June 25, 1992

Mr. Bruce Parker, C.P.A.
Parker and Wilkerson
Continental Plaza
4619 Emerald
Suite E
Boise, ID 83706

Dear Mr. Parker:

This is in response to your letter of June 16, 1992, in which you inquired whether the term "certificate holder" in § 139.321(e) and (f) of the Federal Aviation Regulations (FAR) refers to individuals refueling their own aircraft, and whether those provisions require annual certification of such individuals. Those regulatory provisions apply to airports, rather than to private pilots refueling their own aircraft. While airport authorities may voluntarily impose additional fire safety requirements, the FAR imposes fire safety certification requirements only upon the employees of fueling agents at certain airports.

Part 139 of the FAR applies, generally, to airports serving air carriers utilizing aircraft which seat more than 30 passengers. The term "certificate holder" is defined by FAR § 139.3 as "the holder of an airport operating certificate or a limited airport operating certificate....". Section 139.321(b) of the FAR requires airport certificate holders to establish and maintain fire protection standards, and requires training of "fueling personnel in fire safety in accordance with paragraph e...". Section 139.321(e)(1) provides that at least one supervisor with each fueling agent must complete an aviation fuel training course of fire safety; § 139.321(e)(2) provides that all other employees who fuel aircraft, accept fuel shipments, or otherwise handle fuel receive at least on-the-job training from that trained supervisor.

While the terms "fueling agent" and "fueling personnel" are not defined in FAR § 139.321, it is clear from the context and from the regulatory history of this provision that it was intended to apply to fixed base operators and tenant fuel companies, particularly those supplying jet fuel to air carrier aircraft. There is no indication, in the regulatory history, of any intent to apply certification or training requirements to private pilots refueling their own aircraft.

If you have further questions about this provision, please call

Karen Davis of my staff at (206) 227-2167.

Sincerely,

George L. Thompson

Assistant Chief Counsel