

**[4910-13]**

[Docket No. 17547; Amdt. No. 159-16]

**PART 159—NATIONAL CAPITAL AIRPORTS****Distribution of Written or Printed Matter**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment revokes a provision in the Federal Aviation Regulations that pertains to the posting, distributing, or displaying of written or printed matter on Washington National and Dulles International Airports. This action is necessary since that provision was declared unconstitutional by a Federal court.

**EFFECTIVE DATE:** January 19, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** On July 9, 1974, in *Aviation Consumer Action Project v. Butterfield*, Civil Action No. 2085-73, the United States District Court for the District of Columbia ruled that § 159.93 of the Federal Aviation Regulations is unconstitutional. The court also enjoined the FAA from applying that section to restrict plaintiff's distribution of information sheets at Washington National and Dulles International Airports. However, it observed that the Administrator could reasonably limit such distribution to remove substantial interference with the operation of those airports.

In light of this decision, the FAA considers it appropriate to revoke § 159.93.

Since this amendment relates to public property, notice and public procedure thereon are not required, and it may be made effective in less than 30 days.

The principal authors of this document are John C. Curry, Metropolitan Washington Airports, and Danvers E. Long, Office of the Chief Counsel.

Accordingly, Part 159 of the Federal Aviation Regulations is amended, effective January 19, 1978, by revoking and reserving § 159.93, as follows:

**§ 159.93 [Reserved]**

(Sec. 2, Act of June 29, 1940, as amended (Administration of Washington National

Airport, 54 Stat. 688); Sec. 4, Act of September 7, 1950, as amended (Second Washington Airport Act, 64 Stat. 771); Sec. 1.47(a), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)).

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 12, 1978.

LANGHORNE BOND,  
*Administrator.*

[FR Doc. 78-1239 Filed 1-18-78; 8:45 am]

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