protected area was enlarged.

Mr. Redhead asked if it wasn't safer, the further people were from the aircraft.

Mr. Phillips had some graphics that illustrated the size of the protected area as a 50' rectangular box around the fuselage. That should be expanded because with a double-decker aircraft people may come down a slide and into an unprotected area.

Mr. Redhead asked if there had been any studies conducted with double-decker aircraft that the group could use for the extension of the box.

Mr. Kreckie stated they were not able to find any studies. Shortly after the group's work, it was proposed to ICAO to look at this issue.

Mr. Redhead asked what the rationale was for the majority to look to the NFPA rather than the ICAO standard.

Mr. Kreckie stated that Q3 was the biggest difference.

Mr. Redhead questioned the statement in the report about survivable aircraft accidents. The report uses NTSB data showing that 6.6% of the occupants of survivable accidents died from fire. The report uses this data to state that those 6.6% could be trapped in the upper level of the fuselage. He's concerned that this is not an accurate assumption.

Mr. Kreckie stated that they looked for studies on every issue. They drew some conclusions and did some calculations. There was no dissention on this issue.

Mr. Redhead stated that he was nervous about this statement if it cannot be backed up.

One group member objected to this statement because as an engineer he didn't have a formula he could use to calculate quantities. He had only the length. There was acknowledgement that height was also a factor, but there was not formula for calculating height into the equation.

Mr. Redhead asked what the group used to come up with the expanded dimensions.

Mr. Phillips stated that they used the slide length from the skin of the 777. The difference between that slide length and the slide for the 380.

Mr. Redhead asked what the specific authority for those calculations was.

Mr. Phillips acknowledged that there was no specific authority, but they back up their numbers with the fact that a given area has to be protected and the current configuration doesn't do so.

Mr. Kreckie went back to the 6.6% issue. That was a worst case scenario that the group posed. If those 6.6% of occupants were in the upper deck, there was no firefighting equipment that could get to them.

Mr. Kreckie asked what the height differential was between the 747 and the 380.

Mr. Phillips said he would get that information. It was a matter of inches, though. The 747-400 was actually higher.

Mr. Redhead stated he was trying to find out why the group didn't work out a compromise between the ICAO and the NFPA standards.

Mr. Phillips noted that ICAO didn't have a 380 number yet. The derivation of their category 10 was not exactly scientific. It's under review at the moment. There may be a change in the ICAO numbers as a result.

Mr. Kreckie said the majority of the group didn't feel there was enough water provided by the ICAO numbers.

Mr. Redhead asked if there were any costs calculated for the additional gallons.

Mr. Kreckie noted it would cost more, but there wasn't a breakdown of how much more.

There was a short discussion of ladder lengths carried on firefighting vehicles. There are no current ladder lengths that can reach an upper level. Some countries are working on developing special vehicles. No specific guidance, yet.

The Issue Group broke for lunch from 12:10 to 1:00.

Equipment

Mr. Kreckie noted that there are two parts to Section 139.317: agents and equipment. The issues concerning agents have been presented. Now the discussion turns to equipment. There was discussion in the Working Group on the number of trucks that should be required. Vehicles carry personnel, so they cost personnel.

An issue arose in group discussions that when an airport uses FAA money to purchase a vehicle and that vehicle ages, the FAA will replace the vehicle, but they then want the airport to get rid of the old vehicle. The group maintains that if a vehicle is out of service, they should still be able to keep it as a backup. An airport needs an inventory of vehicles so that they can take their largest vehicle out of service and still have enough vehicles to be above the minimum requirement. An airport also does not have enough agent to do the job unless they maintain more than the minimum number of vehicles.

Table 7 in the preamble details the ICAO and NFPA standards for number of vehicles. It also shows the FAA requirement. The majority of the Working Group felt that the NFPA requirements were appropriate. The minority felt the ICAO standard was appropriate. The number of trucks is directly related to the quantity of agent the report requires. The number of trucks is also related to the ability to have a vehicle out of service and to staffing. Table 4 in the rule language shows the number of vehicles this report would require per airport category. The report would also require that equipment be tested to ensure that it works properly.

