

June 19, 1969

[Docket No. 9656; Amdts. ~~151-23~~, 153-5]**PART 151—FEDERAL AID TO AIRPORTS****PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS****Exclusive Rights at Airports and Correction of References to FAA Forms**

The purpose of these amendments to Parts 151 and 153 of the Federal Aviation Regulations is to (1) clarify the

language of the regulations relating to exclusive rights at airports; and (2) correct the references to FAA Form in §§ 151.21 (a) and (c), 151.57(a), and 151.67(a) (3).

On February 25, 1969, the FAA issued Amendment 151-30 to clarify the policy on exclusive rights, at airports on which sponsors desired assistance under the Federal-Aid Airport Program, that were contrary to section 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a)) and the Policy on Exclusive Rights at Airports issued October 25, 1965 (30 F.R. 13661). In order to accurately reflect that policy, Amendment 151-30 distinguished between exclusive rights that were contrary to the FAA's exclusive rights policy at the time they were granted, and those that were not, by requiring termination at different times.

Since Amendment 151-30, §§ 151.121 (d) and 153.13(d) (3) require the sponsor or grantee, respectively, to agree to terminate "any other exclusive right." In its context, this language covers aeronautical activities alone. However, some sponsors under the Federal-Aid Airport Program have asserted that the phrase "any other exclusive right" can be interpreted to mean all exclusive activities on the airport, including nonaeronautical activities. In order to avoid this interpretation, §§ 151.121(d) and 153.13(d) (3) are now amended to relate to aeronautical activities alone.

The amendments to §§ 151.21(a) and 151.57(a) are made to conform references to the FAA Forms to the forms now used. The amendments to §§ 151.21 (c) and 151.67(a) (3) are made to strike out references to an FAA form that has been discontinued.

Since these amendments relate to public grants and benefits, and are only clarifying or procedural in nature, I find that notice and public procedure thereon are not required, and that they may become effective upon publication.

In consideration of the foregoing, effective June 19, 1969, Parts 151 and 153 of the Federal Aviation Regulations are amended as follows:

1. By amending Part 151 as follows:

§ 151.21 [Amended]

a. By striking out the words "Form FAA-1623" in § 151.21(a), and inserting the words "FAA Form 5100-3" in place thereof.

b. By striking out the words "Form FAA-1624" and "Form FAA-1624.1," in the first and third sentences of § 151.21 (c), respectively, and inserting the words "FAA Form 1624" in place thereof.

§ 151.57 [Amended]

c. By striking out the words "Form FAA-1625.1" in § 151.57(a), and inserting the words "FAA Form 5100-6" in place thereof.

§ 151.67 [Amended]

d. By striking out the words "Form FAA-1624.1" and "Form FAA-1624" in § 151.67(a) (3), and inserting the words "FAA Form 1624" in place thereof.

e. By amending paragraph (d) of § 151.121 to read as follows:

§ 151.121 Procedures: offer; sponsor assurances.

(d) Agrees that it will terminate any other exclusive right to conduct any aeronautical activity now existing at such an airport before the grant of any assistance under the Federal Airport Act.

2. By amending paragraph (d) (3) of § 153.13 to read as follows:

§ 153.13 Covenants in conveyances.

(d) * * * * *
(3) Agrees that it will terminate forthwith any other exclusive right to conduct any aeronautical activity now or hereafter existing at such an airport;

(Sec. 308(a), 313, Federal Aviation Act of 1958 (49 U.S.C. 1349(a), 1354); Federal Airport Act, as amended (49 U.S.C. 1101-1120); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(2), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on June 12, 1969.

G. S. MOORE,
Acting Administrator.

[F.R. Doc. 69-7234; Filed, June 18, 1969; 8:46 a.m.]