

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****FR Parts 93 and 159**

[Docket No. 19944; Amdt. Nos. 93-37 and 159-20]

Metropolitan Washington Airports**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation.**ACTION:** Final rule.

SUMMARY: The FAA is adopting rules to implement the DOT/FAA policy to guide the future operation and development of Washington National Airport and Dulles International Airport and to improve the quality of the environment in the area around National. The policy announced by the Secretary of Transportation is published elsewhere in this Federal Register. The FAA is changing the hourly allocation of operations at National from the present 40 per hour for air carriers, 8 for commuter air carriers and 12 for general aviation, to 36 scheduled operations per hour for the certificated air carriers, 12 for commuter air carriers and 12 for general aviation. Also, the users of the two air carrier classes will be defined by the maximum certificated passenger capacity of the aircraft used. Aircraft with a maximum certificated passenger capacity of less than 56 are required to be used in commuter air carrier slots. Aircraft with maximum of 56 or more passengers are required to use certificated air carrier slots.

At National, the certificated and commuter air carriers are permitted to schedule operations between 7:00 a.m. and 9:30 p.m. No aircraft can takeoff after 10:30 p.m. regardless of when the operation was scheduled. No aircraft may land after 11:00 p.m. regardless of when it was scheduled.

Two- and three-engine widebody aircraft are permitted to use National Airport subject to a determination by the airport management that their operation is compatible with airport facilities.

Nonstop service is to be permitted from National Airport to points up to 1,000 statute miles without exception. **EFFECTIVE DATE:** January 5, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Faggen, Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, D.C. 20001. Telephone No. (703) 557-8123.

Charles C. Erhard, Metropolitan Washington Airports, Washington National Airport, Hangar 9,

Washington, D.C. 20001. Telephone No. (703) 557-0972.

SUPPLEMENTARY INFORMATION: The Metropolitan Washington Airports Policy has been set forth in a decision by the Secretary of Transportation, August 15, 1980. The decision is intended to control the growth of National Airport to reduce both detrimental environmental impacts on the neighboring community and congestion in the terminals. The policy is also intended to permit the needed improvement of National Airport.

The policy announced by the Secretary necessitates amendments to existing Federal Aviation Regulations that assign operations to the different classes of aircraft operators using Washington National. These are the certificated air carriers, the commuter air carriers and "others," primarily corporate and individually owned general aviation aircraft. In addition, rulemaking is needed to modify the existing practices relating to the hours of operation, scheduling hours, nonstop service and aircraft type restrictions at National Airport.

Interested persons were invited to participate in the making of the policy and these rules by Notices published January 21, 1980 (Notice 80-2, 45 FR 4314; Notice of Proposed Policy, 45 FR 4320). Written comments were received from citizens residing near the airport, local municipal and county governments, cities served or desiring service into National, and the air carrier and general aviation industries. In addition, FAA heard the views of more than 100 citizens at three public hearings. Many of the speakers represented large organizations of citizens or airport users.

In January FAA also issued a supplement to the Draft Environmental Impact Statement (DEIS) which had been issued in March 1978. Comments were requested on the Supplemental EIS.

The comments received on the policy, the proposed regulations and the EIS were placed in the same public rules docket. Comments relating to the rules and the EIS were largely subsumed by the comments on the policy. The issues raised by the comments were therefore addressed in the Secretary's policy decision, which appears elsewhere in this Federal Register. In addition, the comments on the EIS were addressed in the Final Impact Statement issued and filed with the Environmental Protection Agency on August 15. That EIS assessed five policy options ranging from a significant reduction in activity at National Airport to an expanded role for

the airport. The impacts of the policy adopted by the Department and implemented by these rules are in the mid-range of impacts described for limiting the passenger activity at National to 16 and 18 million passengers per year. The Final EIS may be obtained from Mr. Charles C. Erhard at the address listed under "For Further Information Contact." Reference should be made to those documents for the disposition of comments.

The policy adopted by the Department of Transportation for the Metropolitan Washington Airports is as follows:

1. Growth Limitation at National

Washington National Airport will not be permitted to accommodate more than 17,000,000 total passengers per year. That level will be maintained by periodically adjusting the numbers of slots available to scheduled certificated air carriers.

2. Operating Hours

The hours of operation at Washington National Airport will be modified to provide that no airline or commuter activity may be scheduled between the hours of 9:30 p.m. and 7:00 a.m. Additionally, a curfew will be in force on aircraft departures between the hours of 10:30 p.m. and 7 a.m. Similarly, there will be a curfew on aircraft arrivals between the hours of 11 p.m. and 7:00 a.m. FAA will determine if a noise level limitation in lieu of an absolute curfew can be adopted consistent with the objective of maintaining a quiet nighttime environment. If the FAA determines that a noise level limitation is appropriate a separate rulemaking action will be initiated.