There is an increase in the number of vehicles required. Where an airport previously had the option of having two or three vehicles, now it must have three.

Mr. Williams noted there is a discrepancy between what is in the preamble and what is in the rule language. There is a section describing what should be carried on an ARFF vehicle. This information is in the AC. We don't have anything in the regulatory language about what the vehicle should carry. He suggested that the regulatory language could reference the AC for a list of equipment that should be carried.

Mr. Castellano indicated that is probably what the FAA would do.

Section 139.317 Discussion

Mr. Redhead noted that there is a majority and a minority position on Section 139.317. There isn't a consensus on either the quantity of water and the number of vehicles. Is there a way to resolve the issue? The Issue Group has the ability to take a vote based on the information presented.

Mr. Kreckie asked if the entire report with both positions goes forward to the full ARAC so they can see both sides.

Mr. Redhead said no, the Issue Group makes the recommendation to ARAC.

Mr. Castellano checked the ARAC green book for procedures when there is

no consensus. It was found that the Issue Group can return the document to the Working Group for appropriate action. The Issue Group can make the decision and decide what position should go forward to the full ARAC.

Ms. McKinley asked for the definition of consensus.

Mr. Redhead read from the green book. Consensus is agreement by all parties that a specific course of action is acceptable.... It does not mean that majority rules. Consensus can be unanimous and near unanimous. There are three levels.

Full – all members agree fully.

General – there may be disagreement, the group has reconciled concerns to the general acceptance of the group.

No – disagreement among group members cannot be reconciled.

Group can request a facilitator to assist in consensus process.

Mr. Redhead identified the two issues where there is a majority and minority position: quantity of water and number of vehicles. The two are tied together. The two positions represent the ICAO and the NFPA positions.

Mr. Lotterer stated that the Issues Group is different from the Working Group. The Working Group document has these two positions. The Issues Group could recommend a single position. It would require rework of the document. It is not practical to go back to the working group and rework the language. There could be a vote to support the majority position or to pass both positions on to the FAA without reservation.

Mr. Burroughs stated that the Working Group reached a general consensus on the number of vehicles and quantity of agent. It did not come to agreement on staffing.

Mr. Kreckie stated that the Working Group agreed to put the majority language in the regulatory language. Both positions were represented in the preamble. To ensure that all voices were heard, the discussion was included in the preamble.

Action on majority recommendation

Mr. Redhead asked for a motion to accept the majority recommendation on quantity of water and quantity of vehicles.

It was moved and seconded.

There were 5 in favor, 3 opposed.

How to proceed without consensus

Mr. Redhead asked how the Issue Group should proceed, since there was not a consensus.

Mr. Lotterer indicated there were options. The Issue Group could pass the report on indicating that it had been unable to reach a consensus on the issue. It's then passed on to the FAA as a document they can use. What the FAA ultimately decides what to do is what will become regulation.

Mr. Lotterer stated that he voted against the recommendation because he does not know anything about the cost.

Mr. Redhead stated that the recommendation could be that the associated costs is something the group needs in order to reach a consensus.

He suggested that the Issue Group could pass the report on with the statement that there was no consensus on this issue or the Issue group could request economic data. When that economic data is available, it could come back and take a vote.

Mr. Kreckie stated that this is the kind of problem the Working Group had dealt with. The issues are complicated and people are passionate about their positions. He supports the position that the report move forward with both the majority and minority positions represented. This will give the FAA the information they need to move forward with the regulatory effort.

Mr. Redhead stated that Mr. Kreckie's recommendation is an improvement over passing on the majority position. He stated that if the Issue Group can get the economist's evaluation it would allow the Issue Group to make a more informed decision. Unfortunately the Working Group did not get the support they needed to outline the costs.

Mr. Kreckie and Mr. Lotterer noted that the regulatory process includes an economic analysis.

Mr. Burroughs stated that NFPA standards are voluntary consensus standards. These standards meet Congressionally mandated requirements of the Federal government. This should be reflected in the report and in the minutes so that FAA knows these standard meet these requirements.

