

[Docket No. 9974; Amdt. 99-19]

## PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

### High Density Traffic Airports

The purpose of this amendment to the Federal Aviation Regulations is to continue in effect special air traffic rules for high density traffic airports which expire on December 31, 1969.

The amendment was proposed in Notice 69-51 and published in the FEDERAL REGISTER on November 15, 1969 (34 F.R. 18312). In the notice the FAA proposed to continue the rules for a period of 9 to 12 months. In this connection, the public was advised that during the 4-month period the rules have been in effect, the FAA has determined that the congestion problem has improved and delays substantially reduced as compared

to the situation a year ago, but that because there still has not been any substantial change made to the National Airspace system, the restraining influence of these rules is still necessary.

In response to this notice, 42 public comments were received from segments of the aviation industry, public officials and other interested persons. In general, the comments from industry representatives for the scheduled air carrier class of user supported the proposed extension. On the other hand, the preponderance of the comments from organizations and individuals from general aviation or "other" class of user opposed any extension of the rules. More specifically, the objections from the latter group can be cataloged as falling into five types:

1. The rules are ineffective.
2. The rules discriminate against private and corporate airspace users.
3. The rules have an adverse impact upon general aviation and fixed base operators.
4. The rules impose rigidity upon operations that must be inherently flexible.
5. Congestion is caused by airline overscheduling.

Each of these objections was extensively argued by individuals, organizations and representatives of various corporations during the public hearing held in connection with this rule on September 25 and 26, and October 3, 1968. Also, these various objections were the subject of written comments to the notice of proposed rule making as well as the subject of many letters received and answered by the FAA since issuance of the original notice on September 3, 1968 (Notice 68-20). In view of this, further discourse to answer each objection appears unnecessary. The FAA experience, as indicated by statistical study covering the 4-month period subsequent to the issuance of the rules has shown that none of the users have been deprived of the use of any of the five high density traffic airports, except on infrequent occasions, and only during the early evening hours. These factors indicate that based upon actual experience, the present rule appears to be operating satisfactorily.

The comments from the scheduled air carriers and other groups associated with that segment of the industry, supported an extension of the rule. Significantly, only two comments from this group dealt with the length of the proposed extension. In both cases, the Port of New York Authority and the Air Transport Association agreed that an extension up to 1 year was acceptable.

Several other commentators from this group individually suggested that the rules should be made effective only during the summertime or during hours when jet operations are permitted at a particular airport. We cannot adopt either of these two recommendations at this time because we lack sufficient statistical and operational air traffic support to permit deviation from the present uniform application of these rules. However, we will continue to study this aspect of the rules to the end that, if circum-

stances permit, we will accordingly modify the rules.

In the rules issued on December 2, 1968 (Amdt. 93-13), we advised the public that the FAA would continue making procedural improvements in order to increase the ATC capability and to alleviate, as much as possible, the inconvenience that may be sustained by certain aircraft operators. In consonance with this pledge, the FAA order outlining operational procedure is being revised and will provide a longer lead time for securing IFR reservations and provide extra time in advance of holidays. VFR reservation procedures will also be simplified. These changes should eliminate some of the inconvenience to general aviation pilots operating to and from the high density airports.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the amendment is adopted as prescribed herein.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended effective January 1, 1970, as follows:

#### § 93.131 Termination date.

The provisions of §§ 93.121—93.129 terminate October 25, 1970.

(Secs. 103, 307 (a), (b), and (c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1685(c)); § 1.4(b), Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(b)))

Issued in Washington, D.C., on December 22, 1969.

J. H. SHAFFER,  
Administrator.

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8:47 a.m.]

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