3. Slot Availability to Various User Classes

The total number of operating slots at Washington National will remain at 60 per hour, as provided in the current High Density Rule. The portion of that total which is available to scheduled, certificated air carriers will be reduced to 36 per hour, a reduction of four per hour from the current allowance of 40 per hour. The commuter allowance will be increased from the current eight per hour to a new level of 12 per hour with additional slots contemplated as the air carrier slots are further reduced over time. The current allowance of 12 per hour for general aviation activity will remain unchanged. The above limitations will be in force each day between the hours of 7 a.m. and 8:59 p.m. Between 9 p.m. and 9:30 p.m., each of the three categories will be permitted one-half of the above allowances, i.e., 18

slots for scheduled air carriers, 6 for commuter carriers, and 6 for general aviation.

"Air carrier" slots will have to be used by all carriers (both airlines and commuters) utilizing aircraft of 56 or more passenger seats, while "commuter" slots will have to be used by all carriers utilizing aircraft with less than 56 seats.

4. Use of Widebody Aircraft at National

The policy constraints on the use of 2- and 3-engine widebody aircraft at Washington National will be removed. Prior to the use of any such aircraft at National, the operators of such aircraft must:

- Satisfy whatever remaining requirements the FAA decides are appropriate to establish that the use of such aircraft are operationally feasible.
- Secure the concurrence of the Director of FAA's Metropolitan Washington Airports that the use of such aircraft are compatible with that operator's apron and terminal facilities and with the airport's other terminal and roadway capabilities.

5. Nonstop Perimeter at National

The nonstop service perimeter for Washington National is established at 1,000 statute miles, with no exceptions.

6. Improvement of Washington National

The Federal Aviation Administration immediately undertake a program to Master Plan a physical redevelopment of Washington National Airport and will then proceed with such a redevelopment program. This program will emphasize public transit to and from the airport, including a suitable relationship between the airline terminals and the Metrorail system.

7. The Role of Dulles

Dulles International Airport will continue to provide all types of aviation services to the Washington area, with a priority given to commercial air transportation service. Capacity at Dulles will continue to be added as necessary. The Dulles Airport Access Highway will continue as an "Airport traffic only" facility, with the several exceptions currently in force. Additional access improvements to Dulles, particularly those oriented to public transit modes, will be pursued.

As a result of the comments received, two principal modifications to the policy as proposed last January have been made. First, the passenger ceiling has been reduced from 18 million to 17 million annual passengers. This ceiling will permit sufficient time for a slowing down and an eventual halt in the growth

of National Airport's passenger activity. The cap will be reached, it is estimated, in 1983 instead of 1985. Additional rulemaking will be necessary to establish a mechanism for adjusting the number of slots to assure that the number of passengers served at National does not exceed 17 million. For the purposes of this rule, total passengers, enplaned and deplaned, by commuter and certificated air carriers as well as general aviation will be subject to the ceiling.

The other principal change from the policy as proposed relates to the curfew. In order to minimize the number of diversions of aircraft from National, the curfew on arrivals will be 11:00 p.m. for all aircraft. Air carrier aircraft must be scheduled to arrive by 9:30 p.m. Since the rules adopted eliminate bunching of scheduled operations, it is believed that aircraft arriving as late as 11:00 p.m. will be an infrequent occurrence occasioned by weather or mechanical delays encountered en route. These operations will be allowed up to 11:00 p.m.

A final rule to implement the curfew is adopted in new Section 150.40(a), except for emergency operations, aircraft may not depart after 10:30 p.m. and before 7:00 a.m., or arrive after 11:00 p.m. and before 7:00 a.m. Air traffic control records departures at the time of liftoff and arrivals at the time of touchdown on the runway. Air Traffic recorded departure and arrival data will be used by airport operations personnel who will be responsible for enforcement of the curfew. Persons found to be in violation of the curfew will be subject to sanctions, including civil penalties under the Federal Aviation Act (49 U.S.C. § 1471) and criminal penalties under Section 5 of the Act for the Administration of Washington National Airport (54 Stat. 686, as amended by 61 Stat. 94).

In accordance with the Secretary's decision, FAA is analyzing whether a noise level limitation can be adopted in lieu of an absolute curfew. The FAA recognizes that new technology aircraft are significantly quieter than their predecessors. If such aircraft can operate so as not to markedly increase the noise exposure as described in the EIS for the 16 to 18 million annual passengers alternatives these nighttime operations may be permitted. If it is determined that a noise level limitation is appropriate, FAA will propose amendments to this rule. It is FAA's intention to make a decision by January 5, 1981, when the absolute curfew will otherwise become effective.