Mr. Redhead noted that ICAO is also a standard.

Mr. Burroughs stated that he didn't know if ICAO was a voluntary consensus standard as laid out by Congress and OMB.

Mr. Redhead asked if there was a motion to have an economist take the report or is the issue taken off the table.

Mr. Lotterer took the issue off the table. If the Issues Group wants to pass the report on to the FAA without a consensus, he would not oppose that.

Mr. Redhead stated that both majority and minority positions would be in that report.

Action on attaching minority report

Mr. Redhead asked for a motion to submit the recommendation on quantity of water and number of vehicles with the minority report attached.

It was moved and seconded and passed.

Mr. Williams stated that this could be done for the entire report.

Mr. Redhead stated that he was getting the position for each of the four tasks. Then he could put the overall concept in the summation.

Section 139.319 Operational Requirements

Mr. DerHohannesian noted that operational requirements covered a number of issues, primarily response time and response location. The last time Part D was touched in 1987 the sense was that a three-minute response time to the midpoint of the runway was reasonable.

The Working Group had to start from scratch on the issues. They read reports on burn-through times and found that three minutes made sense for the first required ARFF vehicle.

Time is defined as three things: the ATCT notification to the ARFF station with information relative to the alert, the response time itself with the

initiating and dispensing of agent, and the evacuation of the aircraft.

The group discussed prepositioning of aircraft. The vast majority of ARFF vehicles emergency response is to emergencies with inbound aircraft. Everyone has procedures for pre-positioning of ARFF vehicles. ARFF response location in the 1972 document is the midpoint of the runway. There is no data to support this location. The group researched prepositioning. They found that 78% of accidents occurred at the ends of the runway. Therefore the three-minute response should be aimed at the farthest end of the farthest of the runway.

Protective clothing presented the issue of using NFPA standards in a regulatory document. That's a legal issue that would have to be considered. The group agreed that the standards were acceptable. The question is should they be referenced in a regulatory document.

Full consensus on prepositioning of ARFF vehicles. General consensus on three minute response time. No consensus on the use of NFPA standards in the document. A table shows the response times for vehicles other than the first ARFF vehicle on the scene. These would initiate interior attack, evacuating the aircraft, etc.

**Discussion on Section
139.319**

**How to enforce response
requirements**

Mr. Redhead asked if the response time became part of certification process. Is that a requirement, as opposed to an operational decision made by the fire official on the scene? He had a problem with taking it out of the hands of the people on the scene.

Mr. Burroughs pointed out that the language reads that the ARFF have the capability to respond and perform these tasks. It does not say they must enter an aircraft, if the airplane is fully enveloped. It says that they must have the people and the equipment to respond.

Mr. Williams asked how can you enforce it. He directed the question to Mr. Castellano. How is this going to be enforced? He did not ask for an immediate answer, but for the minutes. You can't set an aircraft on fire to see if you can meet the requirements.

Mr. Phillips noted that if an airport was located 25 miles away from other infrastructure, they wanted to be able to ensure that ARFF vehicles could respond and be staffed well enough to respond to an emergency.

Mr. Williams asked if some of the response to an emergency is through mutual aid?

The answer was yes.

Mr. Williams then asked how does the FAA enforce this. The FAA can't enforce mutual aid.

Mr. Phillips stated that they are trying to give teeth to the FAA so that isolated airports have the manpower to respond to emergencies.

Mr. Redhead noted that the requirement to go into the interior of an aircraft necessitates more manpower than in the previous regulation.

Mr. Kreckie drew attention to the response time objectives in the rule language.

Mr. Redhead noted that rule language needs to be specific. Objectives are

not specific.

Mr. Kreckie noted that each airport is different. Some have a local firehouse right outside the airport gates. This is why the rule language is phrased with objectives. Each facility needs to describe how the objective will be fulfilled.

Mr. Redhead stated that the problem is a regulation needs to be clear cut. It has to be enforceable. That's the reason mutual aid responders are not part of an airport's ACM. They cannot be regulated.

Mr. Williams asked who supplies the aircraft for drills to demonstrate that response times can be met for certification purposes.

Mr. Burroughs stated that one doesn't necessarily need the aircraft. You must demonstrate capability. You need enough personnel and vehicles to initiate a task. You don't need to actually enter an aircraft.

Mr. Williams repeated his question, how do you enforce this. He does not expect an immediate answer. He does want the question posed for future discussion.

Mr. Phillips asked if the staffing for this tasking was calculated into the indexing for airports.

Mr. Kreckie said yes.

Mr. Redhead asked what the minimum staffing for a category 4 and 5 airport was.

Mr. DerHohannesian stated it was 6.

Mr. Kreckie noted that when the FAA requires a drill, they give the coordinates for the drill. Vehicles go to that location and discharge agent. They don't have to have an aircraft.

Mr. Williams stated that this rule requires entry into an aircraft. This is the source of his question.

Mr. Redhead asked if there was a chart with the minimum staff required now. Is there something showing the difference between the situation now and the proposed rule?

Mr. Kreckie stated the minimum number of staff would be 3 – one person per vehicle.

Mr. Redhead noted there was no way to determine what the costs of this staffing would be.

Mr. Castellano noted that there are many airports where their staffing is one person per truck.

Mr. Williams noted that response requirements are already part of the certification inspector's handbook. Now these have been brought into the regulation.

Standards

Mr. Lotterer commented on protective clothing standards. He could not believe the FAA had not provided what could and could not be done with respect to regulations. You cannot have an open-ended standard. You can reference an existing document. You need language saying "or approved by the Administrator."

Mr. Kreckie stated that NFPA documents reference other NFPA documents. These are automatically updated. The FAA doesn't like to reference outside standards because there might be a change in the future that does not meet FAA needs. If the rule references the outside standard, then FAA is stuck with it, unless it can change the rule. The group was directed to go ahead and put in the language. FAA legal staff would then make changes needed.

Mr. Castellano affirmed the reason FAA does not like to refer to NFPA standards. However, there are cases where FAA references NFPA in an AC.

Mr. Lotterer stated that if this information had been placed in an AC, where NFPA standards are one means of compliance, but not the only means, there would have been consensus on the language.

Mr. Castellano noted that one of the areas the FAA wanted the group to look at was timing responses. There are a number of standards available.

Mr. Lotterer noted that he didn't object to using the standards. However, you couldn't use an open-ended standard without a date.

Costs

Mr. Lotterer felt that this group did not have adequate FAA guidance on rulemaking procedures. They also did not have support on costs. Without economic impact, what good does the document do the FAA?

Mr. Redhead stated that the document has the substance that economists can work with and attach numbers to.

Ms. McKinley stated that there seems to be agreement that there needs to be improvement to this very old rule language. In order to give ARAC a chance to accept it, what do we need to do today? Would the objections we are hearing today come up if this goes to the full ARAC? If so, we need to improve the situation so that action can be taken.

Mr. Redhead stated that there are options. The Issue Group can accept the recommendations of the Working Group. The Issue Group can request that the FAA have an economist look at the working document and provide a cost analysis. The Issue Group can pass the recommendation with no consensus and minority positions, stating that it wants the cost evaluations done. The report would still go to the full ARAC. The final option is to send it back to the Working Group. This is probably not a viable option.

Mr. Williams stated that he'd like to see not only the costs, but also the benefits.

Mr. Lotterer stated that the FAA calculates the benefits. If the group had the costs, it would be easier to understand the recommendations. He is disappointed that the group divided into factions because they didn't have good data.

Mr. Phillips noted that large airfields already meet the requirements in this document, hence there would not be additional costs for many airports.

Mr. Redhead stated that might be the case today, but one could not guarantee it would stay that way in the future.

Mr. Redhead found the minimum standards without a task analysis arbitrary.

Costs represent a basis for balancing the number of vehicles and staffing needed.

He also did not see acknowledgement of advances in design criteria for aircraft and how that it a factor in survivability.

Mr. Phillips noted there is some data in the document, but drew attention to the fact that one cannot assure the new technology is in place in the entire fleet of aircraft. There will always be a mix of older and newer aircraft.