The Secretary's decision removes the policy constraint against the operation of 2- and 3-engine widebody aircraft at

National Airport. The FAA Office of Aviation Standards has carefully considered the safety questions raised by widebody operations at National including operation of this type of aircraft with National's existing traffic mix. FAA has concluded that the operation of these aircraft types at the airport, and in that environment, can be accomplished safely. However, before an individual air carrier is permitted to operate a widebody aircraft at National Airport, the carrier must meet two tests. First, the carrier must satisfy the FAA's Office of Aviation Standards that the manner in which the carrier proposes to operate each type of widebody aircraft meets the safety standards that the FAA has established. Second, the Director of the Metropolitan Washington Airports must be satisfied that each carrier's proposal to use widebody aircraft is compatible with the Airport's airside and terminal facilities and its roadway system.

Additional Information

The Secretary's decision constitutes a memorandum of decision under the Council on Environmental Quality regulations implementing the National Environmental Policy Act. It was filed with the Environmental Protection Agency as part of the Final Environmental Impact Statement. Since the regulations will not become effective until January 5, 1981, no final action will be made during the regulatory waiting period. The FAA docket No. 19948 will remain open until October 20, 1980, so that any environmental objections to the action may be lodged. Environmental comments should be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention Rules Docket, AGC-204, 800 Independence Avenue, SW., Washington, D.C. 20591.

Effective Date

The final rule will become effective on January 5, 1981. The lead time is necessary in order to permit the air carriers to make the schedule modifications necessitated by these rules. The original proposal to make them effective January 1 has been modified slightly to permit carriers to serve the holiday weekend traffic without a sudden reduction in flights.

Final Rules

Accordingly, Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) and Subpart C of Part 159 of the Federal Aviation Regulations (14 CFR 159) are amended, effective January 5, 1981, as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. By amending paragraph (a) of § 93.123 in the chart entitled "IFR OPERATIONS PER HOUR," by deleting the numbers "40" "8" "12" in the vertical column beneath the words "Washington National Airport" and by substituting for them the following numbers: "36" "12" and "12".

2. By amending paragraph (b)(3) of § 93.123 by deleting the number "40" wherever it appears and by substituting for it the number "36".

3. By adding new paragraph (c) to § 93.123 to read as follows:

§ 93.123 High density traffic airports.

(c) For operations at Washington National Airport, after January 4, 1981—

(1) "Air carrier except air taxis," as used in this section, is defined as operations conducted by air carriers with aircraft having a certificated maximum passenger seating capacity of 56 or more.

(2) "Scheduled air taxis," as used in this section, is defined as operations conducted by air taxis, or air carriers, with aircraft having a certificated maximum passenger capacity of less than 56.

PART 159—NATIONAL CAPITAL AIRPORTS

4. By adding to Part 159 new § 159.40 to read as follows:

§ 159.40 Hours of operation.

(a) After January 4, 1981, except in an emergency, no person may operate an aircraft.

(1) So as to depart from Washington National Airport after 10:30 p.m. and before 7:00 a.m. as recorded by Air Traffic Control.

(2) So as to arrive at Washington National Airport after 11:00 p.m. and before 7:00 a.m. as recorded by Air Traffic Control.

(b) After January 4, 1981, no certificated air carrier or scheduled air taxi may schedule an aircraft operation to occur at Washington National Airport after 9:30 p.m. and before 7:00 a.m.

(c) After January 4, 1981, from 9:00 to 9:30 p.m. at Washington National Airport, the total number of scheduled operations for certificated air carriers and scheduled air taxis may not exceed one half the IFR operations per hour allocated to each of those classes of user under § 93.123 for Washington National Airport. If one half the allocated operations is a fraction, the

next higher whole number may be scheduled.

5. By amending § 159.59 by redesignating paragraphs "(a)", "(b)" and "(c)" as "(c)", "(d)" and "(e)" and by adding new paragraphs (a) and (b) as follows:

§ 159.59 Aircraft equipment and operation rules.

(a) Except in an emergency, no person may operate a four engine turbojet transport category aircraft at Washington National Airport.

(b) After January 4, 1981, no person may operate at Washington National Airport a transport category aircraft of a type not regularly operated at that airport as of January 15, 1980, except as authorized by the director of Metropolitan Washington Airports. The Director may request the person proposing to operate aircraft of this type at Washington National to submit a plan describing how the aircraft operation will be compatible with the airport facilities, including a description of the aircraft type, the schedule, and the gate position proposed to be used. The Director shall base his authorization or denial on the compatibility of the operation with the National Airport facility.

6. By adding to Part 159 new section 159.60 to read as follows:

§ 159.60 Nonstop operations.

After January 4, 1981, no person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is more than 1000 statute miles away from Washington National Airport.

(Secs. 103, 307(a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1303, 1348 and 1354); Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; Sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—The FAA has determined that this document is a significant regulation under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). FAA has prepared an evaluation covering economic and urban community impacts. A copy of this evaluation is contained in the regulatory docket.

Issued in Washington, D.C., on September 15, 1980.

Langhorne Bond,
Administrator.

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