Mr. Williams reiterated the point that there are a number of standards in circulation. How has the FAA handled this variety of standards in other rulemaking? That would give guidance on how the Issues Group would handle this. It would be good to get guidance from the FAA on how to handle the standards that industry uses.

Mr. Kreckie stated that if the rule cannot reference a standard, can it show that activities are exempt from a standard? That's not the case.

Mr. Redhead returned to the options available to the group. He personally would not want to send the report to the full ARAC without a cost/benefit analysis. He is not sure he can defend it to the full ARAC without that information.

Ms. McKinley asked how long it would take to do an economic analysis.

Mr. Castellano stated he did not know how long it would take.

Mr. Redhead asked if there was a way to ask and get some kind of commitment to doing an analysis.

Mr. Castellano stated he could ask the question.

Mr. Redhead stated that the economic analysis has to be done. It can be done now or the document goes the ARAC and the analysis still has to be done.

Ms. McKinley agreed. If it goes to the full ARAC, they will just send it back for the economic analysis. The group should request that analysis now.

Mr. Redhead asked if that was a motion to have the economic analysis done so that the Issues Group can evaluate the costs.

Mr. Williams asked that FAA work with the Working Group in doing the economic analysis so that the numbers reflect the positions worked out.

Mr. Redhead stated the economic analysis would come back to the Issues Group. The group would reconvene to consider the results. It was suggested that a legal analysis also be conducted.

Action on economic and legal analysis

Mr. Redhead asked for a motion to request the FAA conduct a full economic and legal analysis of the Working Group report.

It was moved and seconded. Full consensus on the motion.

It was requested that FAA advise the Issue Group as to the timeframe involved.

Mr. Kreckie asked if the group could inform the FAA that the document cannot go to the full ARAC until this analysis is done. Would that help to leverage work on the document?

**Section 139.325 Airport
Emergency Plan**

Mr. Kreckie addressed the final section of Part 139 where there were recommendations. This section addresses nuclear, biological, chemical threats. The Working Group recommends that ARFF departments take these threats into consideration.

Mr. Redhead asked if ARFF procedures heighten when security levels change.

Mr. Kreckie stated that they can't talk about everything they do, but there are a number of steps airports take. They raise the level of awareness.

Mr. Kreckie indicated that the report contains a recommendation that there be a full-scale emergency plan exercise every two years rather than every three years as the current rule requires.

Mr. Williams suggested that this kind of exercise runs the risk of becoming a show. Is there the possibility of better requirements from the FAA so that the exercise is more meaningful?

It was noted that if an airport had an accident, the airport operator may use that, under certain circumstances, as fulfilling the requirement for the exercise. So it would be longer between drills.

**Thanks to the Working
Group**

Mr. Redhead thanked Mr. Kreckie and Mr. DerHohannesian for their presentation.

Plans to Reconvene

Based on the vote to request an economic and legal analysis from the FAA, the other decisions were suspended until such time as the Issue Group can reconvene.

When the Issue Group has that analysis, it will reconvene and consider all remaining issues.

Adjournment

The meeting was adjourned at 3:05 pm.

Approved by Ian Redhead 11/17/2004

AVIATION RULEMAKING ADVISORY COMMITTEE AIRPORT CERTIFICATION ISSUES MEETING

Washington, DC
October 6, 2004, 9:30 a.m.

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AGENDA

**ARAC Airport Certification Issues Meeting
Federal Aviation Administration
Room 9ABC
800 Independence Avenue, SW
Washington, DC 20591
October 6, 2004, 9:30 a.m.**

Call to Order	Mr. Ian Redhead
Self Introduction	All Present
Administrative Guidance	Mr. Ben Castellano
ARFF Requirements Working Group Status Report	Mr. Jack Kreckie and Mr. Armen DerHohannesian
Discussion/Approval of ARFF Requirements Working Group Draft Recommendation to ARAC	All Present
Other Business	Mr. Ian Redhead
Future Meetings	Mr. Ian Redhead
Adjourn	Mr. Ian Redhead

**Minutes of this meeting will be available on the FAA web site at
<http://www.faa.gov/avr/arm/arac/index.cfm>.**

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Chair or by providing the copies at the meeting.

If you are in need of assistance or require a reasonable accommodation for the meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. In addition, sign and oral interpretation, as well as a listening device, can be made available at the meeting if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Meeting attendees must bring a valid photo I.D. and will be expected to comply with FAA security procedures while in the building.

Issued in Washington, DC, on September 15, 2004.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 04-21248 Filed 9-21-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Government/Industry Aeronautical Charting Forum Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the bi-annual meeting of the Federal Aviation Administration's Government/Industry Aeronautical Charting Forum (ACF) to discuss informational content and design of aeronautical charts and related products, as well as instrument flight procedures policy and criteria.

DATES: The ACF is separated into two distinct groups. The Instrument Procedures Group will meet October 25 and 26, 2004 from 9 a.m. to 4:30 p.m. The Charting Group will meet October 27 and 28, 2004 from 9 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Advanced Management Technology Incorporated (AMTI), 1515 Wilson Blvd., Suite 1100, Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: For information relating to the Instrument Procedures Group, contact Thomas E. Schneider, Flight Procedures Standards Branch, AFS-420, 6500 South MacArthur Blvd., P.O. Box 25082,

Oklahoma City, OK. 73125; telephone (405) 954-5852; fax: (405) 954-2528. For information relating to the Charting Group, contact Richard V. Powell, FAA, Office of System Operations & Safety, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8790, fax: (202) 493-4266.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Government/Industry Aeronautical Charting Forum to be held from October 25–October 28, 2004, from 9 a.m. to 4:30 p.m. at the Advanced Management Technology, Incorporated, 515 Wilson Blvd., Suite 1100, Arlington, VA 22209.

The Instrument Procedures Group agenda will include briefings and discussions on recommendations regarding pilot procedures for instrument flight, as well as criteria, design, and developmental policy for instrument approach and departure procedures.

The Charting Group agenda will include briefings and discussions on recommendations regarding aeronautical charting specifications, flight information products, as well as new aeronautical charting and air traffic control initiatives.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by October 7, 2004, to present oral statements at the meeting. The public may present written statements and/or new agenda items to the committee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT** section by October 7, 2004. Public statements will only be considered if time permits.

Issued In Washington, DC, on September 16, 2004.

Richard V. Powell,

Co-Chair, Government/Industry, Aeronautical Charting Forum.

[FR Doc. 04-21300 Filed 9-21-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Laboratory Accreditation Program Approval

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FHWA) announces that it will use the National Cooperation for

Laboratory Accreditation (NACLA) Recognition process for determining whether an accreditation program is comparable to the American Association of State Highway and Transportation Officials' (AASHTO) Accreditation Program for use in quality assurance procedures for laboratories performing sampling and testing of materials used in the construction of Federal-aid highways on the National Highway System. In order for the accreditation program to be considered comparable, the accreditation body must be recognized by NACLA with a scope that includes the "Technical Requirements for Construction Materials Testing."

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rafalowski, Office of Pavement Technology (HIPT-10), (202) 366-1571; Mr. Harold Aikens, Office of Chief Counsel, (HCC-30), (202) 366-0791, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at <http://www.archives.gov/fedreg> and the Government Printing Office's web page at <http://www.gpoaccess.gpo.gov/nara>.

Background

In order to meet the quality assurance requirements for construction found in 23 CFR 637.209(a)(2), (3), and (4), laboratories performing sampling and testing of materials used in the construction of Federal-aid highway projects on the National Highway System must be accredited by the AASHTO Accreditation Program or a comparable laboratory accreditation program approved by FHWA. This notice announces that the FHWA will use the NACLA Accreditation Body Recognition Procedure and Technical Requirements for Construction Materials Testing, NISTIR 7012, as the criteria for the approval of comparable laboratory accreditation programs. The NACLA Recognition procedures are available at the following URL: <http://www.nacla.net/MRA/RecognitionProcedure.pdf>. The Technical Requirements for Testing Construction Materials is available at